

MARITIME INCIDENT INVESTIGATION REPORT:

Stranding, temporary abandonment, and subsequent re-floating of Fishing Vessel

L'ECUME II (J158)

14TH MAY 2020



The Jersey Administration, on behalf of the appointed Minister, conducts marine safety and other investigations on ships flying the flag of the Bailiwick of Jersey and ships which are not flying the Jersey flag which are within Jersey waters in accordance with the obligations set forth in international conventions to which Jersey is a party (either directly or through the United Kingdom).

In accordance with the IMO Casualty Investigation Code, mandated by the International Convention for the Safety of Life at Sea (SOLAS) Regulation XI-1/6, investigations have the objective of preventing marine casualties and marine incidents in the future and do not seek to apportion blame or determine liability.

It should be noted that provisions in the Shipping (Jersey) Law 2012 require Masters, Officers and Owners of vessels to provide such information as is reasonably required by those appointed to conduct such investigations.

If the contents of a report were subsequently submitted as evidence in court proceedings relating to an accident there is a risk that this could offend the principle that individuals cannot be required to give evidence against themselves.

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The obligation to publish accident and incident reports in accordance with the IMO Casualty Investigation Code and the International Convention for the Safety of Life at Sea (SOLAS) Regulation XI-1/6, is an acceptable reason for publication of this report in its current format under data protection legislation.

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GLOSSARY

AHM	DUTY ACTING HARBOURMASTER (A suitably qualified Ports of Jersey Manager who acts as Search and Rescue Mission Coordinator to provide 24/7 cover)
AIS	Automated Information System (a system fitted to many vessels which transmits identity, position, course, and speed information automatically to other vessels and shore stations).
BNWAS	Bridge Navigation Watchkeeping Alert System
CCV	CHANNEL CHIEFTAIN V – CATAMARAN COMMERCIAL WORKBOAT
COLREGS	International Convention providing common regulations for the Prevention of Collisions at Sea
FAM	FIRE ALPHA MARINE – FIRE SERVICE INSHORE RESCUE CRAFT
FRS	FIRE AND RESCUE SERVICE (Government of Jersey)
GOJ	GOVERNMENT OF JERSEY (Crown Officers, Ministers and their officials and States Members collectively tasked with the government of the Bailiwick of Jersey)
HARBOUR AUTHORITY	A body appointed under the authority of the Government of Jersey to oversee the statutory obligations of Ports of Jersey Limited with respect to the island’s Harbours
HM	HARBOUR MASTER (appointed by the Harbour Authority with the approval of the Minister)
JERSEY ADMINISTRATION:	A combination of Ports of Jersey and Government of Jersey Officials, from various departments, responsible to the Minister of Economic Development Tourism Sport and Culture (EDTSC) for the administration of the Islands maritime responsibilities.
MOC	MARITIME OPERATIONS CENTRE – COMBINED MRCC & VTS CONTROL ROOM staffed by appropriately qualified dual trained PoJ Watch Officers and managers.
MRCC	Maritime Rescue Coordination Centre
PoJ	PORTS OF JERSEY LTD (Company wholly owned by Government of Jersey with statutory duties with respect to the Operation of the Islands Harbours and Airport and coordination of maritime Search and Rescue services)
RNLI	ROYAL NATIONAL LIFEBOAT INSTITUTION, lifesaving charity.
SHILB	ST HELIER INSHORE LIFEBOAT
SMC	SEARCH AND RESCUE MISSION CO-ORDINATOR
SOJ	STATES OF JERSEY (formerly a term for all government functions, since 2017 the term is in most circumstances now restricted to referring to the Island’s parliament The States Assembly).

STCW	International Convention for Safety Training Certification and Watchkeeping which sets international standards for seafarers
VTMS	VESSEL TRAFFIC MANAGEMENT SYSTEM, a system combining an electronic chart with a radar and AIS overlay.
VTS	VESSEL TRAFFIC SERVICES consisting of an Information Service to vessels to the East of the Island and a Traffic Organisation Service to the South and west of the island for vessels approaching Saint Helier

1.0 SYNOPSIS (all times in this report are in British Summer Time (UTC+1))

1.1 At approximately 0250 on the morning of 14th May 2020 the 18.5m, wooden hulled, Jersey Registered, fishing vessel **L'ECUME II** (J158), with two crew members aboard and on passage from Granville (France); grounded in Belcroute Bay (to the South West of Saint Aubin's Fort on the south Coast of Jersey) in position 49 10.920'N 002 09.981 'W after the Deck Hand on watch had fallen asleep.

1.2 The height of tide at the time was 6.1m, the tide was falling (LW 3.65m @0627) and consequently the vessel could not immediately be re-floated. There were concerns at the time with respect to the vessel not remaining upright as the tide ebbed. Once the vessel had been made safe the crew were evacuated by the **SAINT HELIER INSHORE LIFEBOAT (SHILB)** and then subsequently transferred to the Fire Service Inshore Rescue Boat **FIRE ALPHA MARINE (FAM)** for landing ashore at 0451 Local time.

1.3 As a precaution a pollution prevention boom was prepared, transported to the scene, and deployed around the vessel by Ports of Jersey staff. By 0550 the vessel was dry and sitting almost upright, the boom was in place there were no signs of pollution.

1.4 A plan for re-floating the vessel on the rising tide was developed between the Harbour Master's team and the vessel crew. The crew subsequently re-embarked at 0730 and the **L'ECUME II** was successfully re-floated as planned between 0930 and 1030 with the assistance of Ports of Jersey workboat **HALCYON** and was back alongside her berth on the Victoria Quay in Saint Helier Harbour by 1046 local time on 14th May

1.5 There were no injuries, no pollution, and the vessel sustained only minor damage.

1.6 Thirty-one findings are included in section 4 and nine recommendations in Section 6 of this report.

2.0 NARRATIVE

2.1 THE VESSEL.

2.1.1. **L'ECUME II** is an 18.5m long, 66 Tonne, wooden hulled trawler built in 1964 and registered in Jersey since 1990. The vessel is owned and operated by the skipper through a company called IFish4Fish. She is one of only four over 15m fishing vessels on the Jersey Shipping Register.

2.1.2 At the request of the vessel's Certifying Authority, as part of normal annual assessment, the vessel had been subject to a fishing vessel spot check by Jersey Port State inspectors on 7th June 2019. This inspection included an emergency drill (covering Fire, Man overboard and abandon ship procedures). The inspection was generally satisfactory; but five comments were raised for action through the Certifying Authority.

Comment1: weathertight galley windows need freeing up currently part open and very stiff,
Comment2. Anchor stowed on foredeck with shackle seized and inoperative, (Trawl doors used as an alternative in practice as easier; but anchor to be freed up).

Comment 3: Elementary Fire Fighting and Fire Prevention and Personal Survival Training courses to be booked for Deck Hand and training completed ASAP, crew member had a gap in sea services and has recently returned to sea.

Comment 4. Missing deviation table; In view of the lack of local compass adjusters Skipper instructed to produce a comparison of magnetic compass deviation errors with Electronic compass for reference.

Comment 5. (missing RA's and Drill records) Skipper agreed to produce records of future drills and a drill program which would be available for inspection. (Fire/ abandon ship and MoB drill carried out – satisfactory with master issued with suggestions during de-brief). At the time of the incident the vessel was in- date for survey.

2.2 THE VOYAGE UP TO THE GROUNDING

2.2.1 L'Ecume II, having been alongside in St Helier since the evening of Friday 8th May, during which time the Skipper and deck hand worked aboard daily between 0900 and 1700, left her berth on the Victoria Quay in Saint Helier Harbour at 0710 local time on Tuesday 12th May with two crew aboard. At this point both crew members can be considered to have been appropriately rested. The L'ECUME II was certificated for operation with up to four crew but the size of the crew appropriate for a particular voyage is left to the assessment of the Owner. At the time of the incident L'ECUME II operated with two crew.

2.2.2 Fishing commenced on 12th May at 0920 BST to the west of Jersey and continued East of Sark and off the North and East coasts of Jersey until 13th May at 1720 local time when course was set for the French port of Granville where the catch would be discharged. This was the first opportunity that the L'ECUME II had to land catch in France since the COVID-19 restrictions were implemented in both France and Jersey in March 2020.

2.2.3 During the fishing period duties were shared between the Skipper and the Deck Hand with both being required to be on duty at some periods. Although no detailed hours of work and rest records were kept it appears unlikely that either the skipper or the deck hand were able to obtain the recommended ten hours of rest in each 24 hour period, as recommended for UK fishing vessels in Merchant Shipping Notice MSN 1884 (F), it is even less likely that any daily rest taken would have been concentrated in two periods or that that either crew member had a continuous six hour daily rest period. During the period the two crew took their meals when they were able.

2.2.3 At 1730 on 13th May the Skipper took over the watch and the Deck Hand was stood down until required for the vessel's arrival at 2100. The vessel was alongside in Granville discharging for approximately 2 hours, involving both the skipper and the Deck Hand because Customs were verifying details of catch and paperwork. Due to COVID-19 restrictions in Granville the vessel had been granted access to the port conditional on sailing immediately on completion of discharge.

2.2.4 The vessel sailed from Granville at 2300BST in ballast for St Helier with an ETA of 14th May 0300 BST. The skipper reports having experienced problems in the past with receiving Jersey Coast Guard transmissions on Channel 82 whilst in the vicinity of Granville, no ETA was sent from the vessel on departure on this occasion. Once clear of the port the Deck Hand prepared sandwiches for both himself and the skipper. No formal passage plan had been produced for the voyage from Granville to Jersey for loading into the chart plotter as the skipper did not consider it necessary. There was no audible off-track alarm facility on the chart plotter. The echo sounder audible alarm was not set.

2.2.4 At 2345 BST on 13th May, with the vessel East of the French Chausey islands, the master handed over the bridge watch to the Deck Hand, who had confirmed that he felt sufficiently rested to take over the watch, which the skipper believed to be correct. The skipper had briefed the Deck Hand to maintain a good lookout and to call him immediately if in any doubt and in any event to call him 20 minutes before arrival in St Helier. The skipper then retired to his cabin below to rest.

2.2.5. The Deck Hand recollects making an adjustment of course when NE of Les Minquiers to shape course for St Helier and the vessel track is shown to be substantially consistent with following the South East Passage approach to Saint Helier. During his time on watch the Deck Hand briefly conducted rounds of the Engine Room, pump room, accommodation and fish room leaving the bridge temporarily unattended.

2.2.6 Returning to the bridge, the Deck Hand made himself a cup of tea and self-administered two painkillers as he was suffering from back pain. He noticed that the vessel had four miles to run (31 minutes at the vessels speed of just over 8 knots) to arrival position off the port.

2.2.7 Seating himself in the bridge chair the Deck Hand then watched “a few YouTube videos”, he last recalled being that there were 28 minutes to run. His next recollection was waking up on the wheelhouse deck adjacent to the heater (see figure 10) after the vessel had run aground. The bridge windows were closed, and it is likely that the bridge heater was on.

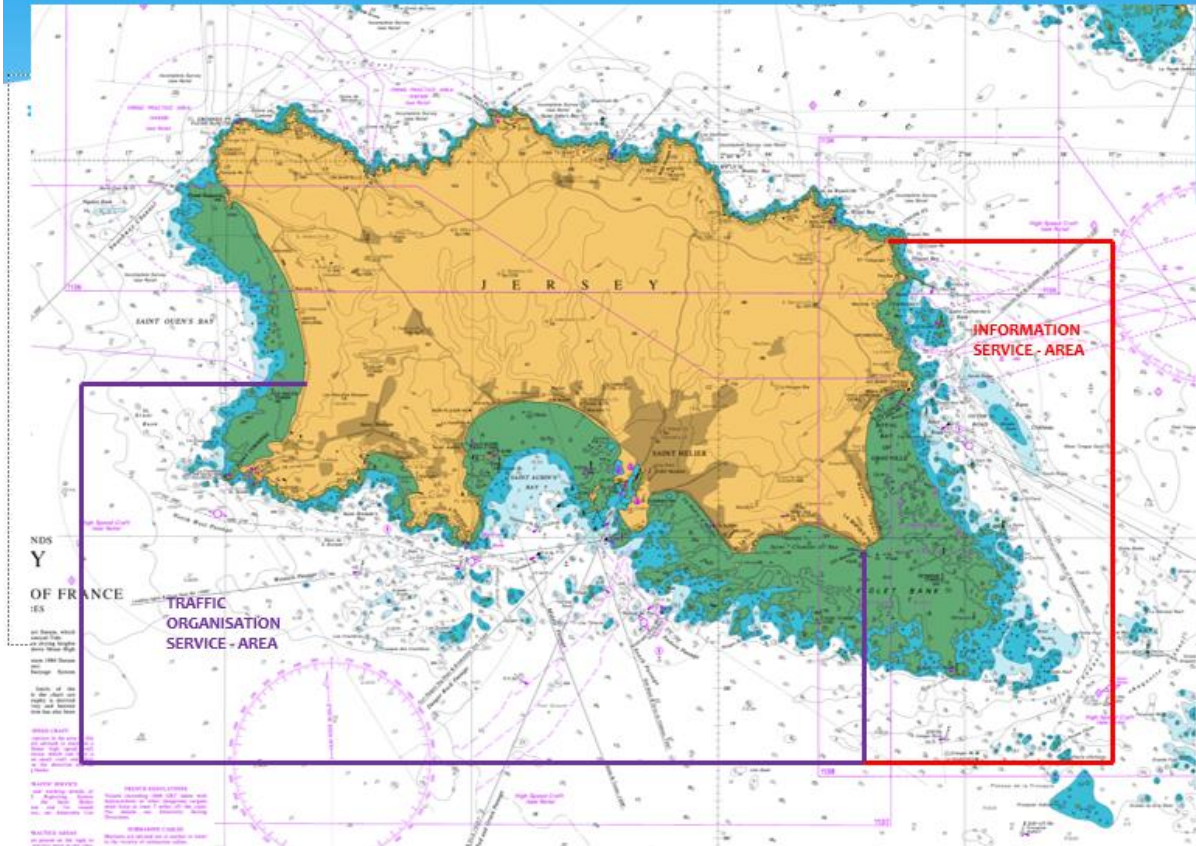
2.2.8 With the Deck Hand asleep **L’ECUME II** remained on autopilot at a speed of approximately eight knots and entered the VTS TOS Area. (Figures 15 &16)

2.2.9 As neither a passenger vessel nor a vessel over 25m in length **L’ECUME II** was not required to report to VTS, nor did VTS need to proactively monitor the vessel’s progress. The duty Watch Officer in the Maritime Operations Centre (MOC) had received no confirmation that the vessel intended to enter St Helier and therefore was not looking for calls to VTS as **L’ECUME II** entered the Traffic Organisation Service area and passed the reporting point for participating vessels arriving from the South and East at two nautical miles from Demie de Pas (shown at bottom of Fig 16). There was equally no requirement for L’Ecume II to request clearance to enter the port when passing Demie de Pas Light (Fig 17), although it was her usual practice to do so.

L’ECUME II was first identified on the VTMS display in the MOC (displaying name, vector, and speed of advance) by the MOC Watch Officer as she entered Jersey Territorial Waters from the SE, and her echo subsequently appeared on the integrated radar once within range. (see VTS Boundaries on chartlet on the following Page). The Watch Officer thought that the vessel might be returning to St Helier but, with no positive information to that effect, did not proactively monitor L’ECUME II’s progress. He then noticed L’ECUME II enter St Aubin’s bay, heading towards St Aubin’s Fort, but made the incorrect assumption that this was linked to some fishing-related activity (he was unaware of L’ECUME II’s fishing methods and that, in her case, this was unlikely) and consequently took no further action.

Note: Extracts from Electronic Navigational Charts are reproduced by permission of HMSO and the UK Hydrographic Office. These extracts are used to illustrate particular issues in this investigation and are NOT to be used for navigation.

VTS BOUNDARIES



2.2.10 **L'ECUME II** passed Demie de Pas light (Fig 17) with a track in safe water between the South East Passage and the South Passage approaches, at which point she would have normally contacted St Helier VTS on VHF Ch 14, she left the Hinguette light buoy (Port Lateral mark with Quick flashing Red light) to port (Figs 18 & 19), before crossing both the Small Roads leading marks to Saint Helier (Fig 20) and the Western Passage leading marks for vessels transiting to or from the west (Fig 21).

2.2.11 After crossing the Western Passage **L'ECUME II** continued into Saint Aubin's Bay, and passed close to the Diamond Buoy (Port hand lateral mark, Fl (2) R 6s) (Figs 22 & 23).

2.2.12 It was sufficiently unusual for **L'ECUME II** to enter St Aubin's bay that, in normal circumstances, it might have prompted a request for clarification from the MOC Watch Officer. Although It was the vessel's normal practice to call VTS when passing either Demie de Pas or Noirmont Point inbound; the MOC Watch Officer was unaware of this, his training having taken place during the period that **L'ECUME II** was not in regular operation. The MOC Watch Officer on duty had completed the required local VTS on the job training and assessment but had been unable to complete the IALA V-103/1 VTS operator course in the UK due to COVID-19 restrictions.

2.2.13 It is normal practice for the MOC to have a single watch officer on duty overnight between 2130 and 0600 covering both VTS and MRCC duties, supported as required by the AHM.

2.2.14 Continuing onwards **L'ECUME II** passed south of the outlying dangers off St Aubins Fort before crossing the zero tidal contour and finally running aground SW of the Fort in Belcroute Bay in position **49 10.920'N 002 09.981 'W**. (figs 14, 24 & 25) at a speed of nearly 8 knots

2.3 ACTIONS FOLLOWING GROUNDING

2.3.1 The Deck Hand awoke on the wheelhouse deck adjacent to the heater (Fig10) to find the vessel aground, he went to the throttles and placed the engine astern. The Skipper, awoken by the slowing engine RPM, immediately proceeded to the wheelhouse. He took over the con from the deck hand and unsuccessfully attempted to manoeuvre the vessel back into deep water. The skipper then contacted St Helier VTS on VHF Channel 14 to advise them of the incident. As there is a difference of several minutes between times reported by **L'ECUME II** and the MOC the MOC times from the time of grounding are being used throughout for clarity).

2.3.2 The MOC Watch Officer having responded to the call (logged at 0251) set in motion the appropriate Incident response procedures before obtaining further information from **L'Ecume II** by phone. At 0259 **CHANNEL CHIEFTAIN V (CCV)** (a local 14m long catamaran workboat which had just left St Helier) responded to the exchange on VHF Channel 14 and was requested to stand by in the vicinity.

2.3.3 In the MOC an Incident was declared and the various plans for dealing with a vessel aground were set in motion. By this time the position of the vessel, that she had approximately 5000Ltrs of MGO aboard, and that two crew (with lifejackets) were aboard was known; the skipper had also expressed his concern that the vessel may not remain upright when the tide ebbed. At 0252 the Duty Acting Harbourmaster (AHM) was called and took over as Search and Rescue Mission Coordinator (SMC). The RNLI's **SHILB**, was paged to assist (The first page was sent at 0302 and, as no response, a second page was sent 0308 and agreement to launch was received at 0310) and at 0305 **FAM** (a trailer launched inflatable rescue boat similar to RNLI "D Class" and operated by the Jersey Fire and Rescue Service (FRS)) was requested to launch

2.3.4 By 0305 the AHM was enroute to the MOC, where he arrived at 0320, and was in contact with the FRS about how the crew would be evacuated. At this point **CCV** indicated that she would approach **L'ECUME II** cautiously to assist if possible but by 0309 advised that she was standing off in safe water. At 0315 the AHM, in his role as SMC, started active consideration of required pollution control measures and called the Harbour Master to advise of the incident.

2.3.5 At 0316 the launch page was sent to **SHILB** and at 0318 FRS confirmed that **FAM** had launched from La Haule Slip in St Aubins bay and was reported on scene by 0321. The MOC also provided **L'ECUME II** with a tidal update that the expected depth of water in the vicinity was approximately 3m. At 0322 **SHILB** was tasked to evacuate the crew from **L'ECUME II** and **FAM** was tasked to standby on scene.

2.3.6 By 0328 the FRS duty officer was in position ashore at the adjacent Royal Channel Islands Yacht Club. At 0332, with **L'ECUME II** starting to list to Port as she dried out, it was confirmed by MOC that there were no means available to prevent the vessel potentially rolling over onto her port side when she dried out. The skipper had already commenced isolating the fuel system and sealing all ventilators to minimise risk of pollution and water ingress should this occur.

2.3.7 At 0337 **SHILB** launched from St Helier harbour with 4 crew aboard and by 0341 was on scene at which point **CCV** was released to continue her passage to Guernsey. By 0343 **FAM** was also alongside casualty. Between 0345 and 0353 the AHM and **L'ECUME II**'s skipper held further discussions about the vessel's stability over low water and the risk of pollution. It was agreed that the vessel's crew would remain aboard for the time being. At 0355 additional Ports of Jersey Staff from the Marine

Section and Ports Engineering were mobilised with considerations being made to deploy an anti-pollution boom and potentially to pump out the estimated 5000L of MGO aboard. The AHM decided to co-locate with FRS adjacent to RCIYC. The Harbour Master would locate to the MOC

2.3.8. At 0400 FRS advised that quantity of fuel involved may present some issues for pumping out of fuel, but that they would stand by, at the same time the States of Jersey Police were informed of the incident.

2.3.9 At 0404 with the onboard actions to secure the vessel from flooding and to minimise risk of pollution completed the two crew members from **L'ECUME II** were evacuated over the stern onto **SHILB** which remained on scene. At the same time suitable vehicles were mobilised to transport pollution prevention equipment and personnel to the scene. (The equipment was enroute to the scene by 0425 and the boom fully deployed and in position by 0500).

2.3.10 By 0414 the port heel on **L'ECUME II** had increased and the skipper requested to be permitted to remain on site aboard **SHILB** to monitor the outcome.

2.3.11 At 0415 the MOC contacted the police to request they inform The Out of Hours Pollution Incident contact at the Environment Department. There was a significant delay in identifying the correct contact number as various numbers provided were inoperable.

2.3.12 The decision was taken at 0417 to request the two **L'ECUME II** crew to transfer ashore via **FAM** to meet the FRS duty officer and the AHM adjacent to RCIYC, this process was completed by 0435. On completion of transfer **SHILB** was stood down and cleared to return to St Helier.

2.3.13 At 0435 the AHM instructed the MOC to obtain the track history for **L'ECUME II** prior to grounding. It was also confirmed that a police presence would be available from first light (supplied by St Belade's Honorary Police) to control public access to the scene.

2.3.14. at 0451 **L'ECUME II's** angle of heel had stabilised was no longer increasing and it was now considered likely that she would remain sufficiently upright. The decision was therefore taken not to pump out the fuel but to deploy a pollution control boom around the vessel. It was decided that the AHM and **L'ECUME II's** crew should now relocate to the MOC for discussions with the Harbour Master to develop a plan for re-floating the vessel on the next high tide.

2.3.15 By 0550 with the situation stable, the vessel substantially upright, and the pollution prevention boom in place with no sign of pollution. The following plan had been agreed:

- 0700 **L'ECUME II** crew to attend and be assisted to re-embark vessel using portable ladder
- 0800 work boat **HALCYON** to deploy to the scene and stand off
- 0830 **L'ECUME II** was expected to start to move with the incoming tide and to be fully afloat between 0900 and 1000
- Tug **HANDSFAST** to be made ready but to remain alongside in St Helier unless required.
- **HALCYON** to assist with either pushing or by taking a line as required and to escort to St Helier.

(Factors: 5000L MGO aboard and 250L Hydraulic fluid, no water ingress or evidence of pollution, vessel stable with port heel.)

2.3.17 By 0712 **L'ECUME II** was again surrounded by water and by 0730 the Skipper was back aboard the vessel. A reassessment was made that vessel would be afloat again by 0945 when height of tide would be 6.3m and the skipper commenced preparing the vessel for re-floating.

2.3.18 At 0834 **HALCYON** departed St Helier and proceeded to the scene and by 0858 it was reported that L'Ecume II was again upright. By 0936, with **L'ECUME II's** bow was still pointing towards the shore, it was decided that **HALCYON** would take a line from the bow of the fishing vessel and pull **L'ECUME II's** bow round as she floated.

2.3.19 By 1016 **L' ECUME II** had been manoeuvred clear of shallow water and was under tow from **HALCYON** but had main propulsion and steering available and was not taking water.

2.3.20 At 1042 with **L'ECUME II** able to manoeuvre independently, **HALCYON** was released and by 1046 **L'ECUME II** was safely back alongside her berth on Victoria Quay in St Helier. Whilst manoeuvring alongside it was discovered that **L' ECUME II** had sustained some damage to her rudder which restricted her to 10 degrees of helm to port, although full starboard helm was available; berthing was without incident.

2.4 SUBSEQUENT ACTIONS:

2.4.1 The Jersey Administration agreed that a full Marine Accident Investigation was required which would concentrate on safety and lessons learned and that this could be supervised by the Harbour Authority with Ports of Jersey Maritime Standards department carrying out the initial investigation.

2.4.1 The Skipper was requested to complete a (Commercial) Marine Incident Report form for the Harbour Master and a statement was requested from the Deck Hand both of which were provided in a timely manner. An open and honest approach and full cooperation throughout the investigation has been provided by the skipper who supplied any additional information requested.

2.4.2 A report was sent to the vessel's Certifying Authority and discussions were held with respect to subsequent inspection and repair of the vessel. The damage to the rudder turned out to be minor was repaired by 21st May and, with no other signs of damage and no water ingress since the incident, the Certifying Authority approved the vessel's return to service pending a scheduled intermediate inspection in June 2020.

2.4.4 The Owners of **L'ECUME II** placed an order for the purchase and fitting to the vessel of a Bridge Navigation Watch Alert System (BNWAS), although for vessels of the size and age of **L'ECUME II** there was no regulatory requirement to retrofit such equipment. New vessels of similar size are required to fit this equipment which requires the bridge watchkeeper to acknowledge visual and audible alarms at a pre-set interval with failure to do so resulting in the sounding an alarm in the skipper's cabin and throughout the accommodation.

2.5 CREW

2.5.1 The crew on the voyage concerned consisted of the owner/Skipper and one Deck Hand

2.5.2 Owner/Skipper: The Owner/Skipper was a 60-year-old Jersey Resident who held a valid Certificate of Service issued on 28th January 2016 by the then Jersey Registrar of Shipping for service as skipper on Jersey Registered fishing vessels of twelve metres but less than twenty-four metres in length. He had completed the required Sea-Fish courses in Basic Sea Survival, Basic Fire Fighting and Prevention, Basic First Aid and Intermediate Fishing Vessel Stability Awareness. He had subsequently completed a "First Aid at Work" refresher course and a "Drowning and Hypothermia Awareness Course in Jersey with St John's Ambulance in July 2018 both of which remained valid at the date of the incident. He was appropriately qualified and had considerable experience with the vessel.

2.5.3 The Deck Hand: The Deck Hand was a Romanian national who had first worked on the vessel in 2017. The Deck Hand is considered a self-employed share-fisherman. He had taken a break from fishing and re-joined L'ECUME II in February 2020. When not on duty he had arranged his own

accommodation in Jersey and lived ashore. He had completed “First Aid at work” and “Drowning and Hypothermia Awareness” courses in Jersey with St John’s Ambulance in July 2018, at the same time as the skipper, both these courses were valid at the time of the incident. No evidence was available of other training having been completed. There is evidence that some attempt had been made to source the remaining required training locally but that there were difficulties with course availability. Prior to this incident, reports of the conduct and ability of the Deck Hand were entirely satisfactory. The Deck Hand reported that he was suffering from back pain for which he had not sought medical advice but was self- medicating, he had no other known health issues.

2.4.4 Neither crew member held a valid ENG-1 or ML-5 medical certificate at the time of the incident, nor was there a requirement to do so for Jersey fishermen at the time, despite it being a requirement for fishing vessels of any nationality conducting international voyages to the UK and EU.

2.4.5 Moves towards implementing the above requirement were to be phased in by 2023 with a revision of the Jersey Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels. This revision had been in negotiation with industry representative since mid-2017 and was planned for formal introduction in April 2020. The introduction of the amendments had been temporarily deferred at the request of the industry in early March 2020 when COVID-19 restrictions were introduced.

2.6 CASUALTY VESSEL DETAILS

Type: Wooden Hulled fishing vessel configured for trawling.

Name:	L’ECUME II	Registration Number:	J158
Registered Length:	17.66.m	Length Overall:	18.45m
Beam:	5.49m	Draft:	3.6m
Net Tonnage	N/A	Gross Tonnage	60.60 T
Engine Make/Model:	“Cummins” Diesel engine.	Max continuous engine power	221KW
Mechanical Gearbox		single screw fixed propeller	
Year of Build 1968:	Date of Registration: 1990	Date of entry into service:	02/08/1990

2.7 DETAILS OF VESSELS ASSISTING

CHANNEL CHIEFTAIN V (CCV) Commercial Catamaran workboat, length 14m, year of build 2006

ST HELIER INSHORE LIFEBOAT (SHILB) “David Page” (RNLI Atlantic 85 class), length 8.5m, built 2007

FIRE ALPHA MARINE (FAM), Fire Service Inshore Rescue Boat, length 5m, year of build 2000

HALCYON: Ports of Jersey Harbour Workboat, 1 Tonne bollard pull, Length 8m, year of build 2002.

3.0 Photographs and CCTV IMAGES

Figures 1-9 L'Ecume II post grounding



FIG 1 – L'ECUME II aground in Belcroute Bay



FIG 2 – L'ECUME II, aground with pollution control boom in place.



FIG 3 – L'Ecume II starboard Bow



FIG 4 L'Ecume II from astern



FIG 5 – L'ECUME II Starboard bow



Fig 6 – L'ECUME II Starboard side



FIG 8 – L'ECUME II Port Bow



FIG 9 - L'ECUME II Port side.

Figures 10-13 Wheelhouse layout of L'Ecume II



FIG 10 – L'Ecume II wheelhouse looking forward



FIG 11 – L'Ecume II wheelhouse from Port Aft



FIG 12 & 13 Bridge equipment layout from the conning position

Figures 14-25 L'Ecume II grounding position & track prior to grounding



FIG 14 – Position of Grounding

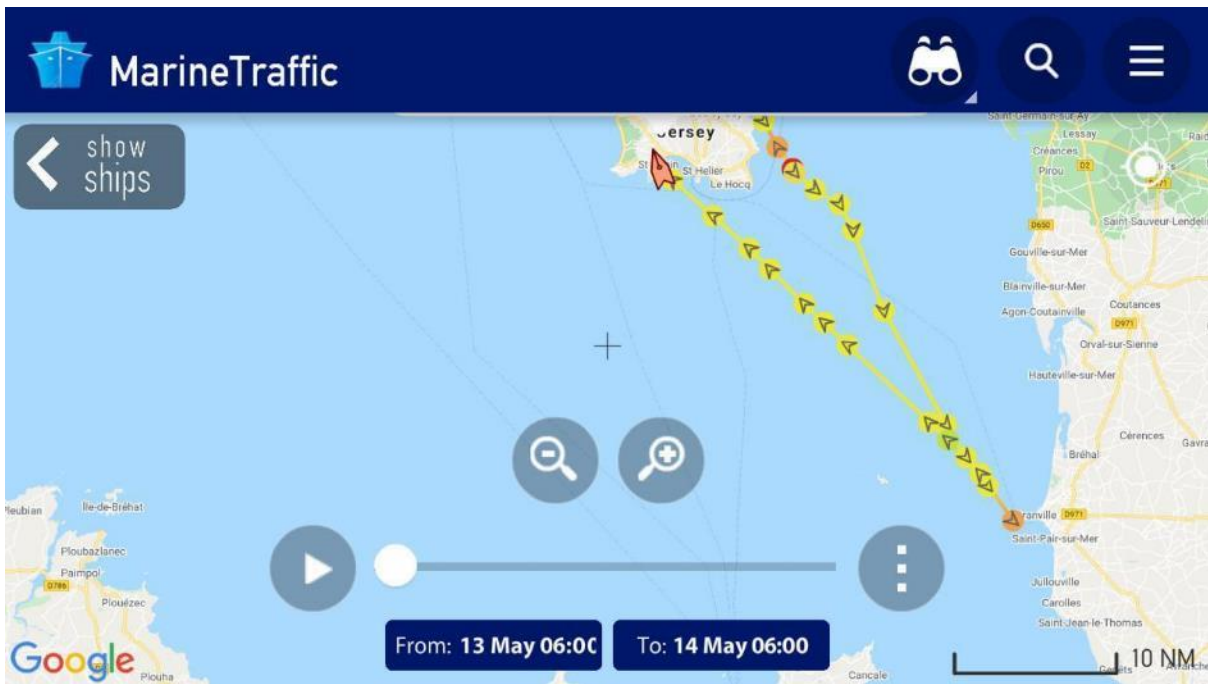


FIG 15 – L'Ecume II AIS Track (download from Marine Traffic)



FIG 16 – L'ECUME II approaches Demie De Pas (VTS screenshot)



FIG 17 L'ECUME II passes Demie de Pas (VTS screenshot)



FIG 18 & 19 L'ECUME II leaves Hinguette Buoy to port



FIG 20 L'ECUME II, skirting the precautionary area, crosses leading lights on Small Roads for St Helier Entrance



FIG 21 L'ECUME II crosses Western Passage Leads for turn to west (heading towards Diamond buoy)

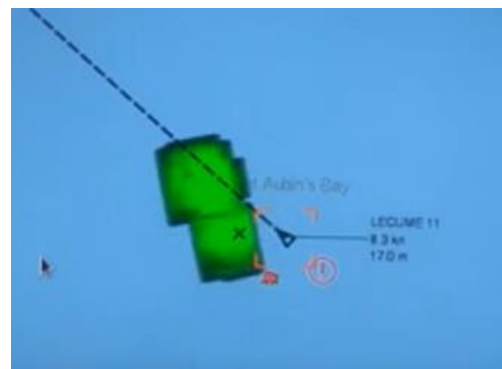


FIG 22 & 23 L'ECUME II leaves Diamond Buoy to port



FIG 24 & 25 L'ECUME II having passed south of the outlying rocks crosses the 0m sounding and then runs aground at 8 knots.

Fig 26: Harbour workboat Halcyon which assisted with re-floating L'ECUME II



4.0 FINDINGS

4.1 CAUSE OF GROUNDING OF L'ECUME II.

FINDING 1: L'ECUME II ran aground because the Deck Hand, the only person on watch, fell asleep while the vessel was just under four nautical miles from the approaches to St Helier.

The vessel's autopilot was in operation and the vessel maintained a steady course and speed until the point of grounding.

FINDING 2: It is probable that the Deck Hand fell asleep due to fatigue.

Although both he and the Skipper were sufficiently rested when the vessel had sailed from St Helier at 0700 on 12th May 2020 the longest continuous period of rest the Deck Hand is likely to have taken since departure was between completing fishing at 1730 on 13th May and being called for arrival at Granville just before 2100 the same day (less than 3 ½ hours).

FINDING 3: No Hours of rest records were available for the period concerned.

FINDING 4: Contributory factors:

- a) **The Deck Hand was seated in a comfortable chair in the wheelhouse, with the wheelhouse windows closed and the heater probably on.**
- b) **The fact that he fell asleep between 0200 and 0300 also meant that circadian rhythm is likely to have further reduced his alertness at that point.**
- c) **L'ECUME II was not fitted with a Bridge Navigation Watch Alert System** therefore there were no visual or audible alerts available to awake the Deck Hand when he fell asleep, to prevent him doing so, or to wake the Skipper if the alerts were not responded to.
- d) **There is some evidence that one of the listed potential side effects of the medication self-administered by the Deck Hand could have been "drowsiness".**
- e) **Due to COVID-19 restrictions in the French port of Granville the Skipper did not have the option of delaying the vessel's departure after completion of discharge to ensure that both he and the deck hand were sufficiently rested.**
- f) **After departure from Granville the Deck Hand assured the skipper that, having rested prior to arrival, he was fit to take over the watch and both believed this to be the case.**
- g) **During his evidence to the investigation the Owner/Skipper submitted that his ability to recruit additional crew for L'ECUME II was constrained owing to a distinct lack of certificated fishing vessel crew resident in Jersey available for employment, (the fishing industry being an area where permits for employment for those outside the EU were not available locally),**

4.2 THE VESSEL

FINDING 5: At the time of the incident L'ECUME II was in date for certification and in conformance with the relevant Jersey fishing vessel code. She was due her next periodic inspection by her Certifying Authority in June 2020. Her most recent fishing vessel spot check inspection had been carried out in St Helier on 7th June 2019 with, apart from the Deck Hand's certification, only relatively minor issues raised. The vessel was not fitted with a Bridge Navigation and Watchkeeping Alarm System (BNWAS) as there was no requirement to retrofit such equipment to vessels of her age.

The only damage sustained by L'ECUME II as a result of the grounding was minor distortion to the rudder fixings which limited the port helm to 10 degrees. There was no water ingress and no pollution. By 21st May 2020 the rudder damage had been repaired to the satisfaction of the Certifying Authority and the vessel was cleared to resume fishing operations until the next scheduled intermediate inspection in June 2020.

4.3 CREWING, PASSAGE PLANNING, LOOKOUT, AND THE COLLISION REGULATIONS

4.3.1 Safe Manning:

FINDING 6: The Owner and Skipper of any vessel has a responsibility for the safe manning of the vessel for the intended voyage although a Minimum Safe Manning Document (MSMD) is not required for any Jersey fishing vessels as all are under 24m in length.

The manning must be sufficient to enable a safe navigational watch to be maintained together with other essential tasks in a way that enables each crew member, including the skipper, to be sufficiently rested at all times and to comply with the International Regulations for the Prevention of Collisions at Sea with respect to keeping a proper lookout.

FINDING 7: L'ECUME II was certified to carry up to four crew; however, on short voyages, she was normally operated with just a Skipper and a Deck Hand.

4.3.3. Crew Qualifications:

FINDING 8: The skipper was appropriately qualified for his position and very experienced with the vessel, his safety related training was in date.

FINDING 9: The Deck Hand had not completed all the required safety training and was not properly qualified for his position aboard L'ECUME II due to lack of Basic Sea Survival and Fire Prevention & Fire Fighting Training:

The deck hand was experienced and familiar with the vessel and the skipper was fully satisfied with his ability and conduct prior to this incident.

The Deck Hand had first sailed on the vessel in 2017 and these certification issues had been raised in the July 2019 inspection of the vessel, at which point he had recently returned to duty following a break from fishing. He had subsequently taken a further break from fishing and had only re-joined L'ECUME II in February 2020,

As a self-employed share-fisherman the Deck Hand is primarily responsible for ensuring he obtains and maintains the necessary personal certification.

The Owner and Skipper are however responsible for ensuring that only suitably qualified crew members are employed on the vessel.

FINDING 10: The holding of specific maritime training courses on the island is dependent on demand with those required for the smaller commercial and leisure vessels being more readily available. In March 2020 local courses, like those in the UK, were temporarily suspended due to COVID-19. There are no locally resident qualified trainers for training courses specific to the fishing industry

4.3.5 Medical Fitness:

It is both the responsibility for each individual seafarer to look after their medical fitness and the responsibility of the Owner and Skipper to ensure every crew member is fit for duty.

Although there are no current requirements under Jersey regulations for crew members on fishing vessels to hold either ENG-1 or ML-5 medical certificates of fitness it had been an international requirement for fishing vessels subject to inspection in a foreign port since May 2019.

For vessels like L'ECUME II, which are under 24m in length, operating within 200NM of the coast and on voyages less than 72 hours, the provisions would not otherwise enter force in the UK until 2023.

FINDING 11: Despite trading to France neither the Deck Hand nor the Skipper held ENG-1 or ML-5 certificates and these had not yet been requested by the relevant authorities during any port call.

Without regular medical examination it is possible that health issues affecting an individual's ability to work could go unnoticed and the appropriate treatment not be sought. The Skipper and Deck Hand both considered that they were fit for duty, despite the Deck Hand suffering from back pain.

As a self-employed share-fisherman the Deck Hand not the owner was responsible for arranging his own medical treatment and the paying of any costs not covered by Social Security provisions.

FINDING 12: The International Labour Organisation's Work in Fishing Convention (2007) and the Maritime Labour Convention have (except for provisions on seafarers' recruitment and placement agencies), unlike in the UK, not been incorporated into law in Jersey.

4.3.5 Planning of the Voyage:

The voyage which commenced with the departure from Saint Helier on Tuesday 12th May was the first time that the vessel had been permitted to land catch in a French port since early March when COVID-19 restrictions had been implemented in both France and Jersey.

The loss of the French market had a significant impact on local demand for fish and prices such that a significant proportion of the local fleet had been laid up, and many of the remainder, including L'ECUME II had been selling their catch direct to the public at pop-up stalls in various locations on the island.

The Owner-Skipper was therefore keen to take advantage of an easing of the French restrictions which would enable him to land his catch in Granville; even though he was aware that a condition of entry was that he would be required to sail immediately on completion of discharge.

FINDING 13: A voyage with an expected duration of up to 44 hours was therefore planned with two crew members aboard.

4.3.6. Passage planning and monitoring:

FINDING 14: There was no specific passage plan for the return voyage from Granville to Saint Helier or for the previous leg. This is not uncommon for small fishing vessels.

The Chart plotters fitted to the L'ECUME II did not have an off-track alert fitted which could have alerted the Deck Hand when the alteration into the Small Roads was missed.

FINDING 15: there was no audible alarm set on the vessels Echosounder which could have alerted the Deck Hand as the vessel approached the gently shelving beach in Belcroute.

4.3.6 Hours of Rest:

FINDING 16: In order to operate safely and avoid fatigue it is necessary that all crew members are adequately rested prior to commencing duty and that they have adequate rest on a daily basis.

Evidence on which the current hours of rest requirements in STCW and the Maritime Labour Convention are based have shown that in order to avoid fatigue most individuals need at least ten hours rest each day, with a daily average of eleven hours rest spread over a seven-day period being desirable. As it has been found that one or two longer periods of rest is more effective than several short periods of equal aggregate it is recommended that the daily ten hours rest is taken in no more

than two periods and that one of these should be of at least six hour's duration. Certain individuals can operate with different amounts of rest or more frequent short periods of rest

FINDING 17: Some exceptions with alternative arrangements including compensatory rest designed to provide an equivalent level of safety may be considered appropriate for fishing vessels making frequent voyages of limited duration.

It is understood that with the normal operation of fishing vessels the rest situation as described above may not be practicable. Therefore although in the UK and the EU the hours of rest requirements for fishermen, which have been in force since 2004, contain the concept of compensatory rest, to be taken immediately after a period of reduced rest; The current UK rest requirements for fishing vessel crew including the compensatory rest requirements are detailed in Merchant Shipping Notice MSN 1884 (F).

FINDING 18: In Jersey until the Shipping (Standards of Training, Certification and Watchkeeping) Order 2020 and the revised Jersey Fishing Vessels Codes of Practice for the Safety of Fishing Vessels enter force the international requirements for minimum hours of rest are not enforceable on local fishing vessels.

The UK Maritime and Coastguard Agency's guidance on the subject is contained in MGN 313(F) "Keeping a safe Navigational Watch on Fishing vessels" and in the "Fishermen's Safety Guide" the availability of such guidance is referenced in the existing Jersey Fishing Vessel's Codes of Practice.

With respect to fitness for duty MGN 313 advises "Both the skipper and the watchkeepers should take full account of the quality and quantity of rest taken when determining fitness for duty. Particular dangers may exist when the watchkeeper is alone. It is all too easy to fall asleep, especially while sitting down in an enclosed wheelhouse. Watchkeepers should ensure they remain alert by moving around frequently and ensuring good ventilation".

4.3.8 Standards of watchkeeping:

The international Regulations for the Prevention of Collisions at sea (implemented in Jersey through the Shipping (Distress Signals and Prevention of Collisions) Jersey Order 2004) require that (Rule 5) "Every Vessel shall at all times maintain a proper lookout by sight and hearing and by all available means appropriate to the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision".

FINDING 19: During his period on watch the Deck Hand failed in his obligations to maintain a proper lookout in that:

- a) **He left the wheelhouse unattended to conduct rounds of the vessel.** This is a practice which is not uncommon on fishing vessels with small crews but one which poses obvious risks.
- b) **He watched "several YouTube videos" whilst on watch.**

With no other evidence available It should be noted that it was only the openness of the Deck Hand and the Skipper that has brought to light many of the facts that have enabled lessons to be learned from this incident.

4.4 COASTGUARD and VTS OPERATIONS

4.4.1 Jersey has a number of obligations it must fulfill internationally as a Coastal State, this includes the requirement "to ensure that necessary arrangements are made for distress communication and

coordinating in their area of responsibility and for the rescue of person in distress at sea and around its coast” (1974 Safety of Life at Sea Convention).

The responsibility for coordinating maritime search and rescue delegated to the Harbour Authority in law and is one of PoJ Public Service obligations. This role is undertaken by Jersey Coastguard from their dedicated Maritime Rescue Coordination Centre (MRCC) which is co-located with Saint Helier VTS in the Maritime Operations Centre (MOC) at Maritime House.

Saint Helier VTS provides an Information Service (INS) to the East of the Island and a Traffic Organisation Service (TOS) supported by Radar covering the West of the Island and the approaches to Saint Helier.

MOC Watch Officers are trained in both Coastguard and VTS roles, to HM Coastguard standards for Coastguard functions and to IALA V-103 standards for VTS operations. Regular external audits are carried out by the Maritime and Coastguard Agency, and Jersey has been requested to carry out a reciprocal audit on HM Coastguard.

Jersey Coastguard & St Helier VTS are jointly operated by a total of 7 Watch Officers, 2 Specialist Watch Officers, a Maritime Operations Centre Manager, and a Coastguard & VTS Manager. The shift timings are seasonal, changing slightly during BST or outside BST. Overnight the MOC operates with one Watch Officer.

The MOC Watch Officers are supported by a total of five Search and Rescue Mission Coordinators (SMC) outside office hours to provide 24/7 cover on a roster basis for a week at a time as duty Acting Harbourmaster (AHM). They are amongst those PoJ Managers who have been sworn in by Jersey’s Royal Court as Acting Harbourmasters.

In March 2020 in order to minimise the risk of COVID-19 transmission and ensure continued operation of the operationally critical Coastguard and VTS service the rosters were changed to minimise contact between two distinct groups Watch Officers (two day and one night) with additional Officers and the Senior Manager working remotely from home unless called in.

At the time of this incident the MOC was manned by a single Watch Officer supported by the duty AHM as SMC.

The arrangements for the operation of the VTS service and, in particular, the determination of which vessels are required to report to St Helier VTS are covered by Harbour Master’s General Directions issued under the authority of Regulation 3 of the Harbours (Jersey) Regulations 1962.

The current General Directions applicable to the VTS service are General Direction No 6 St Helier VTS – Participation reporting and VTS area

General Direction No 6 defines a “Reporting Vessel” as a passenger vessel, a vessel over 25 metres in length or a vessel engaged in towage.

“Reporting vessels” are required to keep watch on the designated VTS port working frequency, VHF Channel 14, and to participate in the services of St Helier VTS. They are to report on entering/leaving the VTS area and at the designated Reporting Points (RPs).

Vessels, other than reporting vessels, are not required to report to St Helier VTS except in an emergency or when required by the Harbour Master. They should, however, generally “listen and learn” from VHF traffic. If fitted with a VHF, they should keep watch on VHF Channel 14 at all times when in the VTS Area (see below). Large commercial vessels and high-speed craft operate within this area.

Channel 14 is used for all traffic management matters within the VTS Area and may be used between both commercial ships and leisure/pleasure vessels for traffic management purposes only.

FINDING 20: The size of vessels required to report to St Helier VTS and participate in VTS reporting is kept under review and is subject to consultation with a Navigation Advisory Panel to the Harbour Master configured as appropriate for the subject matters under discussion. The last review was carried out in 2019 as part of the development of Tactical Navigational Risk Assessments by Ports of Jersey.

There is a balance between setting the parameters for “Reporting Vessels” too high and having vessels who would benefit from participating not do so and setting the limits too low and potentially overloading the MOC in busy periods. It is necessary that any limits are clear and understood by all concerned.

FINDING 21 L’ECUME II was not a “Reporting Vessel” as she was only 18.45m in length and was therefore not required to contact St Helier VTS. merely to observe the IALA lights at the port entrance. She was not required to submit an ETA to VTS and was permitted to conduct her own line handling operations on the Pontoon on the Victoria Quay (the designated Fish Quay in St Helier Harbour). Consequently, any intervention from VTS would be dependent on the MOC Duty Officer identifying a potential issue and deciding to monitor the vessel directly and intervene.

There is evidence however that, despite it not being a formal requirement, it was the usual practice for L’ECUME II to contact St Helier VTS on VHF Channel 14 when passing either Demie de Pas or Noirmont Point. As a non-standard procedure the recently trained MOC watchkeeper was unaware of this.

The volume and settings of the L’Ecume II’s VHF sets at the point of grounding have not been positively established, therefore there is no certainty that any VHF intervention would have been successful in waking the Deck Hand.

4.5 FROM GROUNDING TO RECOVERY:

The immediate actions of the skipper in attempting to manoeuvre the vessel back into deep waters were understandable. The skipper had just been awoken by the changing engine note and proceeded directly to the wheelhouse. He was aware that the tide was falling and there was a small immediate window of opportunity to re-float the vessel, he was concerned that the vessel may not remain upright if the tide ebbed and knew that the vessel would dry out. The actions taken were however potentially unwise as, at the time, he was unaware of any potential damage which the vessel had sustained or whether she was taking water. Vessels have been lost when immediate attempts to re-float have succeeded but resulted in additional damage and progressive flooding (but see also 2015 MAIB report into **St. APOLLO** grounding in Annex C where the vessel did capsize as the tide fell).

FINDING 22: Although it is likely that the damage sustained to the rudder occurred during the immediate efforts to re-float the vessel, on balance, the skipper should not be criticised for making the attempt, given his concern for the vessel’s safety on the falling tide.

FINDING 23: When the skipper considered that he was unable to extract L’ECUME II from the beach he promptly contacted St Helier VTS on Channel 14. As all vessels in the VTS area should be monitoring this frequency and as the MOC was single manned, this course of action was equally effective to using either VHF Channel 16 or Digital Selective Calling (DSC) in obtaining a prompt response.

FINDING 24: On receipt of the call from L’ECUME II appropriate actions were taken by the MOC duty Watch Officer and the duty AHM with the correct check lists being used.

Finding 25: An immediate and effective response to overheard VHF conversations was made by CHANNEL CHIEFTAIN V but given the location and tidal conditions there was little that she could do without risking her own safety other than stand by until more shallow draft assets were available.

FINDING 26: Appreciating the risks to L'ECUME II, if she were to become unstable as she dried out, the Skipper was proactive in taking all reasonable precautions to reduce both the risk of pollution and of any flooding when the tide rose. (The Skipper subsequently provided useful input into the plans for re-floating the vessel and was thanked by the Harbour Master for his actions subsequent to the grounding and for his full cooperation with this investigation).

FINDING 27: With the risk of the vessel becoming unstable the priority was to secure the safety of the two crew members and there was a prompt and effective response from FAM and SHILB in order to achieve this.

FINDING 28: The risk of pollution was appropriately considered from an early stage and suitable assets were mobilised and deployed.

FINDING 29: The joint plan for re-floating L'ECUME II was appropriate and was effectively executed. A contingency involving the harbour tug HANDSFAST was developed but not required.

FINDING 30: Appropriate notifications of the Harbour Authority, the Jersey Administration (including the Minister) and the vessel's Certifying Authority were made, and an appropriate Investigation commenced.

FINDING 31: There were no casualties and no pollution. The vessel sustained only minor damage.

5.0 CONCLUSION

L'ECUME II ran aground because the bridge watchkeeper fell asleep.

The factors resulting in the grounding of L'ECUME II mirror many of those found in the twenty-seven previous incidents examined in Annex C to this report.

5.1 The following Items below almost certainly all contributed to the incident.

a) The Deck Hand fell asleep whilst seated in a comfortable chair at the conning position in the wheelhouse of L'ECUME II, with the windows closed and the heater probably on. The incident took place during the early hours of the morning, when the circadian rhythm of the watchkeeper made reduced alertness and falling asleep more likely.

b) The Deck Hand was keeping his watch alone in the hours of darkness, which was undesirable in principle but inevitable with the total ship's crew consisting of two persons.

c) L'ECUME II was not fitted with a Bridge Navigational Watch Alert System which would have alerted the Deck Hand and would have required the Deck Hand to acknowledge a visual and then an audible alarm at pre-set intervals. Such a system would have alerted him that he was feeling tired and would have woken the remaining crew by means of a vessel wide audible alarm if the alarm was not cancelled by the Bridge Watchkeeper. (It should be noted that the Owner/Skipper of L'ECUME II has taken action to purchase and fit such an alarm system as a result of this incident).

d) At the time of the grounding, except for two hours alongside in Granville during which both crew members were working, the vessel had been underway for 42 hours. The pattern of work and the small crew meant that neither the Skipper nor the Deck Hand had been able to get enough rest since leaving St Helier at 0700 on 12th May 2020 to avoid the likelihood of fatigue. The number of crew could have been increased, subject to suitable crew being available, or the voyage duration reduced in order to maintain an appropriate level of safety.

e) The passage planning for the voyage from Granville to St Helier was inadequate and full use of all the available navigational aids was not included, e.g. no echo sounder alarm was set.

5.2 The following guidance was available which, if followed, would have reduced the risk of this incident occurring.

- a) Marine Guidance Note: MGN 313(F) “Keeping a safe Navigational Watch on Fishing vessels”
- b) “Fishermen’s Safety Guide” 2020 Edition published by UK MCA

5.3 Subsequent to the grounding, with the possible exception of the Skipper’s immediate attempt to re-float the vessel, the actions of all concerned were appropriate and contributed to a successful outcome.

5.4 The following items have been identified for action in order to improve maritime safety which did not contribute to this incident.

- a) At the time of the incident the Deck Hand lacked important formal Fire Fighting and Sea Survival training and was therefore not appropriately qualified.
- b) The applicable Jersey Regulations for the operation of Fishing Vessels were not wholly equivalent to those in the UK with respect to Safety Equipment, Safety Training or Medical fitness certification; although these matters were in the process of being addressed.

6.0 RECOMMENDATIONS

6.1 Recommendations to the owner and Skipper of L’ECUME II

Recommendation 1.

Develop a policy and implement appropriate measures to ensure compliance for his vessel covering safe manning, wheelhouse manning and watchkeeping, navigational procedures and crew rest; considering fully the available guidance (including MGN 313(F) “Keeping a safe Navigational Watch on Fishing vessels” and “Fishermen’s Safety Guide” 2020 Edition published by UK MCA)

Recommendation 2.

When installing the intended BWNAS system: the volume level of the alarm should be such that it is sufficient to awaken a sleeping watchkeeper and it is desirable that the system has a secondary feature that will cause an alarm to sound throughout the vessel if not reset by the bridge watchkeeper.

Recommendation 3.

As soon as suitable courses are again available, either in Jersey or in the United Kingdom, ensure that all crew are properly trained in accordance with the existing Jersey regulations and best practice: This includes the currently mandatory training in Sea Survival Techniques, Fire Prevention and Fire Fighting and elementary first aid and the recommended SeaFish/MCA one day training courses in either Safety Awareness and Risk Assessment (Experienced fishermen) or Health and Safety (new entrants).

6.2 Recommendations for the Harbour Master and Harbour Authority.

Recommendation 4.

Although a similar review carried out after the 2018 P6T2 investigation in 2018 and the Tactical Navigational Risk Assessment review in 2019 both recommended no change. It may be appropriate to re-consider, in conjunction with a suitably constituted Navigational Advisory Panel if deemed appropriate, whether the 25 metre minimum size for non-passenger vessels to be a “Reporting Vessel” to VTS remains appropriate, and whether different categorisations should apply at night. The impact of any proposed changes on MOC operations should form part of such considerations.

Recommendation 5.

Produce a Safety Bulletin for Fishing vessels, small commercial vessels, and pleasure craft drawing attention to the matters arising from this incident and to the available guidance available for publication on Ports of Jersey Website.

6.3 Recommendations to the Jersey Administration and Territorial Seas Coordination and Advisory Group (TSCAG)

Recommendation 6. Continue to work in conjunction with the Jersey Fishermen’s Association (JFA) and the Jersey Inshore Fishermen’s Association (JIFA) to review and implement applicable regulations with respect to Jersey fishing vessels; in order to ensure that such regulations and guidance, including those relating to training and hours of rest, remain fit for purpose and are appropriate for Jersey.

Recommendation 8. In conjunction with the Jersey Fishermen’s Association and the Marine Resources Panel consider how any perceived or actual issues with the availability of Fishermen’s training and fishing vessel construction and certification can be appropriately addressed

6.4 Recommendation to The Jersey Fishermen’s Association and Jersey Inshore Fishermen’s Association

Recommendation 9. In addition to actions in conjunction with Recommendations 7 & 8 above use best endeavours to circulate all applicable safety guidance relating to fishing vessels to all members and encourage the following of such guidance.

ANNEXES

ANNEX A

Incident Particulars required for reporting through the Red Ensign Group as part of Jersey's International Obligations.

SHIP PARTICULARS

Vessel's name	<i>L'ECUME II</i>
Flag	Jersey
Certifying Authority	MECAL
IMO number/fishing numbers	J 158
Type	Fishing Vessel
Registered owner	IFish4Fish
Manager(s)	Owner/skipper
Construction (year of build)	wooden (1968)
Length overall	18.45m
Registered length	17.66m
Gross tonnage	60,60
Minimum safe manning	2
Authorised cargo	Fish (vessel in ballast)

VOYAGE PARTICULARS

Port of departure	Granville, France
Port of arrival	St Helier, Jersey
Type of voyage	Coastal positioning voyage
Cargo information	None
Manning	2 (up to 4 crew permitted)

MARINE CASUALTY INFORMATION

Date and time	0358 14/5/20 (UTC+1)
Type of marine casualty or incident	Very Serious Marine Casualty (Grounding and temporary evacuation)
Location of incident	Belcroute Bay (Jersey South Coast) (49 10.920'N 002 09.981 'W)
Place on board	Wheelhouse
Injuries/fatalities	None
Damage/environmental impact	Minor damage to Rudder/ Nil
Ship operation	On passage
Voyage segment	On passage/arrival
External & internal environment	Night, good visibility Wind NE 15/25 Kts 1.2 m sea/swell
Persons on board	2

ANNEX B APPLICABLE REGULATIONS AND GUIDANCE FOR JERSEY FISHING VESSELS

1 The regulations applicable to Jersey Fishing Vessels are made under the **Shipping (Jersey) Law 2002 (Part 6 – Fishing Vessels - Articles 77 to 89)** which is enabling legislation permitting the appropriate Orders to be made.

2 The appropriate legislation relating to fishing vessels of over 15m and not more than 24m in length in length is Regulation 2 of the **Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations 2015**:

3 section 2(3) of the above regulations requires compliance with the requirements of the “**Jersey Code of Safe Working Practice for the Construction and Use of Fishing Vessels of 15 Metres or More Overall but Less than 24 Metres in Registered Length**”, as amended from time to time by the Registrar and published in such way as the Registrar best considers will bring the requirements to the attention of those on whom they are imposed; section 2(4) making any reference to an action that *should* be taken under the above code to be a requirement. The latest version of the above code was introduced on 10th June 2015 and included similar provisions to MCA issued MSNs and MGNs in force. At the time of the incident a new edition of the Jersey Fishing Vessels Code of Practice for the Safety of Small Fishing Vessels was nearing implementation incorporating changes in best practice since 2015 and based on the latest version of the UK code adapted for local conditions. In March 2020 it was agreed that implementation scheduled for the end of that month would be deferred until after COVID-19. Amendments to the “**Jersey Code of Safe Working Practice for the Construction and Use of Fishing Vessels of 15 Metres or More Overall but Less than 24 Metres in Registered Length**” are intended to follow for the small number of vessels involved.

Although they have no direct legal effect in the Bailiwick, Jersey fishing vessels are also expected to comply with the provisions of applicable MCA Merchant Shipping Notices (MSN), Marine Guidance Notes (MGN) and Marine Information Notes (MIN) as representing best practice.

4 All persons employed on a Jersey fishing vessel must have been trained in accordance the '**Shipping (Fishing Vessels – Safety Training) (Jersey) Order 2004**' which requires a person employed or engaged in fishing to be the holder of a valid certificate issued by the Sea Fish Industry Authority in basic sea survival at sea, basic fire-fighting and prevention and basic first aid. It also allows the Harbour Master to recognise certificates that meet an equivalent or superior standard to that issued by the Sea Fish Industry Authority, the additional Risk Assessment and Safety training requirements in force the UK are recommended in the codes but are not yet mandatory in Jersey.

5. **Permanent Notice to Mariners N°9 “Fishing Vessels Safety Training - Exemptions and Validity of Certificates”**, issued by the Harbour Master under the exercise of delegated powers conferred by the Jersey Government explains the required training for commercial fishermen.

6. The only parts of the International Labour Organisation’s ILO188 Work in Fishing Convention (2007), and its Merchant Shipping equivalent the ILO180 Seafarers hours of work and the Manning of Ships Convention (1996) (known as the Maritime Labour Convention) that have been incorporated into Jersey law are the provisions relating to seafarers’ recruitment and placement agencies which are included in **Article 4A of the Employment Agencies (Registration) (Code of Conduct) (Jersey) Order 1970**

5. In addition to the Shipping Jersey Law 2002 conduct of vessel within The Territorial Waters of the Bailiwick of Jersey is regulated by means of the **Harbours (Inshore Safety) (Jersey) Regulations 2012** (which have as their basis both the **Shipping Jersey Law 2002** and the **Harbours (Administration)**

(Jersey) Law 1961). The reporting and investigation of this incident were carried out under Regulation 10 of these regulations rather than under Articles of the Shipping (Jersey) Law.

ANNEX C: OTHER INCIDENTS INVOLVING WATCHKEEPING AND FAILURE TO KEEP A PROPER LOOKOUT:

Failure to keep a proper lookout or the watchkeeper falling asleep have been the cause of a large number of casualties to vessels some of which have resulted in loss of life and loss of the vessels concerned.

C1. MAIB investigations:

Since 2000 there have been NINETEEN MAIB investigations into incidents involving similar watchkeeping issues on Fishing Vessels which have resulted in investigation reports being published the contents of which are summarised below, one of which (**FV KERLOCH (J235)** in 2010) involved a Jersey Registered vessel: As of 23May2020, following the publication of report 08/2020 on 20Mar2020, has no similar fishing vessel incidents currently under investigation although investigations into two commercial vessel groundings are in progress.

04Aug2019 (0124) (Report 08/2020) Stranding and loss of the fishing vessel **COELLEIRA (OB 93)** Ve Skerries, Shetland. The passage from the fishing grounds to Scrabster was not properly planned and the vessel's position was not being closely monitored. An effective lookout was not maintained, and the bridge was unmanned at the time of the grounding. the judgment and performance of the skipper, who was on watch at the time of the grounding, might have been adversely affected by fatigue. (Recommendations: Improvement of navigational safety by compliance with requirements for rest detailed in MSN 1884 (F) and the guidance on keeping a safe navigational watch detailed in MGN 313 (F))

24Aug2015 (0327) (Report 14/2016): **St. APOLLO (BA 359)** Grounding and flooding in Inninmore Bay, Sound of Mull, Scotland. Vessel capsized as the tide ebbed. (Guidance contained in MGN 313(F) promoted, Safety Bulletin Issued)

29Jul 2015 (Report 04/2016) Collision between the fishing vessels **SILVER DEE (B310)** and **GOOD INTENT (SY79)** resulting in the foundering of Silver Dee, Irish Sea: Lack of proper lookout on both vessels, Bridge left unattended for significant periods of time. Fatigue. (Safety Bulletin Issued).

05Aug2013 (Report 07/2014) **FV PROSPECT** Grounding on Skibby Baas and foundering in the north entrance to Lerwick Harbour, Shetland Islands. The skipper had not effectively planned and monitored the vessel's passage and had become distracted by continuing a telephone conversation while altering course.

07Sep2011 (report 03/2012) grounding of **FV GOLDEN PROMISE** on the Island of Stroma. the skipper had been alone on watch in the wheelhouse, had fallen asleep and failed to make an intended course alteration. He was probably fatigued by his normal working pattern, exacerbated by the prolonged period that he had been awake before the grounding. (recommendations: to apply the watchkeeping and navigational best practice guidance promoted in MGN 313 (F), and to ensure that crews employed on its vessels have all completed the mandatory safety training courses.)

31Jan2011 (2316) (report 14/2011) The stern trawler **JACK ABRY II** grounded on the Isle of Rum, in heavy weather, while on passage. The skipper, alone on watch in the wheelhouse, fell asleep and failed to make a course alteration. It is likely the skipper became fatigued through a combination of personal stress, a prolonged period without sleep and poor-quality rest. The wheelhouse watch alarm was not

used. (Recommendations: reference to watchkeeping guidance in MGN 313 and to necessity for appropriate qualifications (reference to MGN in force at the time, now MGN 411 (M&F)

03Jan2011 (Report 09/2011) Grounding of **FV KAREN** at the Entrance to Ardglass Harbour, County Down, Northern Ireland. The skipper was not monitoring the vessel's passage and the crew were engaged in processing the catch. It is likely that the skipper was absent from the wheelhouse for some of the time. There was no watchkeeping alarm fitted in the wheelhouse. The crew were unqualified.

24Feb2010 (0407) (Preliminary Investigation Report) Grounding of live fish carrier **RONJA SKYE** on Western shores of Morvern, Scotland. The watch officer, who was alone on watch, was probably suffering from fatigue and, as a result, fell asleep. The bridge watch alarm was probably not functional at the time of the accident (Recommendation: Review of vessel's manning levels).

20Feb2010 (1725) (Report 12/2010) Grounding and subsequent foundering of **FV KERLOCH (J235)** at Crow Rock, off Linney Head, Wales. The skipper fell asleep in his chair. A watch alarm was reported to be functional in the wheelhouse but was ineffective. During the week before the accident, the crew had been working up to 18-hour shifts. The skipper elected to take the entire watch as he thought the deckhands seemed tired, and he felt fresh. (Recommendation to States of Jersey to expedite the current update of the regulatory framework applicable to Jersey-registered fishing vessels).

04Oct2009 (0028) (Preliminary investigation Report) Contact made by scallop dredger **GOLDEN PROMISE** with self-elevating barge BUZZARD. Skipper and deck hand had been fishing around the clock, Skipper left the wheelhouse unattended and vessel in autopilot to deal with a technical problem. (recommendations: Guidance contained in MGN 313(F) promoted, cumulative fatigue, manning levels, dangers of leaving wheelhouse unattended).

09May2008 (0725) (Preliminary Investigation report) Grounding of Prawn trawler **OCEANA** off Troon. Skipper fell asleep at the helm having averaged 2 hrs sleep a day for the previous 4 days.

11Nov2006 (0115) (Report 14/2007) grounding of **AQUA-BOY** in the Sound of Mull. the master was alone on watch when the vessel entered comparative shelter, and vessel movement reduced. The effect of this, combined with the master's already fatigued state, was enough to cause him to fall asleep. The master's hours of rest did not meet the statutory minimum. In choosing to work more hours than were necessary, and restricting his intake of food, the master exacerbated his level of fatigue without taking full account of the probable consequences. Although a watch alarm was fitted, the alarm system was turned off. The master was alone on watch. The vessel was operating below her minimum safe manning level.

19Jan2006 (1955) **FV GREENHILL** grounded on the shore between Ardglass and Ringfad Point on the east coast of Northern Ireland and subsequently sank with the loss of two lives. The wheelhouse was unattended. The skipper and deckhands were working on the shelter deck from where neither a visual nor aural lookout could be maintained. Following the grounding, manoeuvring the vessel ahead, and penetrations on the vessel's main transverse bulkheads, increased the rate of flooding through the vessel's damaged bow. (recommendations to Fishing Industry Safety Group and SeaFish to improve watchkeeping standards and guidance on actions to be taken in emergency situations).

19Jul2005 (preliminary investigation report) Collision between Fishing Vessels **IMMANUAL V** and **SCATH ROSS**, (the latter sank with one fatality) (Recommendations: Need to ensure continuous navigational watch and necessary for all crew to have carried out the required training courses).

18Dec2005 (0005) (Preliminary Investigation report) Grounding of **FV SOVEREIGN** west of Fraserburgh. Failure to keep proper lookout, distractions due to use of mobile telephones.

21Sep2002 (Safety Bulletin 03/2002) The grounding of the fishing vessel **JACOBA**, whilst returning from the fishing grounds, the sole watchkeeper, who was sitting in the wheelhouse chair, fell asleep, resulting in the vessel running aground and sustaining heavy damage. The MAIB is concerned about the number of fishing vessels which have run aground as a result of a sole watchkeeper falling asleep on watch. In many of these incidents a watch alarm was fitted in the wheelhouse but failed to wake the watchkeeper. Recommendation: All fishing vessel owners and skippers are recommended to ensure that if a watch alarm is fitted, it is loud enough to alert the watchkeeper, and is connected to a secondary back-up system that will alert the remaining crew should the watchkeeper, for whatever reason, fail to cancel the initial alarm).

24Jul2001 (0424) (Report 26/2002) grounding and loss of the crabber **OUR NICHOLAS (SY811)** near the entrance to Stornoway Harbour. Vessel had sailed immediately after discharge. Both the deckhands on watch fell asleep and allowed the vessel to continue on passage, unmonitored, until she went aground (Guidance contained in forerunner to MGN 313(F) promoted and recommendation to fit watch alarm),

15Jun2001 (0330) (Report 15/2002) the grounding of **FV PRIMROSE** on the Island of Rhum. The person on watch had fallen asleep and had failed to alter course. The watch alarm was not working, Echo sounder alarm not set, and the vessel had sailed one man short of her normal complement. (Recommendations and MCA Safety campaign).

14Jun2001 (0635) (report 07/2002) Grounding of **FV LOMUS** off Scalloway Shetland Islands. The skipper who was alone in the wheelhouse had fallen asleep and a necessary course adjustment had not been made. The watch alarm was working but the skipper had fallen asleep almost immediately after it had been reset. The skipper had slept for only 7 hours in the previous 3 days, was alone in the wheelhouse where the ergonomics allowed him to remain seated while keeping his watch including resetting the watch alarm. The skippers lack of sleep was as a result of the vessel having a crew of 3 and fishing close inshore with tows of short duration. (recommendation on manning levels: to reduce the risk of fatigue turning to sleep and MCA guidance on Risk Assessment).

10Jul2000 (0230) (Report 24/2000) Grounding and subsequent loss of **FV BETTY JAMES** on Isle of Rhum. The person on watch had fallen asleep and a planned alteration of course was missed. A watch alarm was fitted and working, but it failed to wake either the watchkeeper or the crew asleep below in the accommodation. The sole watchkeeper had experienced a disrupted sleeping pattern since the vessel sailed 6 days earlier and had probably no more than 6 hours sleep in the previous 24. He was alone in the wheelhouse where practices and ergonomics allowed him to conduct his watch while seated and kept him inactive. (Recommendations: Watch alarms, wheelhouse practices and general safety arrangements).

C.2. Investigations into Incidents in Jersey waters or involving Jersey Vessels since 2015 which have identified watchkeeping issues (only two, including KERLIOCH J235 mentioned above, involved a fishing vessel). Total relevant investigations: Nine (of which Three were in Jersey Territorial waters).

23Apr2020 (1830) Jersey Registered windfarm support vessel **NJORD FORSETI** allided with Wind Turbine Pile in German waters, at a speed of in excess of 20 Knots, whilst returning to her Dutch base port. The vessel suffered significant damage and three of the four persons aboard sustained injuries requiring evacuation. The vessel was in autopilot and the Master, who had the watch, became distracted by other tasks, passage planning was also inadequate. Incident status: As of 21May2020 the preliminary Investigation report was complete and in process of consultation prior to publishing final report.

30Jul2018 (1142): Collision between Jersey Registered motor yacht **FLIPPER** and the Polish registered sailing yacht **KARUKARA** in good visibility off the coast of Montenegro. The collision resulted in the death of two persons aboard the Polish yacht and damage to both vessels. A casualty investigation was carried out by the Polish State Marine Accident Investigation Commission which identified the cause as a failure to maintain a proper lookout and take effective action to avoid collision.

02May2019 (2201) **NJORD ALPHA** left buoyed channel and grounded in approach channel to the German port of Borkum, when master, navigating visually lost situational awareness. Vessel was successfully re-floated without casualties or pollution but suffered damage to steering. Port Authorities carried out investigation.

30Jul2018: FV OCEAN PEARL (J163): 6.25m open single-handed potter struck charted rocks in vicinity of Taxe Rock, whilst the skipper (the only person aboard) was banding lobsters. The vessel capsized and sank and the skipper swam nearly 800 metres to a drying rock from which he was rescued by a passing vessel. Safety Bulletin issued

20Nov2017: Grounding and subsequent total loss of the 13m Jersey Registered sailing Yacht **PHOENIX** at Indian Ocean Creek, Antigua, West Indies. Vessel was engaged in sail-training, passage planning was inadequate, and a night-time approach was made to a dangerous anchorage against the advice of the local pilotage publications which were available aboard. The skipper also lost situational awareness at a critical stage. Vessel stranded on a reef during a second approach and could not be re-floated. All aboard were rescued.

17NOV2017 (1746) The Jersey registered and commercially coded motor cruiser **P6T2** allided with La Ruaudière starboard hand lateral light-buoy in Saint Aubin's bay at speed whilst enroute to Guernsey. There was inadequate passage planning for the voyage and the skipper became distracted and lost situational awareness as he altered course and increased speed. **P6T2** quickly sank and the two persons aboard (the skipper and the owner) were rescued from the vessel's life-raft. The skipper's Local Knowledge Endorsement was suspended following the incident investigation but was reinstated once he had completed an oral re-examination.

09Jul2017: Collision between locally registered vessels. Speedboat **SEVERE ATTITUDE (JY 1174)** collided at speed with the almost stationary personal watercraft **1N (JY 874)** in Saint Brelade's Bay on Jersey's South Coast. The passenger on 1N sustained serious injuries and the owner/skipper of the **SEVERE ATTITUDE** was successfully prosecuted under the Harbour (Inshore Safety) (Jersey) regulations for operating a vessel without due care and attention and due consideration for others. A review of several aspects of local maritime legislation was undertaken following this accident, with the legislative process ongoing as of 23May2020).