

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 an such 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 fishing vessel *Illustris* (B119) Royal Quays Marina, North Shields 12 November 2017

SUMMARY

At about 1000 on 13 November 2017, the crew of fishing vessel *Illustris* (**Figure 1**), which was berthed at Royal Quays Marina, North Shields, identified that deckhand Robert Montgomery was missing. Following an extensive search, his body was discovered under an adjacent fishing vessel the following day. It is concluded that Robert fell overboard at about 2246 on 12 November, shortly after returning on board following an afternoon and evening ashore.

Robert had consumed a large amount of alcohol while ashore, which is likely to have adversely affected his performance. Access to and from a fishing vessel when in port can be quite challenging, especially when boats are rafted together. Fishermen make such tasks even more hazardous when their faculties have been impaired by alcohol. The consumption of alcohol by fishermen when off-duty in port is a common phenomenon, but the tragic consequences of this and many other accidents investigated by the MAIB demonstrate that drinking to excess significantly exacerbates the risk to life for those crew who routinely live on board their boats when in port. There is a compelling need for owners and skippers to take firm action to ensure that the recreational consumption of alcohol does not compromise the safety of those crews who are required to return to their vessels after a night ashore.



Figure 1: *Illustris*

The MAIB has brought to the attention of the Fishing Industry Safety Group the causes and circumstances of this accident, and the rising number of fatalities resulting from fishermen falling overboard while returning to their vessels where alcohol consumption was a contributing factor.

Illustris's owner, Sagittarius Fishing Co Ltd, is recommended to take account of the hazards associated with crew members proceeding to and from shore for recreational activities, and to establish a formal drug and alcohol policy.

FACTUAL INFORMATION

VESSEL AND ENVIRONMENT

Illustris had been operating from Belfast during the summer but had recently relocated to North Shields for the winter. The vessel had a crew of six, comprising the skipper, mate and four deckhands, two of whom lived on board for the duration of their 10-month contracts. The remaining two deckhands also lived on board while the vessel was operating from North Shields. The normal work routine was for the vessel to leave port early in the morning, fish all day and return to port at dusk.

Illustris's shelter deck was enclosed by guardrails that extended to a height of 940mm above the deck. At the aft end on each side there was a gap in the guardrails to allow running of the trawl wires. The gap on the starboard side was 800mm wide and 940mm high, and was located directly above the fish hopper and adjacent to the wheelhouse door (**Figure 2**).



Figure 2: *Illustris's* guardrails and trawl wire gap dimensions

At the time of the accident, *Illustris* was berthed outboard of fishing vessel *Northern Quest*, which was secured alongside at Royal Quays Marina. The deck lights of both vessels were switched on. The wind was light and the weather was clear and dry, although the decks and guardrails of both vessels were damp from earlier showers. The air temperature was 3-4°C, and the sea temperature was approximately 10°C.

ACCESS TO *ILLUSTRIS*

To access *Illustris*, the crew needed to board *Northern Quest* from the quayside either by climbing down a vertical ladder set into the quay wall or stepping across the gap between the quay wall and the vessel depending on the height of tide, and then climbing over the vessel's shelter deck guardrails. To cross from *Northern Quest* to *Illustris*, the crew had to climb over *Northern Quest*'s guardrails, step across the gap between the two vessels, and then climb up the steps set into *Illustris*'s side and over its shelter deck guardrails.

NARRATIVE

At 1206 on 12 November 2017, *Illustris* berthed port side alongside *Northern Quest*. With bad weather forecast, the vessel was to remain in port until 14 November. The skipper and mate both went home, leaving the four deckhands on board.

At about 1330, one of the deckhands, Robert Montgomery, went ashore to a public house, where he spent the afternoon drinking alcohol. Shortly after 1930, he was joined by one of his crewmates and other fishermen, including *Northern Quest*'s skipper. At 2130, he had an altercation with another customer and, at about 2200, *Northern Quest*'s skipper escorted him back to the marina. Before getting into the taxi, Robert fell backwards, striking the ground and cutting his head. After getting out of the taxi at the marina, he again fell to the ground, this time landing on his face.

Northern Quest's skipper walked with Robert along the quayside to *Northern Quest*, and then stayed on the quay while he watched Robert board *Northern Quest*. He watched Robert cross the deck, board *Illustris*, cross its shelter deck and, at 2236, turn out of sight behind *Illustris*'s wheelhouse. *Northern Quest*'s skipper then walked back up the quay. At 2246, Robert's mobile phone signal disconnected from its network. One of *Illustris*'s deckhands, who had remained on board, was sitting in the wheelhouse at the time that Robert returned, but he was unaware of him boarding and heard nothing to cause him any concern. He eventually went to bed at approximately 0030 on 13 November and, by 0200, the two other deckhands had returned on board and were also asleep in the crew cabin.

At about 1000, *Illustris*'s mate arrived on board and called the crew to gather. When Robert did not appear, a brief search of the vessel was conducted and the mate tried to call him on his mobile phone. But the call did not connect. On then being told by *Northern Quest*'s skipper that Robert had returned to the vessel the previous evening, a thorough search of both vessels was conducted without success.

At 1153 the marina manager called '999' and reported Robert missing. The marina manager and the mate then checked the marina's closed circuit television (CCTV) for any signs of Robert after his return to the marina. There were none.

The emergency response was comprehensive and extensive, with the nearby Tynemouth Royal National Lifeboat Institution (RNLI) inshore lifeboat, coastguard coastal rescue teams and police dive teams participating in the search. At 1423 on 14 November, a police dive team located Robert's body beneath the fishing vessel *Pathway*, which was berthed ahead of *Illustris*.

CREW

Illustris's skipper was 51 years old and had been involved with fishing since he was a teenager. He and the mate alternated as the vessel's skipper. The skipper held a Second Hand Limited Certificate of Competency issued in Ireland. He also held a United Kingdom Certificate of Equivalent Competency and had completed the mandatory fishing safety awareness, sea survival, fire-fighting and first-aid safety training courses.

Robert Montgomery was 36 years old and had first joined *Illustris* as a deckhand in October 2016. A former Royal Marine, he had completed training in personal survival techniques, fire prevention and fire-fighting, first-aid and personal safety and social responsibilities in 2012, when he was employed

as a maritime security officer. However, he had not completed the mandatory fishing safety awareness training course. At the time of the accident, he was wearing casual clothing and walking shoes. He was described as being physically fit and was known to be a heavy drinker of alcohol.

SAFETY CONSIDERATIONS

Illustris's risk assessments were produced on 12 June 2016. The assessment process considered workplace activities associated with the vessel's operation. An assessment for boarding and leaving the vessel identified 'use of ladder or gangway', 'poor lighting', 'obstructions', 'unprotected openings', 'slippery decks', 'unsafe handrails', and 'access across vessels' as associated hazards. It identified potential consequences including falling into the water, serious injury or death, and listed the following control measures:

- 'Try not to disembark alone'
- 'Put lights on'
- 'Make sure deck kept tidy'
- 'All hatches kept closed'
- 'Keep decks clean'
- 'Keep handrails maintained'
- 'Take time & don't run'.

There was no formal alcohol policy on board *Illustris*. However, the skipper did not allow alcohol to be consumed while the vessel was at sea.

POSTMORTEM EXAMINATION REPORT

The postmortem examination report indicated a probable cause of death as drowning with a contribution of acute alcohol toxicity. Robert's blood alcohol concentration (BAC) was 346 milligrams per 100 millilitres of blood and his bladder was noted to contain a large amount of urine.

During the examination of Robert's clothing, his mobile phone was found in his jacket pocket and two buttons on his trouser fly were found undone. His shoes were noted to have reasonable tread and to be in good condition.

ROYAL QUAYS MARINA

Royal Quays Marina was one of seven UK marinas owned by Quay Marinas Ltd. Large commercial fishing vessels such as *Illustris* were berthed in an area designated the 'Trawler Berths'. A sign located on the quay provided safety advice for fishermen engaged in accessing their vessel or the quay, including 'Do not embark or disembark under the influence of alcohol' (Figure 3).

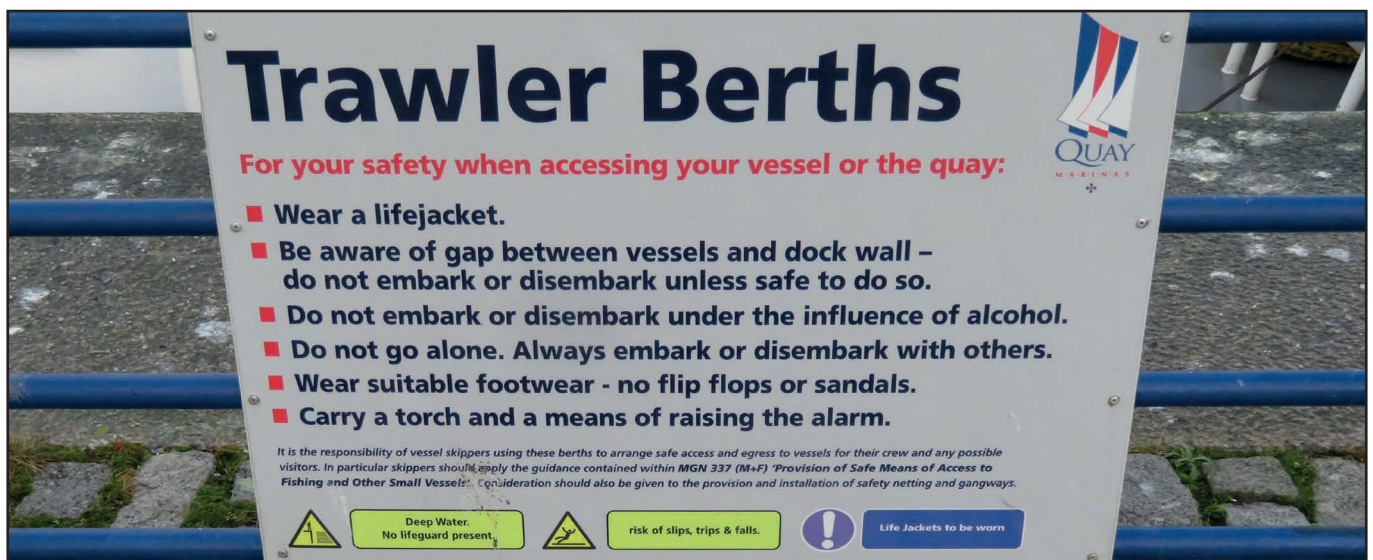


Figure 3: Safety sign at the Trawler Berths

Marina staff conducted safety briefings with visiting fishing vessel skippers during which an information and safety leaflet was provided. The leaflet referred to previous fatal accidents involving access to and from fishing vessels, and to the guidance contained in Marine Guidance Note (MGN) 337(M+F) – Provision of Safe Means of Access to Fishing and Other Small Vessels, which includes avoiding alcohol. *Illustris's* skipper was briefed on 15 October 2017.

ANALYSIS

THE ACCIDENT

It is uncertain how Robert came to enter the water as there were no witnesses. He was last seen at 2236 on 12 November 2017 by *Northern Quest's* skipper before turning out of sight behind *Illustris's* wheelhouse. He was not seen by the deckhand who was sitting in the wheelhouse, and the signal from his mobile phone, which was in his jacket pocket, disconnected from its network at 2246. It is therefore concluded that Robert entered the water from the shelter deck area to starboard of the wheelhouse at approximately 2246.

Because Robert entered the water rather than the fish hopper, it is unlikely that he had passed through the gap in the guardrails. Furthermore, as the guardrails extended to a height of 940mm above the deck, it is unlikely that he passed over the top of them from a standing position on the shelter deck.

The postmortem examination noted that Robert's bladder was full, and an examination of his clothing noted that two buttons on his trouser fly were undone. It is therefore possible that he stepped up onto the lower guardrail with the intention of urinating over the upper guardrail, and then overbalanced and/or slipped on the wet surface of the lower guardrail, causing him to fall overboard.

Robert was described as being physically fit, and there is no evidence to indicate that either of his falls earlier in the evening contributed to the accident. However, he had spent several hours drinking alcohol, resulting in the high BAC recorded at the postmortem examination.

ALCOHOL CONSUMPTION

The UK driving limit for BAC is 80 milligrams per 100 millilitres of blood. Robert's BAC at the time of the postmortem examination was 346 milligrams per 100 millilitres of blood. The high level of alcohol in his system at the time of the accident is likely to have adversely affected his risk perception, reaction time and co-ordination, which caused him to fall and would have reduced his survivability after he entered the water.

Alcohol consumption was a contributing factor to fatal man overboard accidents involving the fishing vessels *Horizon II / New Dawn* on 9 November 2013¹ and *Constant Friend* on 23 September 2017². It was also a contributing factor to 17 of 24 further accidents between 1994 and 2016 that resulted in the death of fishermen boarding UK fishing vessels.

Living on board fishing vessels in port places additional safety and social responsibilities on the owner, and a consequent need to address all additional associated risks, including alcohol consumption.

MGN 337 (M+F) asserts that fishermen have their own part to play in minimising risks to themselves, and that this includes avoiding alcohol. While Robert had received a range of safety training, he had not had the benefit of attending the mandatory safety awareness training course, which might have enhanced his general risk perception.

¹ [MAIB Report 23/2014](#)

² [MAIB Report 4/2018](#)

In accordance with The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, an employer has a duty of care to ensure the health and safety of workers and other persons so far as is reasonably practicable. Although consumption of alcohol was not permitted at sea on board *Illustris*, there was no such restriction when the vessel was in port.

Access to and from a fishing vessel when in port can be quite challenging, especially when boats are rafted together. Fishermen make such tasks even more hazardous when their faculties have been impaired by alcohol. The consumption of alcohol by fishermen when off-duty in port is a common phenomenon, but the tragic consequences of this and many other accidents investigated by the MAIB demonstrate that drinking to excess significantly exacerbates the risk to life for those crew who routinely live on board their boats when in port. There is a compelling need for owners and skippers to take firm action to ensure that the recreational consumption of alcohol does not compromise the safety of those crews who are required to return to their vessels after a night ashore.

SURVIVABILITY

On entering the water with a temperature of approximately 10°C, Robert would have suffered the effects of cold water immersion. If he had overcome the effect of initial cold water shock, his continued survival depended on his ability to reach a place of safety, or be rescued, before he succumbed to 'cold incapacitation' and lost the co-ordination necessary to keep himself afloat. Unless able to exit the water quickly, Robert needed to be wearing a personal flotation device (PFD) or other buoyancy aid and/or for others to be alerted to his predicament so as to provide rapid assistance.

RISK ASSESSMENT

Illustris's risk assessment for boarding and leaving the vessel did not include a control measure requiring the wearing of a PFD. The listed control measures did include '*Try not to disembark alone*'. However, the discretionary nature of the measure, and its restrictive scope in applying only to leaving the vessel and not requiring a nominated crewman to monitor individuals boarding or leaving the vessel, rendered it of limited value.

CONCLUSIONS

- The high level of alcohol in Robert's system is likely to have adversely affected his risk perception, reaction time and co-ordination, which caused him to fall overboard and would have reduced his survivability after he entered the water.
- Living on board fishing vessels in port places additional safety and social responsibilities on the owner, and a consequent need to address all additional associated risks, including alcohol consumption. Although consumption of alcohol was not permitted at sea on board *Illustris*, there was no such restriction when the vessel was in port.
- While limited alcohol consumption may be acceptable in port, the investigation findings of this and similar previous accidents demonstrate a compelling need to ensure that it does not compromise the safety of those crew who are required to return to their vessels after an evening ashore.
- Unless able to exit the water quickly, Robert needed to be wearing a PFD or other buoyancy aid and/or for others to be alerted to his predicament so as to provide rapid assistance.
- While Robert had received a range of safety training, he had not had the benefit of attending the mandatory safety awareness training course, which might have enhanced his general risk perception.

ACTION TAKEN

The **MAIB** has:

- Issued a Safety Flyer to the fishing industry to highlight the lessons to be learned from this accident.
- Following its *Constant Friend* investigation, recommended the MCA to review and amend MGN 337(M+F) to highlight the need for risk assessments to specifically include the hazards associated with crew members proceeding to and from the shore for recreational activities, and to suggest a formal arrangement for a nominated crewman to monitor and assist individuals boarding the vessel.
- Brought to the attention of the Fishing Industry Safety Group the causes and circumstances of this accident, and the rising number of fatalities resulting from fishermen falling overboard while returning to their vessels, where alcohol consumption was a contributing factor.

Sagittarius Fishing Co Ltd has:

- Taken a number of actions, including the introduction of zero tolerance for alcohol consumption.

RECOMMENDATIONS

Sagittarius Fishing Co Ltd is recommended to:

- 2018/122** Take account of the hazards associated with crew members proceeding to and from shore for recreational activities by:
- Reviewing and enhancing *Illustris's* risk assessment relating to boarding and leaving the vessel, including the need for a nominated crewman to monitor and assist individuals board the vessel.
 - Establishing a formal drug and alcohol policy that will apply to the crew at all times when living or working on board.
 - Ensuring crew members attend all of the mandatory safety training courses.

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

SHIP PARTICULARS

Vessel's name	<i>Illustris</i>
Flag	United Kingdom
Classification society	Not applicable
IMO number/fishing numbers	B119
Type	Stern trawler
Registered owner	Sagittarius Fishing Co Ltd
Manager(s)	Sagittarius Fishing Co Ltd
Year of build	1985
Construction	Wood
Length overall	20.21m
Registered length	18.33m
Gross tonnage	146
Minimum safe manning	Not applicable
Authorised cargo	Fish

VOYAGE PARTICULARS

Port of departure	North Shields
Port of arrival	North Shields
Type of voyage	Alongside
Cargo information	Not applicable
Manning	6

MARINE CASUALTY INFORMATION

Date and time	12 November 2017, approximately 2246
Type of marine casualty or incident	Very Serious Marine Casualty
Location of incident	Royal Quays Marina, North Shields
Place on board	Shelter deck
Injuries/fatalities	One fatality
Damage/environmental impact	None
Ship operation	Alongside
Voyage segment	In port
External & internal environment	Light airs, showers Air temperature: 3-4°C Water temperature: approximately 10°C
Persons on board	2