

VERY SERIOUS MARINE CASUALTY

REPORT NO 26/2014

SEPTEMBER 2014

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

"The sole objective of the investigation of an accident under the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 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."

NOTE

This report 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 recreational fishing boat
AMY JANE
Near Cadgwith, Cornwall
4 December 2013**

SUMMARY

At about 1245 on 4 December 2013, a recreational fisherman proceeded to sea alone from Cadgwith beach, Cornwall (**Figure 1**) in his 3.9m boat *Amy Jane* for an afternoon sea angling trip. He did not say what time he would be back, but his friends and family became concerned when darkness fell and he had not returned. At 1851, the co-owner of *Amy Jane* called the coastguard and reported him overdue. The coastguard initiated a search, and 1 hour later the crew of the survey vessel *Triad* spotted the semi-conscious sea angler in the water and recovered him on board. The casualty was airlifted to the local hospital where he was later declared deceased.

It is unknown when, and what caused the single-handed sea angler to fall overboard, but it is almost certain that he entered the water while *Amy Jane* was



Figure 1: Cadgwith beach

motoring. *Amy Jane*'s engine cut-out did not operate because the angler was not wearing its kill cord when he fell out of the boat. He did not have a VHF¹ radio or a personal locator beacon (PLB) when he entered the water; as a result, he had no means to raise the alarm.

The decision to go fishing alone in early December without adequate safety equipment, and without giving his friends and family precise instructions on what to do should he not return at an agreed time, cost the recreational fisherman his life. Had he been wearing a PLB, his chances of survival would have been significantly increased.

FACTUAL INFORMATION

Environmental conditions

As forecast, the wind conditions in the bay between Lizard Point and Black Head between 1200 and 2000 on the day of the accident, were northerly force² 4-5 with a smooth sea. The conditions were considered by the local sea anglers to be ideal for fishing. The air temperature was 8°C at midday, falling after sunset to 3°C. The sea temperature was 12°C. Sunset was at 1620, and civil twilight was at 1658.

Amy Jane

Amy Jane was a 3.9m long open boat. Its hull was constructed from glass reinforced plastic and it had wooden gunwale caps, a wooden engine mount at the transom, and a wooden keel with a steel rubbing strip. The boat had two buoyancy chambers, one at the bow and one at the stern, and an athwartships plank type seat was fitted.

Amy Jane's year of build was unknown but the boat was believed to be more than 30 years old. It was co-owned by the deceased, Mr Christopher Newton (Chris) and his friend. They had purchased *Amy Jane* from a local acquaintance 2 months before the accident and had used it for recreational fishing trips on several occasions. On previous outings they had experienced no particular problems with the boat and there had been no appreciable water ingress.

The boat was fitted with a 15 year old, tiller controlled, 15hp 4-stroke Honda outboard engine, which had recently been inspected by a local marine engineer. The engine was started using a manual pull-cord, and although it had no known defects it occasionally needed a few pulls to start. *Amy Jane* could reach speeds of up to 15 knots but was said to be directionally less stable at higher speeds.

Narrative

On the evening of 3 December 2013, Chris made arrangements with the co-owner of *Amy Jane* to go fishing the following day. Having considered the inshore weather forecast they intended to fish in the bay between Lizard Point and Black Head (**Figure 2**). The following morning an unscheduled work commitment forced the co-owner to pull out of the trip. Having been told this, Chris decided that he would fish alone and asked the co-owner if he would be available later in the day to help him put the boat into the water. The co-owner agreed to assist and also offered to help recover the boat, if he was available, when Chris returned. Chris indicated that he would be back between 1600 and 1800 and said that he would recover the boat on his own using a winch on the beach.

At 1215, the two men met at Chris's house and towed *Amy Jane* to Cadgwith beach. From there, they dragged the boat to the waterline and loaded Chris's fishing gear on board. The co-owner then returned to work, leaving Chris in the boat waiting for the rising tide to lift *Amy Jane* off the beach.

¹ Very High Frequency

² Beaufort scale: force 4 – moderate breeze 11 to 16 knots; force 5 - fresh breeze 17 to 21 knots.

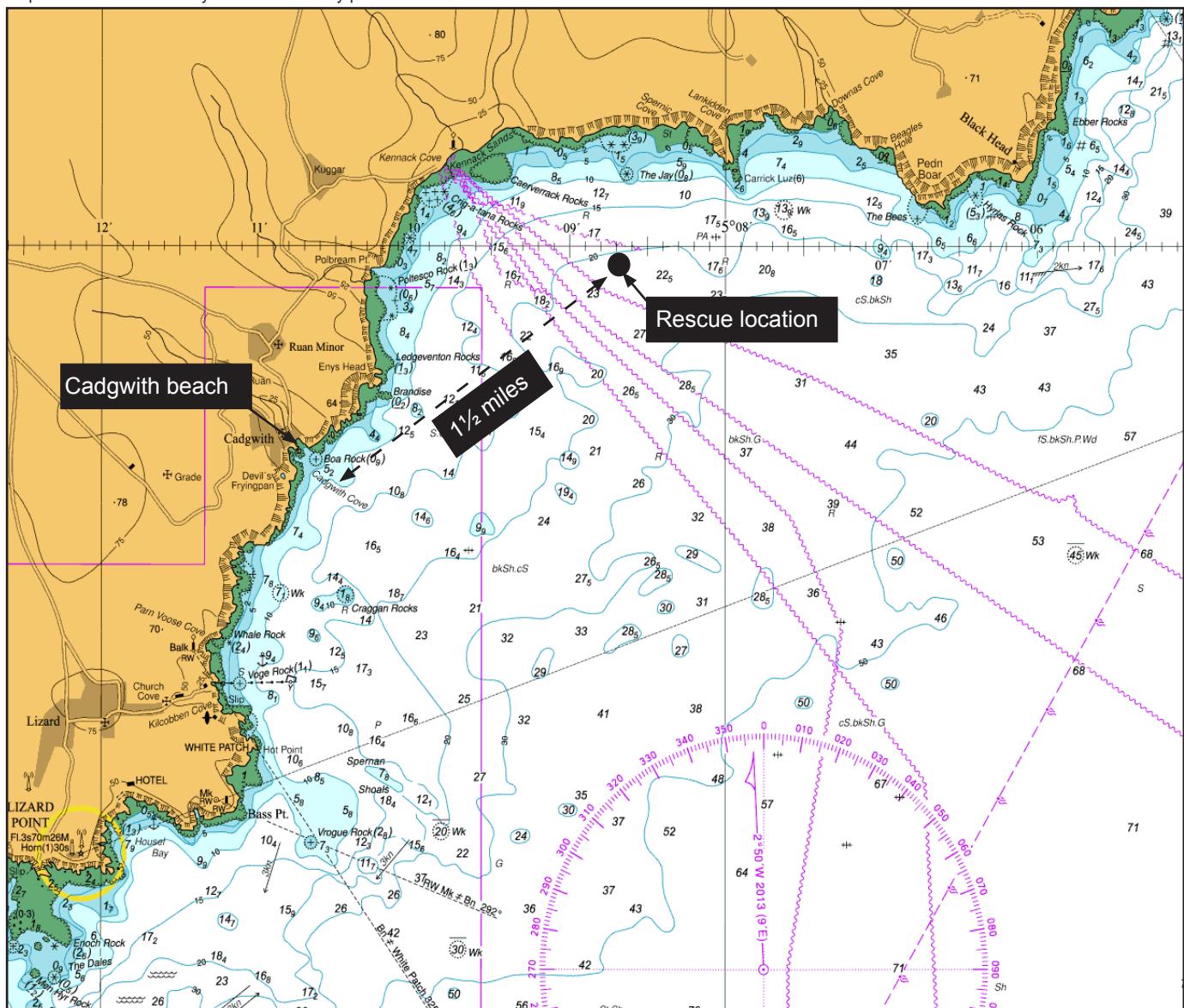


Figure 2: Cadgwith beach and the rescue location

At about 1530 the co-owner tried to call Chris on his mobile phone but was unsuccessful. This was not unusual as the phone signal was very patchy around the local cliffs and rocks. Unconcerned, the co-owner went to Cadgwith beach to see if there was any sign of *Amy Jane* and, seeing nothing, he went home. He returned to the beach and checked again at 1615 and at about 1700. On the last occasion he laid out the winch rope so that Chris could haul the boat to the top of the beach when he returned.

At 1800, Chris's wife went down to the beach to see if her husband had returned. As he was not there she went home and tried to telephone the co-owner but was unable to contact him. She went to the beach a second time and, seeing nothing again, returned home. Following a series of telephone calls between Chris's wife, the co-owner, and friends at the angling club, an increasing realisation developed that something could be wrong, and a prompt from a friend led the co-owner to call the coastguard, which he did at 1851.

MRCC³ Falmouth received the call from the co-owner, who reported that Chris had not returned from his fishing trip. Asked by the coastguard operator what time Chris was expected back, the co-owner

³ Maritime Rescue Co-ordination Centre

replied that “5.30 wouldn’t have been out of the question”. Once the coastguard had sufficient information they tasked the local all-weather lifeboat⁴ and a coast rescue team (CRT) to search the area between Cadgwith and Black Head.

At 1915, the lifeboat was launched and it proceeded towards Black Head to conduct a close inshore search westwards. At 1917, the coastguard issued a “Pan Pan”⁵ message on VHF radio channel 16 advising vessels in the area that a “13 foot white punt” was overdue with one person on board. The message requested vessels in the vicinity to report sightings or to give any other information.

The master of a nearby survey vessel, *Triad*, responded to the “Pan Pan” message and offered to assist in the search. The coastguard then tasked *Triad* to search close inshore westwards from Black Head to Lizard Point.

At 1951, the crew of *Triad* spotted Chris floating in the water about 500m south of The Jay rock. His lifejacket was inflated and he was motionless. *Triad* was manoeuvred to his location and its crew recovered him on board using a crane and strop. Chris was observed to be breathing and semi-conscious.

The coastguard, having heard the master of *Triad* announce on VHF that they had found a person in the water, instructed the lifeboat coxswain to proceed to the scene and tasked a helicopter⁶ to assist. On its arrival alongside *Triad*, Chris was transferred to the lifeboat, where he received medical care from its trained crew.

The helicopter arrived on scene at 2008 and instructed the lifeboat coxswain to move the lifeboat further offshore to allow for a safe winching operation. At 2016 the helicopter winchman was landed to the deck of the lifeboat and the casualty was prepared for lifting using a double sling⁷. A few minutes later Chris was winched on board the helicopter and taken to a local hospital. At 2032, the helicopter landed and Chris was transferred by ambulance to the hospital’s accident and emergency department. Despite the efforts of his rescuers and the hospital staff, Chris succumbed to the effects of his ordeal and was declared deceased later that evening.

The bow and stern sections of *Amy Jane* were discovered 4½ days later, close together, 35 miles east of Cadgwith.

Christopher Newton

Chris Newton was 57 years old and had retired to Cadgwith in 2010. He was a keen sea angler and was the secretary of his local sea angling club. He had been sea angling for most of his life and was described as having a passion for fishing. He had previously won his club championship and was engaged actively in promoting angling.

Chris usually fished with friends and had not fished out of Cadgwith single-handed before. He had no formal marine qualifications but he had previously owned his own boat and was viewed by his friends and colleagues to be a competent mariner.

Chris had suffered from medical conditions that could have affected his judgment and physical capability. He was reported to have occasionally suffered from seasickness and was prone to falling asleep during the day, including while fishing on boats.

⁴ A Tamar class all-weather lifeboat from The Lizard lifeboat station operated by the Royal National Lifeboat Institution (RNLI)

⁵ A “Pan Pan” radio transmission is an urgent message regarding the immediate safety of a vessel or a person.

⁶ Sea King helicopter call-sign R193 operated by 771 Squadron from Royal Naval Air Station Culdrose

⁷ A double sling is used for casualties who have suspected hypothermia. It lifts from both under the arms and the knees to reduce the risk of post-rescue collapse of the coronary system

Recovered sections of Amy Jane

When the fore and aft sections of the boat were recovered by the lifeboat crew, its outboard engine was still attached to the transom (**Figure 3**). A 1.2m central section of the hull and the outboard engine's top cover were missing. The engine cover lock lever was found to be very stiff and was difficult to operate. The engine kill cord⁸ was still connected to the kill switch and was wrapped around the engine mounting frame. The engine gear selector was in the 'ahead' position with the throttle set to about 75% (**Figure 4**). The steering friction adjuster⁹ was slack and the engine was very loose to turn on its mounting.



Figure 3: Amy Jane recovered sections

Safety equipment and clothing

When Chris left Cadgwith beach he was wearing a 150 Newton automatic inflation lifejacket and thermally insulated multi-layered clothing. In addition to his fishing rods and tackle box, he took his mobile telephone and a waterproof bag on board with him. The contents of the bag are unknown but Chris did not own, nor had he borrowed, a portable VHF radio or a PLB.

The lifejacket was manufactured in 2004 and the automatic inflator, including the CO₂ cylinder, had been replaced in 2013. When Chris was recovered the automatic inflator had activated and the lifejacket was still inflated. The lifejacket light was a manual pull type that required the wearer to pull a large ring tab. The light was not on when Chris was recovered, but it operated when tested post-accident.

The bag and the mobile telephone were not recovered and no safety equipment was found in the remains of the boat after the accident.

⁸ A kill cord is a device for stopping a boat's engine if the driver moves away from the controls.

⁹ A device that provides adjustable resistance to the steering mechanism that can be set according to operator preference.



Figure 4: Kill cord and throttle

Personal locator beacons

A PLB is a safety device designed to alert search and rescue organisations and allow them to locate persons quickly in the event of an emergency. When activated, PLBs transmit a coded message on the 406 MHz distress frequency which is monitored by a satellite system. The alert is then relayed to the nearest Rescue Co-ordination Centre.

Search and rescue operation

MRCC Falmouth activated its alert system for a “person missing” as soon as the co-owner advised that Chris had not returned to Cadgwith. “Person missing” is the first coastguard response until a likely location or search datum is determined; this could be on land, a beach, cliffs or at sea.

Once the coastguard operator had gathered sufficient information for the search and rescue (SAR) mission co-ordinator¹⁰ to assess the situation accurately, the alert was graded as an “overdue vessel”.

¹⁰ Search and rescue Mission Co-ordinator - the official temporarily assigned to co-ordinate a response to an actual or apparent distress situation.

This describes a vessel that has not returned as planned and requires the coastguard to start ascertaining its whereabouts. The SAR teams were therefore looking for *Amy Jane* and not an individual in the water.

When *Triad* found Chris in the water the coastguard elevated the incident category to “distress”¹¹ and tasked a SAR helicopter to assist.

Regulations and formal guidance

Pleasure craft¹² of less than 13.7 metres in length are not covered by any statutory requirements for the carriage of life-saving appliances or fire-fighting equipment. There are several recommendations made in the MCA’s¹³ Marine Guidance Note (MGN) 489 (M)¹⁴ and reference is made to certain requirements in Chapter V of the Safety of Life at Sea Regulations (SOLAS) regarding voyage planning and radar reflectors. The section referring to voyage planning states “make sure that someone ashore knows your plans and knows what to do should they become concerned for your wellbeing”.

There is extensive safety guidance issued by national bodies such as the RYA¹⁵, MCA, RNLI and the Angling Trust as well as that given by angling clubs and fishing periodicals. These organisations provide consistent recommendations for preparing and operating water craft and specifically they all promote the message to inform someone of a return time. The RYA’s Safety Advisory Note 01/2014 (<http://www.rya.org.uk/infoadvice/safetyinfo/Pages/default.aspx>) covered a wide variety of topics and provided recommendations for the use of kill cords and PLBs.

Analysis

The accident

The circumstances that led to Chris falling overboard are unknown. It is also unknown when he fell overboard. What is almost certain is that *Amy Jane* was motoring when he entered the water. The position of the engine gear and throttle controls on recovery, coupled to the boat not being sighted by SAR assets, support this and indicate that the boat continued to motor for some time afterwards. Once in the water with his lifejacket inflated, Chris had no means of raising the alarm.

Amy Jane’s motion through the water was described as being directionally unstable at speed, which would require constant steering feedback. The friction lock screw on the engine pivot was slack, which would have allowed the engine to swing quickly to one side if the boat rolled. The boat was steered from a standing position, and if Chris had removed his hand from the tiller to do something in the main part of the boat it is possible that the engine could have moved suddenly, causing the boat to veer sharply off course and throw him overboard.

Alternatively, a health-related event cannot be ruled out. Chris was 57 years old with a history of medical conditions that, if present at the time, could have affected his balance or judgment. The engine cover was missing when *Amy Jane* was recovered and the cover locking catch would have needed to be disengaged for it to come off. This could be an indication that Chris had problems starting the engine and that he might have over exerted himself trying to re-start it.

¹¹ Distress is defined as a person or persons, ship, aircraft or other craft in grave and imminent danger and that requires immediate assistance.

¹² Pleasure craft are vessels that are used for sport and recreational purposes only and do not operate for any financial gain to the owner.

¹³ Maritime and Coastguard Agency

¹⁴ MGN 489 (M) Pleasure Vessels – UK Regulations

¹⁵ Royal Yachting Association

Damage to Amy Jane

It was apparent from the impact damage seen on the recovered sections of *Amy Jane* that the boat had probably been struck by a larger boat or ship. Inspection of local AIS¹⁶ data shows only two small commercial fishing vessels in the inshore area, but their timings and positions indicate little opportunity for either of these vessels being in the same place as *Amy Jane* at any stage.

The two separate sections of the boat were found floating close together, which would suggest that it had been damaged not long before discovery. Taking this into account, and the location of the debris, it is considered that *Amy Jane* was damaged several days after Chris had fallen overboard.

Use of the kill cord

It was apparent that the outboard engine's kill cord was not attached to Chris when he fell overboard. This meant that he lost the opportunity to attempt to re-board his boat or retrieve any equipment that could have assisted him, such as a light, flares or his mobile telephone. Having said that, the debilitating effects of the cold water immersion, his physical size and fitness, and the boat's construction would have made this extremely difficult for him to climb back on board.

Raising the alarm

When the co-owner left Chris on the beach waiting for the tide to rise, they had discussed in general terms Chris's plans for the afternoon. However, they did not agree on a latest time of return or a course of subsequent action should he not be back on time. Chris was expected to return before dark, but it was not uncommon for him not to go straight home after a day on the water. There was also a feeling that he might stay out after dark if he was catching fish.

The importance of providing someone ashore with a predicted time of return cannot be emphasised enough, particularly for those who put to sea on an opportunity basis and therefore do not have an established routine. That no-one knew Chris's specific intentions meant that no-one raised any concerns until 1800 that evening, and it took a further 51 minutes before the coastguard was called and a search for Chris could be initiated.

Survivability

The postmortem report for Chris gave the cause of death as hypothermia and drowning. Survivability in a water temperature of 10°C is estimated to be about 2 to 4 hours. Chris's multi-layered thermally insulated clothing, worn to combat the cold air temperature, would have aided his survivability. It is unknown how long Chris was in the water, but certainly it was long enough for severe hypothermia to take effect.

Once Chris had entered the water his chances of survival were almost solely reliant on someone ashore raising the alarm. The time taken from raising the alarm to Chris's rescue was 1 hour, but he could have been in the water over 6 hours. Had he been wearing, and able to activate a PLB, then the coastguard would have been alerted immediately and given a pinpointed location. In response, the search and rescue helicopter would probably have been tasked straight away and Chris's chances of survival would have been increased significantly.

A PLB can be bought for as little as £200 and it should be considered an essential piece of safety equipment for anyone going to sea single-handed.

¹⁶ Automatic Identification System – a VHF based ship identification system

Means of communication

Chris did not have a VHF radio, and his only means of communication was by mobile telephone. The poor mobile phone reception in the area would have made it difficult for him to alert the coastguard or seek advice if he had been experiencing any problems on the water. A marine VHF radio should also be considered an essential piece of equipment for anyone intending to put to sea.

CONCLUSIONS

- It is unknown when and why the single-handed sea angler fell overboard from *Amy Jane*, but it is almost certain that his boat was motoring when he entered the water.
- An unexpected violent change of direction while motoring at speed was the most likely reason he fell overboard; however, a health related medical event cannot be ruled out.
- The sea angler was not wearing the engine kill cord prior to falling overboard; as a result, the boat continued to motor for several hours. This removed any opportunity he might have had of climbing back into the boat, or of retrieving any equipment that might have aided his survival.
- Once in the water, the casualty had no means of raising the alarm, and his chances of survival were solely dependent on friends or family realising that he had not returned, and informing the coastguard.
- The sea angler died because he had probably remained immersed in cold water for several hours.
 - Had he given a more precise time for his return and instructions on what to do if he was overdue, it is likely that the coastguard would have been alerted several hours earlier.
 - Had he been wearing a PLB, and been able to activate it on entering the water, it is highly likely that he would have survived.
- The damage to *Amy Jane* was probably the result of the boat being run over by a larger vessel several days after the accident.

ACTIONS TAKEN

The **Maritime and Coastguard Agency** has carried out a review of the search and rescue operation and concluded that its procedures were followed and the response was proportionate to the information available.

RECOMMENDATIONS

In view of the actions already taken, no recommendations have been made. However, sea anglers are advised to refer to safety guidance issued by the MCA, RYA, RNLI and the Angling Trust. Particular priority should be given to the carriage of VHF radios, the use of PLBs and informing someone ashore of the intended time of return and the action to take if overdue.

SHIP PARTICULARS

Vessel's name	Amy Jane
Flag	Not applicable
Classification society	Not applicable
IMO number/fishing numbers	Not applicable
Type	Recreational fishing boat
Registered owner	Not applicable
Manager(s)	Not applicable
Year of build	Unknown
Construction	Glass reinforced plastic and wood
Length overall	3.9m
Registered length	Not applicable
Gross tonnage	Not applicable
Minimum safe manning	Not applicable
Authorised cargo	Not applicable

VOYAGE PARTICULARS

Port of departure	Cadgwith
Port of arrival	Not applicable
Type of voyage	Sea angling trip
Cargo information	Not applicable
Manning	1

MARINE CASUALTY INFORMATION

Date and time	4 December at 1951 UTC
Type of marine casualty or incident	Very Serious Marine Casualty
Location of incident	Near Cadgwith, Cornwall, United Kingdom
Place on board	Not applicable
Injuries/fatalities	1 fatality
Damage/environmental impact	Constructive total loss / no pollution
Ship operation	Yes
Voyage segment	In passage
External & internal environment	Wind northerly force 4. Sea state smooth. HW Falmouth at 1910. Sunset at 1620 Civil twilight at 1658
Persons on board	1