

SB3/2024

SEPTEMBER 2024

**Extracts from
The United Kingdom
Merchant Shipping
(Accident Reporting and
Investigation) Regulations
2012 Regulation 5:**

“The sole objective of a safety investigation into an accident under these Regulations shall be the prevention of future accidents through the ascertainment of its causes and circumstances. It shall not be the purpose of such an investigation to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.”

Regulation 16(1):

“The Chief Inspector may at any time make recommendations as to how future accidents may be prevented.”

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NOTE

This bulletin is not written with litigation in mind and, pursuant to Regulation 14(14) of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, shall be inadmissible in any judicial proceedings whose purpose, or one of whose purposes is to attribute or apportion liability or blame.

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Fatal man overboard from the fishing vessel

Kingfisher (DH110)

approximately 30 nautical miles

east-north-east of Wick, Scotland

on 12 July 2024



Kingfisher

MAIB SAFETY BULLETIN 3/2024

This document, containing safety lessons, has been produced for marine safety purposes only, on the basis of information available to date.

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 provide for the Chief Inspector of Marine Accidents to make recommendations at any time during the course of an investigation if, in his opinion, it is necessary or desirable to do so.

The Marine Accident Investigation Branch is carrying out an investigation into the fatal man overboard from the fishing vessel *Kingfisher* (DH110).

The MAIB will publish a full report on completion of the investigation.



Captain Andrew Moll OBE
Chief Inspector of Marine Accidents

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BACKGROUND

At about 1508 on 12 July 2024, a deckhand on board the UK registered fishing vessel *Kingfisher* (DH110) became attached to the backrope and was pulled overboard while manually toggling on creels as part of the shooting process. The deckhand's personal flotation device (PFD) automatically inflated and he initially surfaced, leading the crew to believe that he was clear of the backrope and floating freely.

Kingfisher's crew alerted His Majesty's (HM) Coastguard. They cut the backrope and manoeuvred the vessel to rescue the deckhand, who was still attached to the gear and by then had been pulled underwater by the fleet of creels. The crew recovered the fleet's end float and used the hauler to heave the backrope and recover the deckhand on board. Despite the efforts of the vessel's crew, members of a Royal National Lifeboat Institution lifeboat and a paramedic from a HM Coastguard rescue helicopter the deckhand could not be revived and was declared deceased.

INITIAL FINDINGS

The ongoing investigation has found that the vessel's risk assessment required a PFD to be worn when working on deck. The PFD worn by the deckhand was compliant with EN ISO 12402-2:2020¹ and had a red webbing lifting strop sewn onto the harness (see **figure**) that hung freely below the stole.

After the recovery of the deckhand, it was found that the leg rope of the last creel that had been shot away was threaded through the PFD's red webbing lifting strop. This had connected the deckhand to the running backrope and caused him to be pulled overboard. It is probable that the deckhand had inadvertently passed the toggle on the creel's leg rope through the red webbing strop while connecting the creel to the backrope.

Marine Guidance Note (MGN) 588 (F) provided guidance to fishermen on the wearing of PFDs on fishing vessels and also stated:

MSNs 1871, 1872, and 1873 require that vessel owners ensure a documented and effective risk assessment is in place which sets out the control measures for preventing MOB situations and what to do if a MOB situation occurs for conscious and unconscious persons. [sic]



Figure: The red webbing lifting strop on the PFD

SAFETY LESSON

The benefits of wearing PFDs when working in exposed positions on fishing vessels to aid survival if a man overboard (MOB) occurs is clear. *Kingfisher's* crew had been wearing the supplied PFDs on the working deck for the previous two years, as was required in the onboard

¹ International Organization for Standardization International Standard, *Personal flotation devices Part 2: Lifejackets, performance level 275 – Safety requirements*.

risk assessment. However, the red webbing lifting strop hanging on the front of the deckhand's PFD harness presented a risk of entanglement when working creels that had not been identified or mitigated by the risk assessment.

Some crew members had spotted the risk of entanglement and before the accident had cut the strops from their PFDs; however, this had not resulted in a review of their working practices or risk assessments. Had the crew's concerns been raised more robustly, the risks associated with the deckhands' working deck tasks and locations could have been re-evaluated and they might have been provided with personal protective equipment (PPE) more suited to those tasks.

Although some crew cutting the lifting strops from their PFDs removed the risk of entanglement it created another, as their PFDs no longer had the lifting strops necessary to recover them from the water if they fell overboard. Unauthorised modification of a PFD can cause damage, render it inoperable and invalidate its certification; this practice must be avoided.

RISK ASSESSMENT

When managing risk, it is best practice to completely remove the hazard. The fishing method of toggling the creels to the backrope requires the crew to work close to the gear, so the risk assessment needs to consider the possibility of entanglement and MOB.

The use of a PFD as PPE to mitigate the risk of MOB must not increase the risk of entanglement. The type of PFD must be appropriate to the method of fishing, correctly worn and consider factors such as inadvertent entanglement by either loose lifting strops or loose crotch straps.

Other MOB mitigations such as the use of a safety tether and the position of the anchor point must also consider the potential risk of entanglement.

RECOMMENDATIONS

The **Home and Dry Safety Forum** is recommended to:

S2024/129M Immediately communicate through its members the need for owners and crew of creel fishing boats to review their deck working risk assessments to ensure that:

- the hazards associated with shooting and recovering creels, such as the risk of entrapment in a running backrope, are fully mitigated;
- when working deck PFDs are provided, they are of the required standard and are appropriate for the work being undertaken by the deck crew; and
- when new hazards are identified, such as the risk of entanglement from loose lifting strops on PFDs, they share the information among the crew and source alternative PPE as soon as possible.

Safety recommendations shall in no case create a presumption of blame or liability

Issued September 2024