



2019 Annual Report For The Chief Inspector Of Marine Accidents – Bailiwick of Guernsey

Issue Number	1
Issue Date	21/09/2020
Effective Date	21/09/2020
Document Owner	Harbourmaster, Guernsey

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Chapter 1 - Preface

Under Bailiwick of Guernsey Law, there is a requirement to examine and investigate all types of marine accidents to or on-board Guernsey vessels worldwide, and other vessels in Bailiwick territorial waters, including Sark and Alderney.

The objective of an accident investigation is to determine its circumstances and causes, with the aim of improving the safety of life at sea and avoiding similar accidents in the future. It is not its purpose to apportion liability, nor, except so far as is necessary to achieve the fundamental purpose, to apportion blame.

The Chief Inspector of Marine Accidents in Guernsey is an independent statutory official and can call upon several accident investigators. All are professionally qualified and experienced in the nautical, engineering, naval architecture and/or fishing disciplines of the marine industry.

The powers of Accident Investigation Inspectors, and the framework for reporting and investigating accidents, are set out in the Merchant Shipping (Bailiwick of Guernsey) Law 2002¹. The Merchant Shipping (Accident and Reporting) (Bailiwick of Guernsey) Regulations 2009² put the framework into effect.

These regulations apply to merchant ships, fishing vessels and (with some exceptions) pleasure craft. They define accidents, set out the purpose of investigations and lay down the requirements for reporting accidents. They make provision for the ordering, notification and conduct of investigations, but allow inspectors a good deal of discretion - necessary, given the wide variety of cases.

¹ <http://www.guernseylegalresources.gg/article/95764/Merchant-Shipping-Bailiwick-of-Guernsey-Law-2002-Consolidated-text>

² <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=74035&p=0>

Chapter 2 - What Is An Accident?

An accident is an undesired event that results in personal injury, damage or loss. This may include:

- Loss of life or major injury to any person on board
- Loss of a person overboard,
- The actual or presumed loss of a vessel, her abandonment or material damage, collision or grounding, disablement, and material damage caused by a vessel.

An accident can also be an occurrence, which might realistically have caused serious injury or damage to the health of any person. This can range from the collapse of lifting gear, an unintended movement of cargo or ballast enough to cause a list, a loss of cargo overboard or a snagging of fishing gear that results in the vessel heeling to a dangerous angle.

It is the duty of every master or skipper to examine, and report as necessary, any accident occurring to, or on board, his/her vessel.

2.1. What Is A Major Injury?

A major injury includes any fracture to, or loss of, a limb, loss of sight, or any other injury requiring resuscitation or leading to hypothermia or admittance to a hospital or other medical facility for more than 24 hours.

2.2. What Is A Serious Injury?

A serious injury is an injury, other than a major injury, when the injured person is incapacitated for more than three consecutive days.

2.3. What Is A Hazardous Incident?

A hazardous incident is defined as an accident nearly occurs in connection with the operation of a vessel. In other words, it is what is often known as a "near miss".

Chapter 3 - The Reporting Process

3.1. Introduction

Accidents, including major injuries, must be reported to the Chief Inspector of Marine Accidents (CIMA) by the quickest possible means. This is so that they can be investigated immediately, before vital evidence decays, is removed or is lost. The vessel's master and owner must investigate serious injuries and report the findings to the CIMA within 14 days.

Hazardous incidents do not have to be reported, but the CIMA encourages owners, masters and skippers to report them. Hazardous incidents often provide lessons that are every bit as relevant as those arising from accidents.

Accidents can be reported to Guernsey Harbours on (00 44) (0)1481 720229, or outside office hours on 01481 720481, or directly via Guernsey Coastguard or Guernsey VTS, which are both open 24 hours a day. Reports are referred to an inspector for a decision on what action to take. In some cases, the initial report contains all the information that is needed. In others, the inspector will conduct further enquiries, make a preliminary examination, or complete a full investigation.

In some cases, the ship's owner's or officers' own investigation will be enough. The CIMA may conduct an administrative enquiry by correspondence and telephone to seek further details on any accident. The regulations require owners, masters and other relevant people or organisations to provide any such information when requested.

3.2. Preliminary Examination And Full Investigation

Following notification of an accident, inspectors will start to collect evidence and the decision whether to conduct a preliminary examination (PE) will be made. A PE is the first stage of a full investigation and identifies the causes and circumstances of an accident to see if they meet the criteria required to warrant further investigation and a publicly available report. Every effort is made to examine a wide range of accidents each year.

All PEs and accident investigations seek answers to four basic questions:

- What happened?
- How did it happen?
- Why did it happen?
- What can be done to prevent it happening again?

Once the decision to proceed has been made, all available evidence is gathered. No two cases are ever the same, and the process may take different forms. Inspectors will usually wish to see logbooks, charts and other documents. They will invariably interview those who may be able to shed light on what happened and are likely to take photographs and examine computer records. If the vessel contains a 'black box', the data will be removed and examined.

Inspectors consider evidence from as many sources as possible. If necessary, they will call in external technical experts. Emphasis is placed on identifying human factors in the causes of an accident. It can take up to a year to complete an investigation and publish a report. This might seem a long time, but it may be necessary to interview a wide range of individuals, crosscheck evidence, examine suspect equipment and consult with technical experts. Often the true cause of an accident turns out to be very different from initial assumptions. A full investigation or PE is entirely independent of any enquiries made by the police or other authority collecting evidence for a possible prosecution.

3.3. Families

The CIMA is very conscious of the hurt and bewilderment that a marine accident causes to the families and loved ones of victims. Inspectors make every effort to contact next of kin after an accident to explain their role. Once the investigation is complete, the next of kin are given the conclusions before they are made publicly available.

3.4. Reports

The CIMA aims to improve safety for all those who work at, or travel by, sea. The investigation findings usually lead to recommendations aimed at preventing similar accidents. If a decision has been made to investigate an accident, the CIMA will make the results publicly available in a full report. **The accident investigation report is not written with liability in mind and is not intended to be used in court for the purpose of litigation.** It endeavours to identify and analyse the relevant safety issues pertaining to the specific accident, and to make recommendations aimed at preventing similar accidents in the future. From time to time, the CIMA may also publish a report highlighting, for example, specific safety problems, safety trends, or any other issues that should be brought to the attention of the maritime community and the public.

Chapter 4 - Incidents in 2019

The Merchant Shipping (Accident Reporting and Investigation) (Bailiwick of Guernsey) Regulations, 2009³ requires production of a summary of an annual report of the Chief Inspector of Marine Accidents work, and any investigation outcomes. During 2019, one reportable incident occurred in the Bailiwick, on Bailiwick flagged, or registered vessel. There were no known investigations launched into accidents in Bailiwick waters by other authorities, such as the UK Marine Accident Investigation Branch (MAIB) in 2019.

4.1. Reporting And Communication

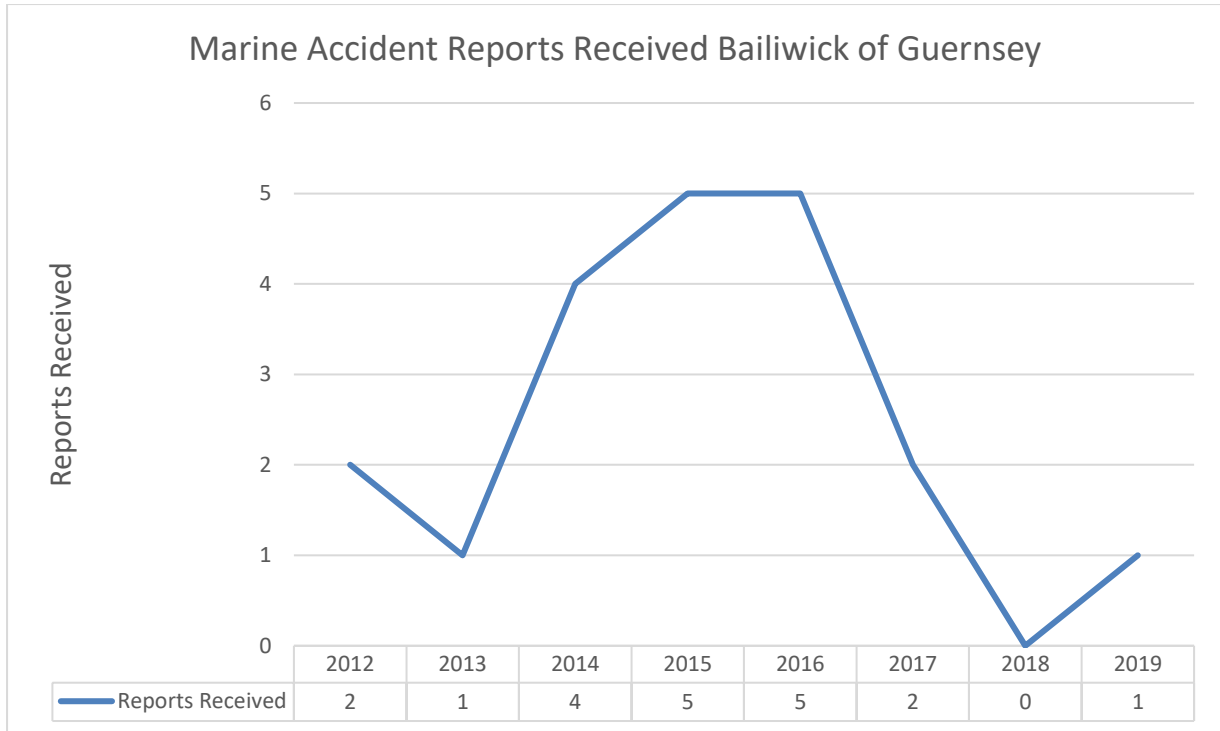
The Guernsey Harbours website⁴ includes a section on Marine Accident Investigation. Where appropriate, this site includes a retrospective synopsis of accidents and the recommendations made by the Chief Inspector. A pro-forma reporting document is also downloadable from the website. The table below is a summary of the number of reports received since 2012. The graph overleaf illustrates the long-term trend since 2012 of marine accident occurrence in the Bailiwick of Guernsey or on Bailiwick registered vessels.

Year	Reports Received
2012	2
2013	1
2014	4
2015	5
2016	5
2017	2
2018	0
2019	1

Source: Guernsey Harbours

³ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=74035&p=0>

⁴ <http://www.harbours.gg/guernsey-marine-accidents-wreck-salvage>



Source: Guernsey Harbours

4.2. GU 127 ‘Asile Sur’ – Sinking – Cul De L’autel, Humps North Of Herm 28 November 2019

On the morning of 28th November at 09:30, the fishing boat ‘Asile Sur’ left St Peter Port to go to her fishing grounds. There was one person on board, who was her skipper/owner.

At 13:00 local time or thereabouts, the vessel had four pots out of a string of 6 aboard, noticing holes in the pots he stopped the winch with two pots of the string still to come aboard, tied off the backline to a cleat and started repairing the pots. As the skipper was repairing the gear, the boat was hit by a wave on the port side, which caused all the gear and the catch thus far to go over to the starboard side, causing a heavy list. Before the vessel could recover, the vessel was hit by a second wave from the same direction that ultimately, turned her over.

As the vessel turned over, the skipper managed to push himself clear and get a hold on to the bilge keel of the hull. He unsuccessfully tried to retrieve his Personal Locator Beacon (PLB)⁵ and flares from inside the upturned hull, but due to floating rope and other debris, he was unable to do so.

⁵ <https://www.rya.org.uk/knowledge-advice/safe-boating/look-after-yourself/equipment-for-uk-pleasure-vessels/Pages/406-mhz-epirb-and-plb.aspx>

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He sat on the upturned hull for approximately 30 minutes, and then the Asile Sur rolled over and sank. The skipper noted the direction the debris was heading and started swimming towards Cul De L'autel, where he managed to scramble ashore. At 21:59 local time, Guernsey Coastguard received a call from the skipper's brother, stating that he had concerns over his brother's welfare as he had not returned from fishing, and was uncontactable.

A Search and Rescue operation was launched by Guernsey Coastguard that involved two RNLI Lifeboats and a HM Coastguard helicopter. At 00:34 local time, the helicopter arrived on scene and commenced searching the area. Within six minutes, the helicopter had located the skipper, using Infrared cameras on board (pictured below) and was winched off the rocks and on to Guernsey Airport. From there he was transported to the Princess Elizabeth Hospital suffering from hypothermia and a broken finger.



Picture: Maritime and Coastguard Agency

The sinking of the Asile Sur occurred due to a number of contributing factors:

- The tying off the back line on to a cleat while still over the davit and running through the winch would have caused a levering effect on the starboard shoulder.
- Using the pots as an “anchor”, did not allow the vessel to head into the tide, which may have prevented her from being hit broadside on by the waves.
- Unsecured crab and bait bins sliding across to the starboard side along with the four pots on board, created a severe list to starboard (right).
- The wearing of a lifejacket with the Personal Locator Beacon (PLB) in a side pocket would have alerted the rescue services to the incident and location, in a timely manner.

Chapter 5 - Contact Details

For further information about the Accident Investigation or for information about specific accidents, please contact the Chief Inspector of Marine Accidents using the contact details below:

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Channel Islands
GY1 3DL

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