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**NOTE**

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Fax: 023 8023 2459

## Foundering of FV *JCK* with the loss of her skipper; Tor Bay, 28 January 2013

### SUMMARY

On 28 January 2013, the 6.45m single handed fishing boat *JCK* (**Figure 1**) failed to return to port, prompting a major search to be mounted by the coastguard. The RNLI recovered the skipper's body from the sea several hours later. Although some flotsam from *JCK* was found, the boat was not located and is believed to have foundered in rough seas and winds gusting in excess of 50 knots at around 1750 UTC.

The MAIB investigation identified that *JCK* was heavily laden following a successful day's fishing in Babbacombe Bay, Devon. The skipper's decision to leave the shelter of that bay and return to port through forecast strong winds and seas was an error of judgment that cost him his life.

No recommendations have been issued as a consequence of this investigation.



**Figure 1:** *JCK* and equipment

## FACTUAL INFORMATION

### Narrative

*JCK*'s skipper, Andrew Westaway, met with the skipper of *Bold Venture* at around 0645 on the morning of 28 January. They considered various weather forecasts before sailing from Torquay, Devon, including a general forecast from the television, the shipping forecast from the Met Office and a forecast from the internet website "Magicseaweed". Although the weather forecasts predicted strong offshore winds during the late afternoon, it was the skippers' perception that the weather would follow the same pattern as the previous 2 days, with the strongest winds occurring during the night, by which time they were expecting to be back in Torquay.

Following discussions centred on the day ahead, the skippers prepared their boats for sea. *JCK* and *Bold Venture* sailed from Torquay at 0745.

*JCK* and *Bold Venture* arrived at Babbacombe Bay (**Figure 2**) at about 0815, where the skippers commenced hauling their nets which had been set in the area the previous day. Fishing was good and, after hauling, the two boats secured to a mooring buoy off Babbacombe pier (**Figure 3**) to fleet<sup>1</sup> their nets, which then took several hours.

*JCK*'s herring net was seen to have fished better than that of *Bold Venture* and also it was a significantly easier net from which to remove the herring. The skippers agreed that shooting only *JCK*'s net that night would probably yield sufficient catch for both boats the following morning, and that *Bold Venture* would therefore return to port with her net on board.

Around mid-afternoon the wind increased notably from the SW, evidenced by the clouds scudding across the sky above the cliff tops. The increased wind also delivered persistent rain and drizzle.

At about 1710 *Bold Venture*'s skipper stopped fleeting his herring net and headed towards Hope's Nose (**Figure 2**) to check the conditions beyond the shelter of the land, while Andrew shot his herring net. *Bold Venture*'s skipper returned, and explained to Andrew that he did not like the look of the conditions. Andrew considered this, but thought that both vessels should proceed to Hope's Nose to review the sea conditions.

Before setting off, the boats were bailed out and their catch and gear stowed for a homeward passage. Andrew stacked five boxes of catch on each side of *JCK* and stowed a further five baskets of catch towards the bow. *Bold Venture*'s catch and net (still containing herring) were stowed in boxes forward and aft of the thwart, between the longitudinal buoyancy chambers. Neither skipper donned the inflatable lifejackets carried on board.

In late twilight the boats rounded Hope's Nose with *JCK* in the lead and *Bold Venture* following. Between Lead Stone and Thatcher Rock the boats encountered strong south-westerly winds and heavy seas, resulting in both shipping significant amounts of water. Nevertheless, they continued between Thatcher Rock and the land, gaining a brief lee from Thatcher Rock (**Figures 4a and 4b**).

*JCK* stopped a few hundred metres beyond Thatcher Rock. As *Bold Venture* passed close by, Andrew was seen rearranging boxes of catch and bailing. A short distance beyond *JCK*, the skipper of *Bold Venture* stopped and waited for *JCK*, also taking the opportunity to bail out at this time. *JCK* was seen making way again with Andrew seated at the stern by the outboard engine's tiller. *Bold Venture*'s skipper engaged his engine and resumed passage, but now in the lead, towards Torquay. Every now and then he looked astern and saw the lights of *JCK* following.

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<sup>1</sup> Fleeting nets: The operation of removing fish, clearing debris and making the nets ready for shooting.

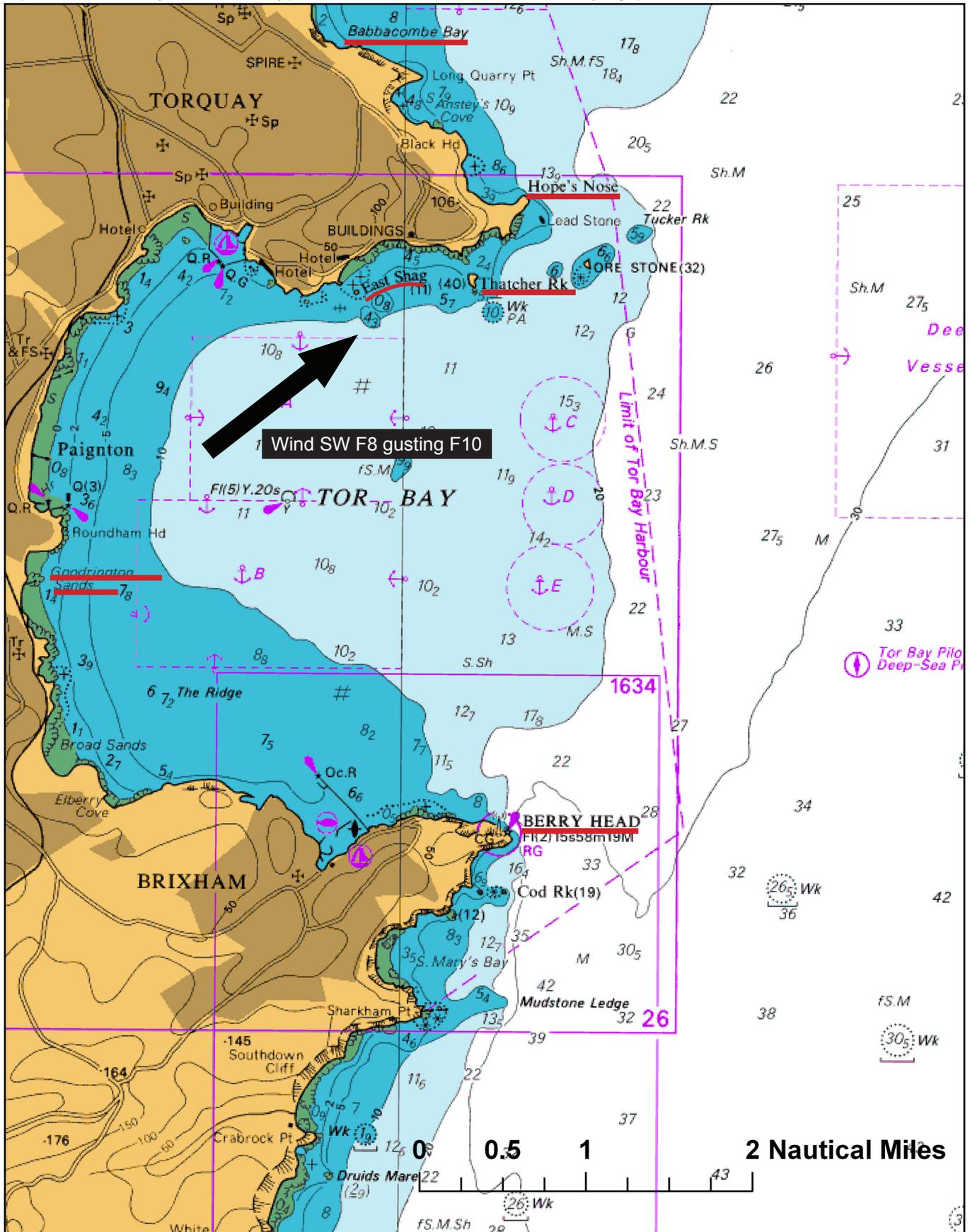


Figure 2: Tor Bay showing salient points of reference

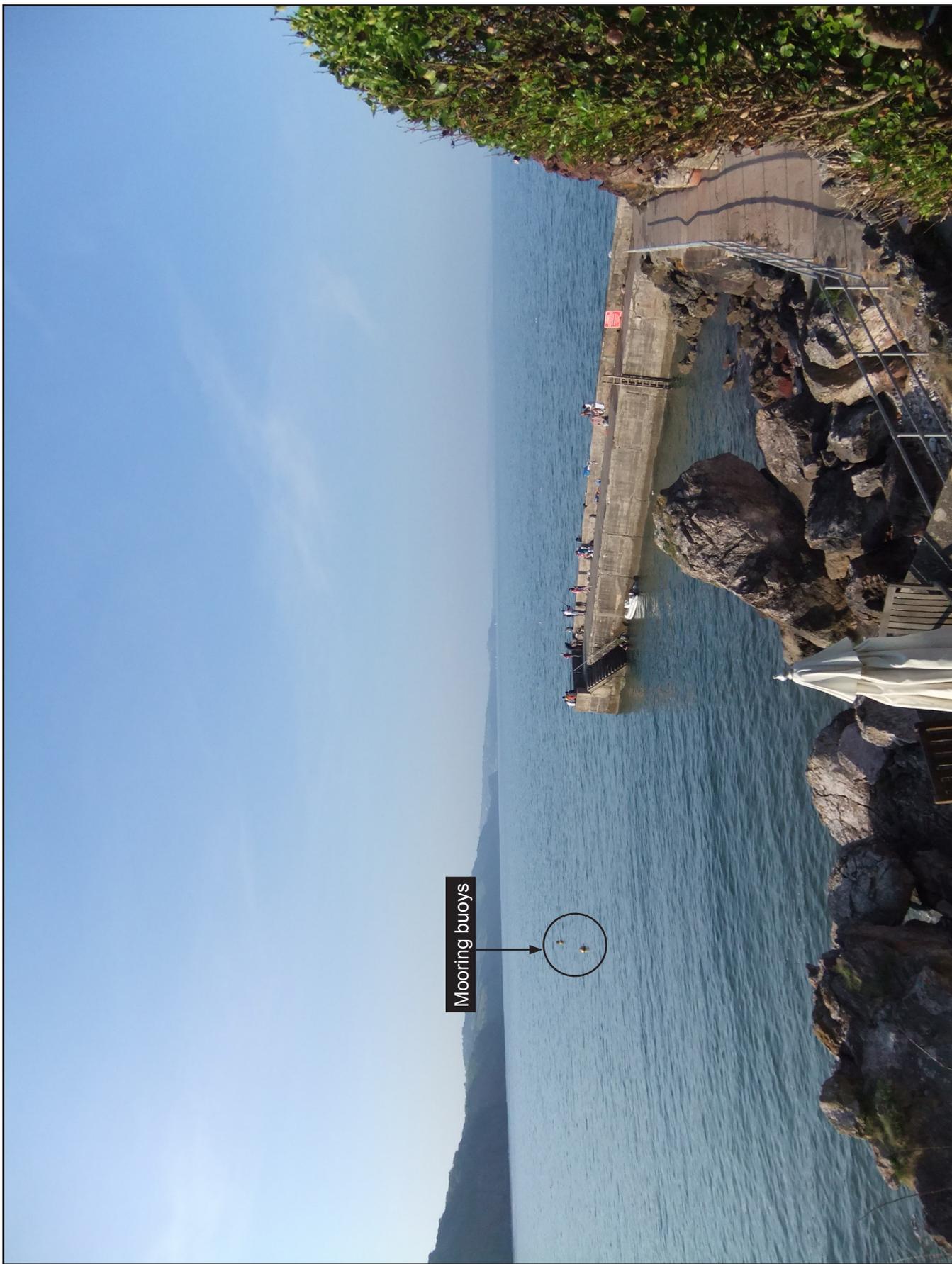


Figure 3: Babbacombe Pier

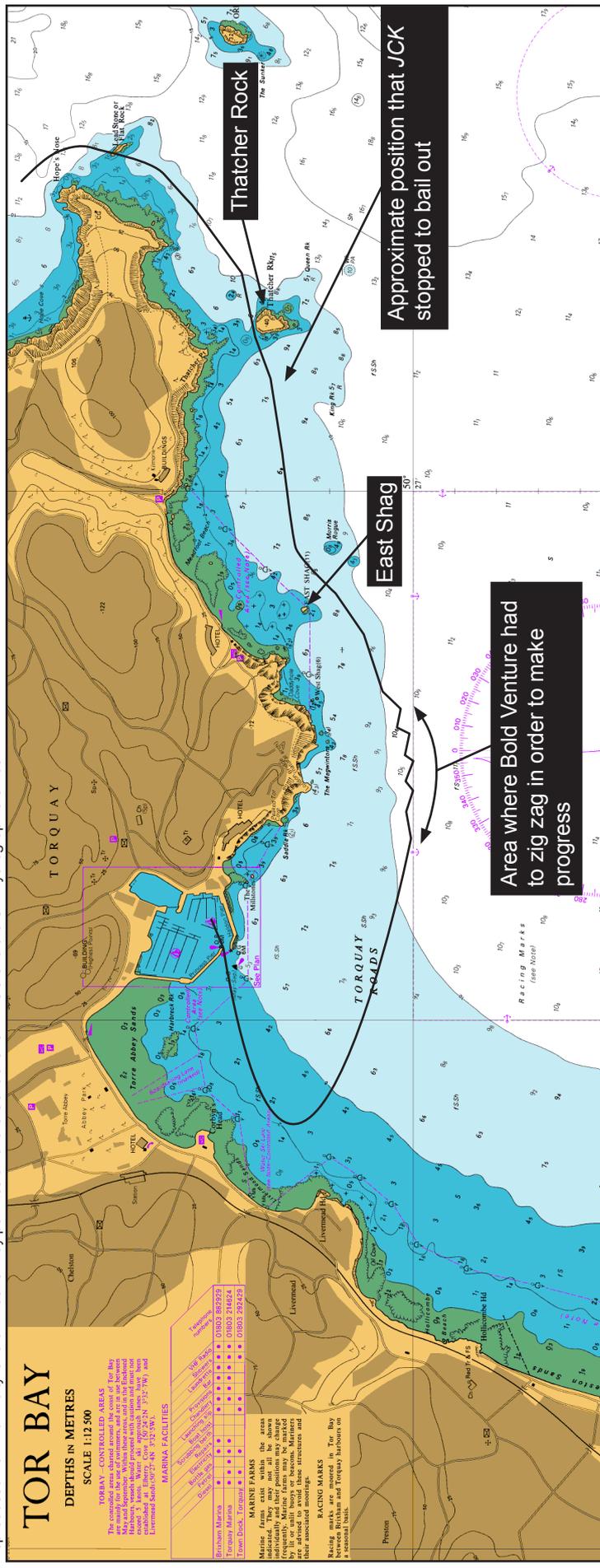


Figure 4a: Bold Venture's approximate track from Hope's Nose to Torquay

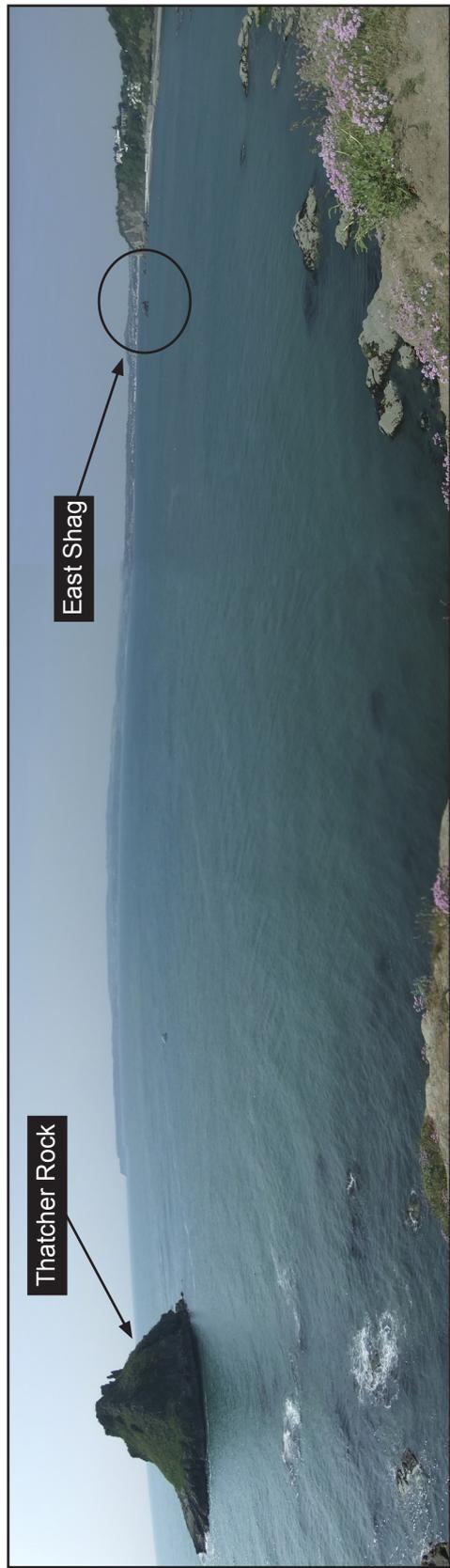


Figure 4b: From Thatcher Point towards Goodington Sands showing Thatcher Rock and East Shag

After clearing East Shag (**Figures 4a and 4b**) conditions worsened, with wind gusts exceeding 50 knots at times. *Bold Venture*'s skipper was forced to tack his vessel in a zig-zag fashion as waves crashed down on the boat, often blinding him with sea spray. During this time *Bold Venture*'s skipper did not dare look behind; terrified to take his eyes from the oncoming seas he made a conscious decision to not stop and bail out, despite his boat shipping large quantities of water.

*Bold Venture* eventually gained the safety of Torquay harbour at around 1810.

## The search

Immediately *Bold Venture* was alongside the skipper attempted to call Andrew's mobile telephone, with no success. A few minutes later he was met on the pier by Andrew's father. Together they looked for *JCK*, but the vessel was not visible either from the pier or from the shoreline towards Thatcher Rock.

At 1853 the coastguard was notified, and a comprehensive search was immediately initiated involving numerous SAR<sup>2</sup> assets, a naval frigate and other vessels.

Andrew's body was found at 2351, over 3 miles to the north of Hope's Nose. The cause of death was drowning.

*JCK* was not found, although some flotsam was recovered.

## Environment

The Met Office forecast for the 24-hour period commencing at 0600 on 28 January 2013 predicted "very windy weather to all areas..." and, specifically between Lands End and Lyme Bay, "west backing southwest 5 to 7, increasing 7 to severe gale 9". The Magicseaweed internet site predicted generally south-westerly winds of 30 to 34mph with gusts reaching 56mph in the period from 1500 to 1800 (**Figure 5**).

Meteorological reports from Berry Head (approximately 3 nautical miles south of *JCK*'s last known position) for the afternoon of 28 January were:

Time	Wind Direction	Beaufort Force (F)	Mean wind speed kts	Gusts kts (F)	Visibility (miles)
1500	SSW	F7	30	44 (F9)	1.5
1600	SW	F6	27	47 (F9)	1
1700	SW x S	F8	35	49 (F10)	3
1800	SW x S	F8	35	52 (F10)	3
1900	SW	F5	21	51 (F10)	5

<sup>2</sup> SAR: dedicated search and rescue resources such as lifeboats and helicopters.

Image courtesy of Magicseaweed

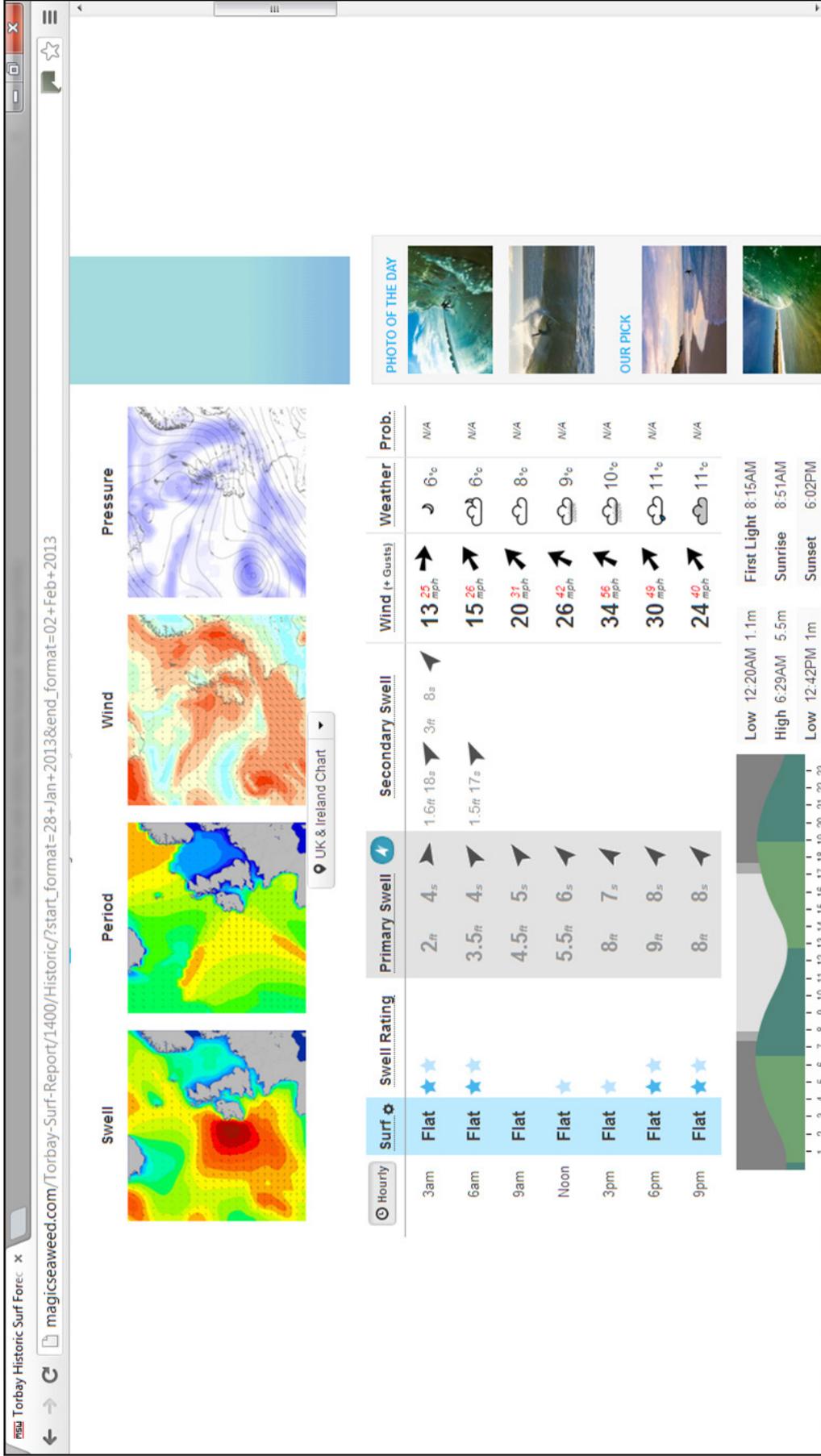


Figure 5: Magicseaweed's forecast for the Torbay area, 28 January 2013

The voluntary National Coastwatch Institution (NCI) station at Daddyhole Plain, (less than 1nm west of *JCK*'s last known position) recorded the following meteorological information before it closed at the onset of darkness on 28 January:

Time	Wind Direction	Beaufort Force	Sea State	Cloud cover	Weather	Visibility (miles)
0950	SW	F4	Slight	8/8ths	Overcast	5
1150	SW	F6	Mod	8/8ths	Rain	2.5
1300	SW	F6	Rough	8/8ths	Rain	4
1430	SW	F7	Rough	8/8ths	Rain	2
1545	SW	F7	Rough	8/8ths	Rain	2

Sunset was at 1647, with civil twilight at 1725.

The flood tide was setting to the NE, with high water at 1852.

## Vessel details

### *JCK*

*JCK* was an Orkney Fastliner 19 design, built around 1987 and first registered as a fishing vessel in 2008. *JCK* was acquired by Andrew Westaway in April 2009.

It is not known who fitted out the original boat, although the glass reinforced plastic (GRP) hull was most likely moulded by Orkney Boats Ltd as one of its commercial Fastliner 19 models. Orkney Boats Ltd also built similar Fastliner 19 models for the leisure sector that were lighter than, and not as strong as, the commercial models. In order to give more internal space, the commercial model Fastliner 19 (**Figure 6**) was not equipped with the side chambers and central thwart found on the standard model (**Figure 7**).

*JCK* had no manufacturer's or recreational craft directive (RCD) plate; at the time the vessel was built, neither was required.

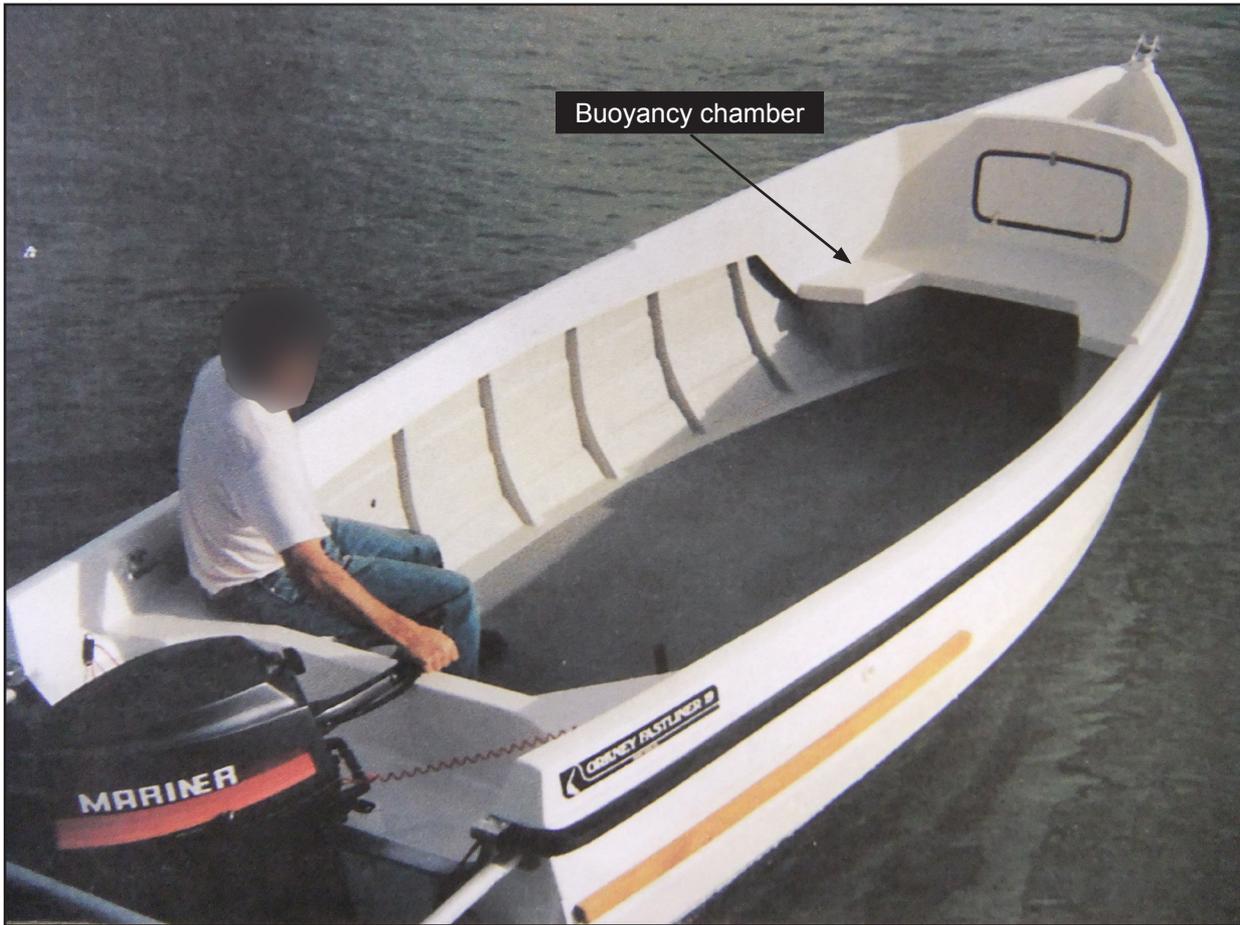
On 20 May 2009 *JCK* suffered flooding due to the self-draining "elephant trunks" being left deployed while alongside. When the bow line was cast off to enable a recovery vessel alongside, *JCK* sank by the bow, leaving only its stern supported by the mooring line. Following this incident the water damaged 60hp outboard engine was replaced with a more powerful and heavier 70hp model, plus an additional starting battery.

*JCK* carried the required equipment for a vessel of its size as listed in the Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels (MSN<sup>3</sup> 1813). Among other things, this included lifejackets, pyrotechnics, lights and VHF<sup>4</sup> radio. However, *JCK*'s radio had been left ashore as it was faulty, and communications were carried out by mobile telephone instead. On 28 January Andrew's mobile telephone went off the air at 1650, about 25 minutes before the vessel left Babbacombe Bay.

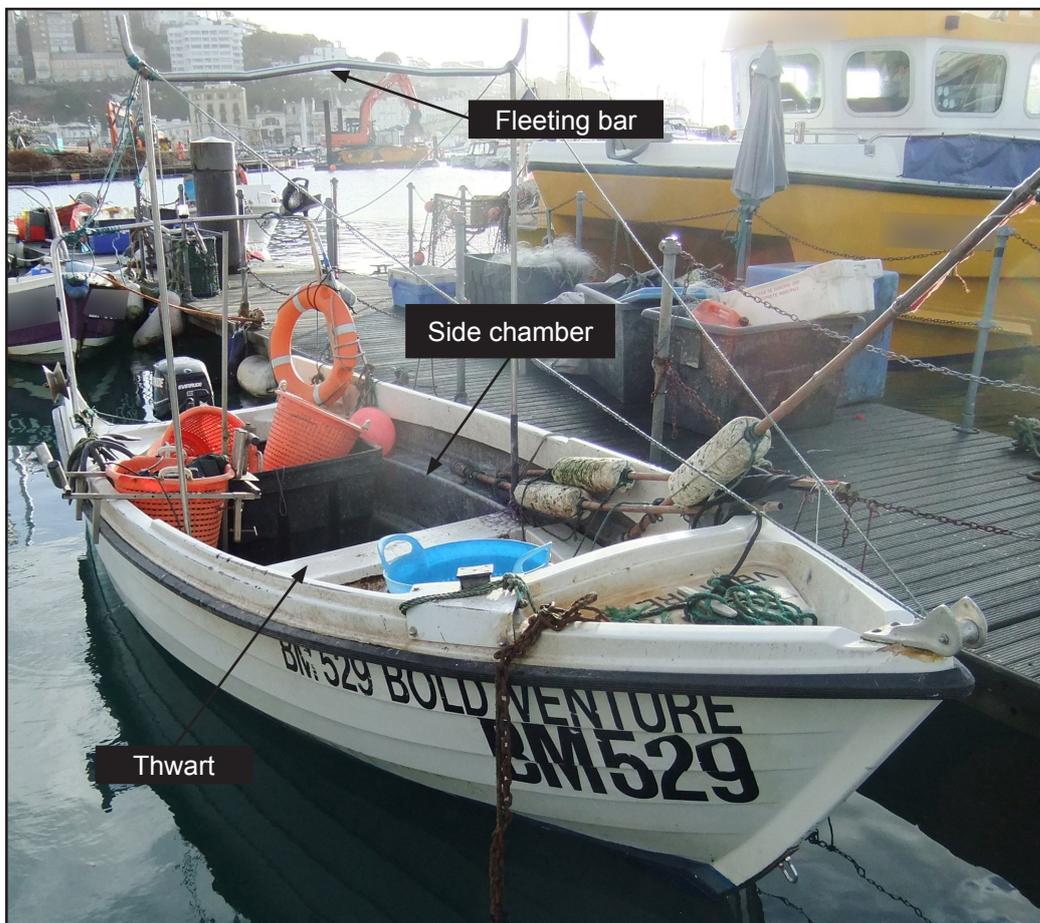
It is calculated that the payload (engine, batteries, fuel, catch etc.) carried on board *JCK* on 28 January weighed about 735kg.

<sup>3</sup> MSN: Merchant Shipping Notice

<sup>4</sup> VHF: Very High Frequency



**Figure 6:** Orkney Boats Ltd, Commercial Model Fastliner 19.  
Note: no central thwart or side chambers



**Figure 7:** Bold Venture

## Bold Venture

*Bold Venture* was an Orkney Boats Ltd standard model Fastliner 19. Due to its lighter construction, *Bold Venture* sat higher in the water than *JCK* and could obtain more speed with its less powerful and lighter 25hp outboard engine.

*Bold Venture* had a manufacturer's plate (**Figure 8**), which showed its maximum carrying capacity of 490kg and maximum recommended engine capacity of 40hp.

Like *JCK*, *Bold Venture* carried most of the required equipment for a vessel of its size, but no radio as it was no longer operational.

It is calculated that *Bold Venture*'s payload on 28 January was about 640kg, of which 342kg was fish catch.



**Figure 8:** *Bold Venture*'s manufacturer's plate

## Fishing operation

When acquired by Andrew, *JCK* was rigged for rod and line fishing. Andrew continued this mode of fishing but, in addition, modified the vessel for gill net fishing (netting). Modifications included the addition of a net hauler and side roller to assist with net retrieval and a head-high gantry (known as a fleeting bar) to facilitate clearing and preparation of the nets.

Andrew's preferred operation was line fishing for bass on offshore wrecks; a low-volume, high-value species of fish. During winter months, when it was not possible to reach distant wrecks, Andrew chose to net for high-volume, low-value herring and mackerel closer to the shore. Netting required the carriage of bulky nets and relatively heavy anchors and ropes. When equipped for netting, *JCK* had a constant trim by the head.

The nets used by *JCK* were approximately 160m x 3m of fine netting, which hung in curtain-like suspension between the seabed and the surface, with an anchor at each end. Nets were generally shot before darkness and hauled at daylight the following day.

The nets were recovered from the sea with the assistance of a mechanical rotating hauler. Once on board, the nets were re-hauled (fleeted) over the fleeting bar; during the fleeting process fish were removed either by shaking them from the nets or, more often, taken out by hand to preserve their quality. Fish were stored on board in 20kg boxes and 32kg baskets. On 28 January *JCK* had 10 boxes and 5 baskets of catch, approximating to a total weight of catch of 360kg.

Generally, *JCK* fished from Torquay, from where the catch was transported by road to Brixham fish market.

## **Key persons**

### **Andrew Westaway (deceased)**

Andrew was aged 46 and had been a career fisherman for over 20 years. Although he mostly operated *JCK* single handedly, he had previously fished the boat in partnership with his father. Since his father's retirement, Andrew often fished in the company of *Bold Venture*; at times the two skippers would go to sea in one boat to reduce costs when fishing distant wrecks.

Andrew held mandatory training certificates in: Basic Sea Survival, Basic First Aid, Basic Fire fighting, Safety Awareness and Risk Assessment. He also held a Sea Fish Industry Authority (Seafish) non-mandatory under 16.5m Skipper's Certificate having achieving the required standards in: Bridge Watchkeeping, Engine Room Watchkeeping, Intermediate Stability Awareness and GMDSS<sup>5</sup> short-range radio certificate.

Andrew did not wear a lifejacket when fishing, although at times he did wear a thermal flotation suit for warmth; he was not wearing his thermal flotation suit on 28 January.

### ***Bold Venture's* skipper**

The skipper of *Bold Venture* was 48 years old and had fished sporadically for about 7 years in total. In 2010 he became skipper of *Bold Venture*. Soon after this he became friendly with Andrew, and commonly deferred to his greater local knowledge and fishing experience.

*Bold Venture's* skipper held Seafish equivalent mandatory training certification in Basic Sea Survival, Basic First Aid, and Basic Fire fighting; he had not attended Safety Awareness and Risk Assessment training.

*Bold Venture's* skipper did not wear a PFD<sup>6</sup> as he considered them to be hazardous (due to potential snagging) when working fishing gear.

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<sup>5</sup> GMDSS: Global Maritime Distress and Safety System.

<sup>6</sup> PFD: Personal Flotation Device: the generic title for all dedicated equipment which provides some degree of support for its wearer in the water. This can include: lifejackets, buoyancy aids/vests, immersion suits and flotation suits. It should be noted that, unlike lifejackets, not all PFDs maintain an unconscious wearer's face clear of the water.

## ANALYSIS

It is most probable that *JCK* foundered at around 1750 between Thatcher Rock and Torquay harbour. At this time winds were gusting around 52 knots in the area, causing a rough sea state with waves probably in excess of 4m. *JCK* was heavily laden with her day's catch and equipment, which would have impaired her sea-keeping abilities in such severe conditions.

### Decision to fish

The skippers of *JCK* and *Bold Venture* shot their nets in Babbacombe Bay on 27 January in the expectation of strong south-westerly winds. Once shot, however, commercial pressure required that the nets be hauled the following day, otherwise their perishable catch would spoil and be worthless.

Fishing in Babbacombe Bay in south-westerly winds was a sound commercial decision – the shelter afforded by the high cliffs enabled the boats to fish in comfort and safety. Additionally, market prices are frequently higher when fishing vessels are storm-bound by weather with a resultant limited supply of fish.

While the skippers gave due consideration to their ability to fish, they did not make contingency plans should the weather conditions make their return to Torquay too dangerous. These contingencies could have included:

- Hauling their nets and immediately returning to Torquay to fleet them (but thereby losing their next day's catch and wages).
- Hauling their nets and landing their catch at Babbacombe pier for road transport to Brixham, then mooring to the pier or one of the numerous mooring buoys in the bay overnight. This would also have ensured their next day's fishing had continuing south-westerly wind or sea state prevented a passage from Torquay on 29 January.

Had the skippers discussed these options prior to sailing, they would have been more likely to adopt a safer plan, after assessing the conditions from Hope's Nose.

### Environment

The weather forecasts from Magicseaweed and the Met Office predicted the conditions with considerable accuracy. Before sailing on the morning of 28 January, the skippers of *JCK* and *Bold Venture* evaluated these and other forecasts but perceived that they would be back in harbour before the forecast strong winds arrived.

The weather records from nearby Berry Head and Tor Bay NCI show the wind increased throughout the afternoon of 28 January and peaked around the time *JCK* and *Bold Venture* were between Thatcher Rock and Torquay. The Tor Bay NCI recorded actual sea states as "rough" (2.5m to 4.0m) up until they closed late that afternoon. The winds increased to 52 knots between then and 1800, and it is most likely the waves were over 4.0m high around the time *JCK* was lost.

The wind direction was forecast to be offshore in Tor Bay, which gave the skippers some peace of mind before they sailed. However, during south-westerly winds there is a fetch of 3.5 nautical miles between the Goodrington shore (**Figures 4a** and **4b**) and Thatcher Rock, causing high waves to develop towards the Thatcher Rock area. Given Andrew's experience and local knowledge it is doubtful that he was not aware of this fetch and the associated wave heights with south-westerly winds in the area.

Sunset was at 1647 on 28 January. The heavily overcast sky hastened darkness, and before the boats reached Thatcher Rock, night had fallen. A small open boat's sea passage in such conditions would have been extremely hazardous in daylight, but would have been further exacerbated by darkness.

## Boats and loading

*JCK* was a heavily constructed GRP Fastliner 19; *Bold Venture* was a lighter standard model. Both boats were constructed with inherent buoyancy designed to support a flooded boat and payload of its recommended carrying capacity. In *Bold Venture*'s case this would have been 490kg, as indicated by her manufacturer's plate (**Figure 8**). Due to her age, *JCK* had no such plate, but later Fastliner 19 commercial models built by Orkney Boats Ltd had a similar recommended carrying capacity to that of *Bold Venture*.

On 20 May 2009 *JCK* flooded in Torquay harbour, and only the mooring lines prevented the vessel from sinking. This would suggest that *JCK*'s inherent buoyancy was impaired, possibly as a result of GRP bonding damage in the 26 year old craft. *JCK* was not found after Andrew's death, probably as a result of sinking in the severe sea conditions at the time. Had the inherent buoyancy been intact the boat should have been washed ashore at some point.

On 28 January both boats were heavily laden with catch and gear on their return passage. It is considered that *Bold Venture* was carrying about 640kg while *JCK* was carrying about 735kg – between 30% and 50% more weight than Orkney Boats Ltd recommended for Fastliner 19s. Although both boats had over 300kg of catch on board, inspection of catch records showed they had regularly carried greater loads in good weather conditions. The difference in payload between the two boats on 28 January is attributed mainly to *JCK*'s heavier engine, additional battery and greater catch. These loads, in such conditions, would certainly have dampened the boats' abilities to rise to oncoming seas and would have reduced their overall sea-keeping abilities.

*JCK*'s catch was stowed in boxes stacked five high port and starboard, with a central space between them; five baskets each weighing around 32kg were jammed in towards the bow of the boat, where they were reasonably restricted from moving. *JCK* was known to have a regular bow trim; this and additional catch weight stowed forward would have restricted her bow from rising to oncoming seas, thus increasing the potential from swamping over the bow. *Bold Venture*'s construction of side chambers and thwarts (**Figure 7**) enabled cargo to be reasonably well secured, thus limiting its freedom to move. Greater space within the hull of *JCK* might have allowed the stowed catch to move, and also greater free surface movement of accumulated sea water. Soon after clearing Thatcher Rock, Andrew was seen re-arranging his boxes, confirming that the catch had almost certainly moved position during the initial passage.

When the skippers stopped the boats to enable them to bail and re-arrange stowage a few hundred yards clear of Thatcher Rock, the passage had already been extremely hazardous, with the worst part yet to come. This could have been an opportunity to jettison the catch to lighten the boats. Although it is understandable how commercial pressures might have prevented such a consideration, jettisoning would have improved the boats' sea-keeping capabilities and should not have been ignored in such a life threatening situation.

## Loss of life

The skippers recognised that the 4 mile passage to Torquay would be hazardous, yet neither donned an inflatable lifejacket. While there is an argument that some PFDs may be obstructive when hauling fishing gear, it is of great concern that wearing them during sea passages was not customary on board *JCK* or *Bold Venture*. Had Andrew worn his lifejacket, it would have not only increased his survival time in the sea but would also have assisted his searchers to locate him more easily in the darkness. Andrew's survival time would have been even more significantly improved if he had been wearing his thermal flotation suit (which he sometimes wore for warmth) along with an inflatable lifejacket; unfortunately he did not put it on before sailing that day, possibly due to it being too warm when hauling nets.

It has been recognised for some time that many fishermen are reluctant to wear PFDs; indeed it has been the focus of previous MAIB recommendations to the Maritime and Coastguard Agency (MCA) that their wearing should be compulsory on open decks. The MCA is currently monitoring the success of educational campaigns promoting the use and effectiveness of PFDs. If, by the start of 2015, it is found that their use is not more widespread than at present, or MOB<sup>7</sup> survival statistics have not improved, regulation may then be introduced to make the wearing of PFDs mandatory on the open decks of fishing vessels.

Neither vessel was equipped with an EPIRB or any other type of automatic distress signalling device. Had *JCK* been fitted with a functioning EPIRB, it is likely that the alarm would have been raised automatically up to 1 hour earlier than the call to the coastguard at 1853. The mandatory carriage of EPIRBs on all fishing vessels has been the subject of MAIB recommendations to the MCA since 2008. Since Andrew was not wearing a PFD, it cannot be stated that an EPIRB would have saved his life, but it is clear that his chances of survival would have been improved.

## Communications

On the day of the accident, despite the requirements in MSN 1813, neither *JCK* nor *Bold Venture* was equipped with a working radio, as both vessels' radios had malfunctioned and been left ashore. Both skippers carried mobile telephones as a means of communicating with third parties. Andrew's mobile telephone went off the air at 1650, presumably due either to low battery power or water ingress, leaving him unable to communicate remotely with others.

Mobile telephones are no substitute for marine radio; their transmissions are private, which prevents emergency calls from being overheard by potential helpers; SAR assets are unable to use direction finding equipment on their transmissions; they are not as easy to use as a radio in an emergency; and their signals are more likely to be lost if base stations are obscured by cliffs or land masses.

The lack of radios prevented the skippers from obtaining weather updates, which are transmitted regularly by the coastguard. More crucially, this prevented the skippers of *JCK* and *Bold Venture* from drawing the coastguard's attention to their distress<sup>8</sup> situation. It is doubtful, however, if either skipper would have asked for assistance, for fear of sparking a false alert. This is confirmed by the reluctance of both *Bold Venture's* skipper and Andrew's father to contact the coastguard for over 40 minutes after *Bold Venture* was safely back in port. Instead, they chose to carry out their own search from ashore. In such situations and severe weather conditions the coastguard should be notified as soon as possible – better a false alert than delaying potential rescue.

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<sup>7</sup> MOB: man overboard

<sup>8</sup> Distress: grave and imminent danger.

## CONCLUSIONS

- The full potential of Babbacombe's sheltered bay and pier, if considered, was not taken advantage of.
- Weather forecasts were not properly evaluated, and contingencies for aborting the operation and passage were not adequately considered.
- *JCK* foundered in severe weather conditions, in which heavily laden, 6.45m open decked boats should not have been attempting a passage, especially in darkness.
- *JCK*'s inherent buoyancy was impaired.
- *JCK* was heavily laden with catch and equipment, with catch stowed in such a way that it trimmed the vessel by the head. In severe conditions, such loading would have impaired the boat's ability to rise to oncoming seas and reduced her overall sea-keeping ability.
- Neither skipper chose to wear their inflatable lifejackets despite being aware of the hazardous conditions to be encountered on passage.
- The decision to continue beyond Hope's Nose towards Torquay was a severe error of judgment by the skippers of both *JCK* and *Bold Venture*.
- EPIRBs were not carried or required.
- Neither vessel carried a working VHF radio. This prevented the skippers from obtaining weather updates and from alerting the coastguard when they were in a distress situation.
- There was a delay in notifying the coastguard of *JCK*'s predicament.

## RECOMMENDATIONS

No recommendations have been issued as a consequence of this investigation. However, the circumstances of this tragic accident should serve as a warning to all mariners on the dangers of proceeding to sea in vessels that are unsuited or ill prepared for the prevailing sea and weather conditions.

## SHIP PARTICULARS

Boat's name	<i>JCK</i>
Flag	United Kingdom
Classification society	Not applicable
Fishing registration	BM 17
Type	Fishing vessel - netter
Registered owner	Andrew Westaway
Manager(s)	Not applicable
Construction	GRP
Length overall	6.45m
Registered length	6.45m
Gross tonnage	1.71
Minimum safe manning	Not applicable
Authorised cargo	Not applicable

## VOYAGE PARTICULARS

Port of departure	Torquay
Intended port of arrival	Torquay
Type of voyage	Coastal
Cargo information	Herring and mackerel
Manning	One

## MARINE CASUALTY INFORMATION

Date and time	28 January 2013; about 1750
Type of marine casualty or incident	Very Serious Marine Casualty
Location of incident	Tor Bay
Place on board	Not applicable
Injuries/fatalities	One fatality
Damage/environmental impact	None
Ship operation	On passage
Voyage segment	Transit
External & internal environment	Wind south-westerly Force 8, gusting 10. Sea state rough or very rough. Visibility poor to moderate Darkness
Persons on board	One