



HM Government of Gibraltar

Office of the Marine Accident Investigation Compliance Office

Report on the investigation of the accident on board

Service Launch “SAMMY ONE” and Fishing Boat “KEITH”

Just off Alpha Head, Southern Entrance at the Port of Gibraltar

on

07 February 2025

This report is subject to the Gibraltar Merchant Shipping (Accident Reporting & Investigation) Regulations 2012.

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**The Gibraltar Merchant Shipping
(Accident Reporting and Investigation)
Regulations 2012**

NOTE

Investigations under the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulation 2012 ('the Regulations') shall not be concerned with apportioning blame nor with determining civil or criminal liabilities.

The purpose of safety investigation into marine accidents is to reduce the risk of future casualties' and incidents and reduce their serious consequences including loss of life, loss of ships and pollution of the marine environment.

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GLOSSARY OF ABBREVIATIONS AND ACRONYMS

BML - Boatmasters' Licence

ENG 1 – Engineer and Navigational Grade 1 (medical fitness Certificate)

SCVC – Small Commercial Workboat Certificate

SCV Code – The code of practice for small vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats – Alternative Construction Standards

STCW – International Convention on standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW Convention)

MECAL – UK MCA - Marine Engineers Certifying Authority

COLREGs - International Regulations for Preventing Collisions at Sea, 1972, as amended

IMO - International Maritime Organization

ISM Code - International Management Code for the Safe Operation of Ships and for Pollution Prevention,

LOA - Length Overall

Nm – Nautical Mile

Kt – Knot

SOG – Speed over the ground

COG – Course over the ground

Gt – Gross Tonnage

GPA – Gibraltar Port Authority

GMA – Gibraltar Maritime Administration

LMD – Local Maritime Direction

MCA - Maritime and Coastguard Agency

SMS - Safety Management System

VHF - Very High Frequency Radio

VTs - Vessel Traffic Services

AIS – Automatic Identification System

IWO – In way of

TIMES - all times used in this report are CET Central European Standard Time (GMT+1) unless otherwise stated

SYNOPSIS

At approximately 07:30 on Friday 07 February 2025 the small commercial workboat Sammy One and the open fishing boat Keith collided just off the southern entrance to the inner harbour, adjacent to Alpha Head, South Mole. Keith took on water and sank immediately; the sole person subsequently boarded Sammy One and was transferred safely ashore, no injuries were sustained. Keith remains on the seabed near the area of the accident; there were no signs of pollution or hazards to navigation.

At 07:20 Sammy One's crew had cast off the vessel Al Thuma in the Gibraltar western Anchorage and headed back to berth in a near northerly heading, at this similar time Keith was steaming southbound at a distance of 40 meters to the west of the detached mole. The crew member on the Keith became aware of the risk of collision with the Sammy One, once spotted at a distance of approximately 30 meters. Crew on the Keith altered course to starboard, avoiding a head-on collision, however too late to avoid the collision. Sammy One's Boat Master on sighting Keith also stated to have reduced her speed and alter course to starboard, however also too late to avoid colliding with Keith's Port Quarter.

Neither Sammy One's Boatmaster or crew member saw Keith early enough to be able to take action to avoid the collision. This happened because Sammy One's crew were solely relying on AIS, radar was switched off, VTS was not informed of their movements, and Keith's crew member not carrying a hand-held VHF to be aware and properly assess the shipping situation or vessel traffic within the commercial anchorage.

The investigation also identified the possibility that Sammy Ones's visibility may have been obscured by the presence of background light / shoreside light pollution. Although Sammy Ones's boat master stated that his intentions were to use the Northern entrance of the Harbour, her heading and proximity to Alpha Head seemed more appropriate for a vessel intending to enter via the Southern Entrance.

This report makes a safety recommendation alerting mariners to the hazards associated with navigating in close proximity to harbour entrances, and keeping a good look out [COLREG Rule 5] and awareness of the possible effects the presence of background lights may have on visibility. Issued guidance and recommendations to leisure craft users on how to keep safe whilst out at sea, including preparations for safe boating, and checks before putting to sea, list the recommended safety and radio equipment to be carried, awareness of local notice to mariners issued by the Gibraltar Port Authority and Gibraltar Maritime Administration. A safety bulletin to mariners setting to sea single handed and the recommended radio and safety equipment to be carried.

SECTION 1 – FACTUAL INFORMATION

1.1.1 Ship particulars

Particulars about the vessel concerned, including details of its-

SHIPS PARTICULARS

Vessel's name	Sammy One	Keith
Flag	Gibraltar	Not Applicable
Certifying Authority	MECAL	Not applicable
Official number	744253	Not applicable
Type	Workboat	Open Boat
Registered owner	Helm Marine Limited	Jeremy Martin
Manager(s)	James Molinary Limited	Not applicable
Construction	GRP	GRP
Year of build	2012	1993
Length overall	12.00m	5.18m
Registered length	12.00m	17 ft
Gross tonnage	12 tonnes	Not applicable
Minimum safe manning	2	Not applicable
Maximum number of passengers	12	Not applicable

1.1.2 Voyage Particulars

VOYAGE PARTICULARS

Port of departure	Gibraltar No 12 Berth	Gibraltar Cormorant Camber Marina
Vessel attended	Al Thumama,	Not applicable
Vessel Location	Gibraltar Western Anchorage	Not applicable
Type of voyage	Crew transfer service	Fishing
Passengers	6	None
Crew	2	1

1.1.3 Marine causality or incident information

MARINE CASUALTY INFORMATION

Date and time	7 February 2025, 0730	
Type of marine casualty or incident	Very Serious Marine Casualty	
Location of incident	36°08.01'N - 005°22.0'W	
Place on board	Port Bow Hull	Port Quarter hull
Injuries/fatalities	None	None
Damage/environmental impact	Gel coat scratches to port bow hull	Vessel foundered

Ship operation	Harbour Craft / Crew transfer	On passage
Voyage segment	Return to berth	On passage
External & internal environment	Wind: Negligible, . Visibility: good Tidal stream: slack water	
Persons on board	8	1

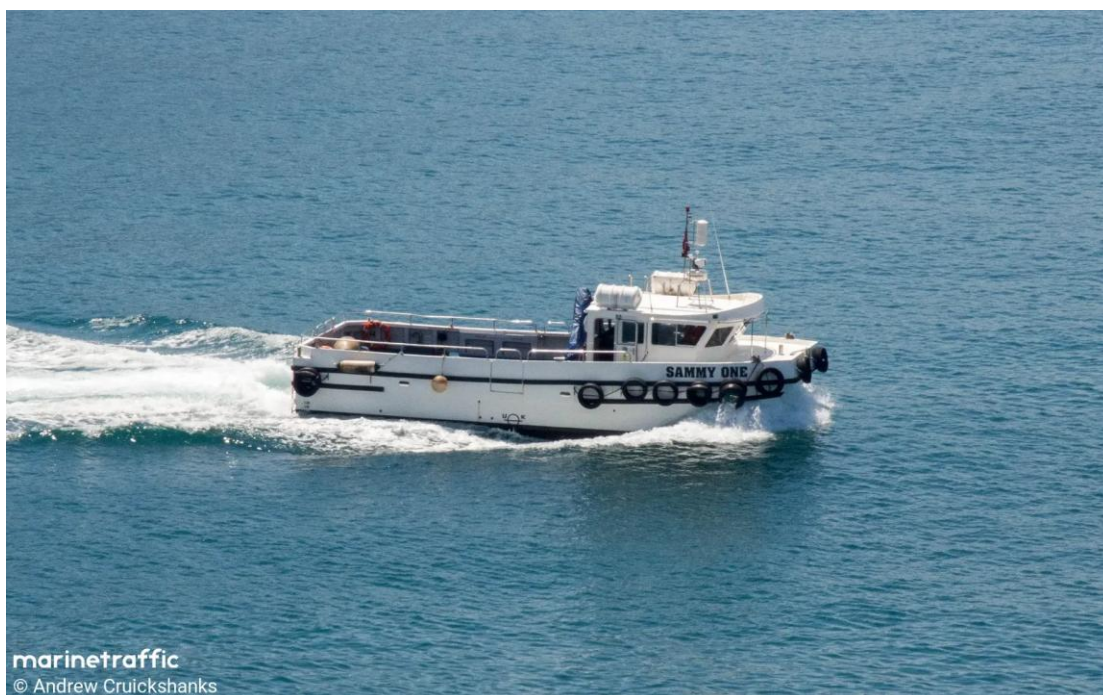


Fig. 1 - Sammy One



Fig. 2 - Keith

1.12 NARRATIVE

1.12.1 Events prior to collision

At 06:45 on the 7th February 2025, Sammy One cast off from her berth, No 12 inner harbour at the Port of Gibraltar. (see figure below) This was the first job of the day for the Sammy One's crew after having finished their previous shift at 20:00 on the previous day 6th February 2025.



Fig. 3 - Red dot depicts Sammy One berth and Gibraltar Port berth Map

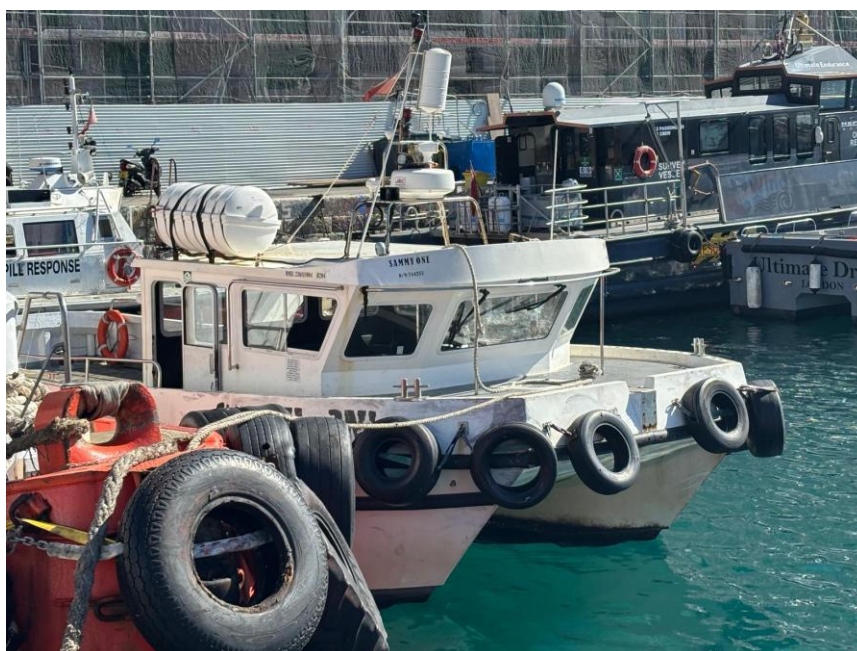


Fig. 4 - View of Sammy One at her berth at time of investigation

Sammy One proceeded out the northern entrance and headed south to attend to the vessel Al Thumama anchored at the Gibraltar western anchorage position Rosia Bay inside. See track on the image below (See figure 5).

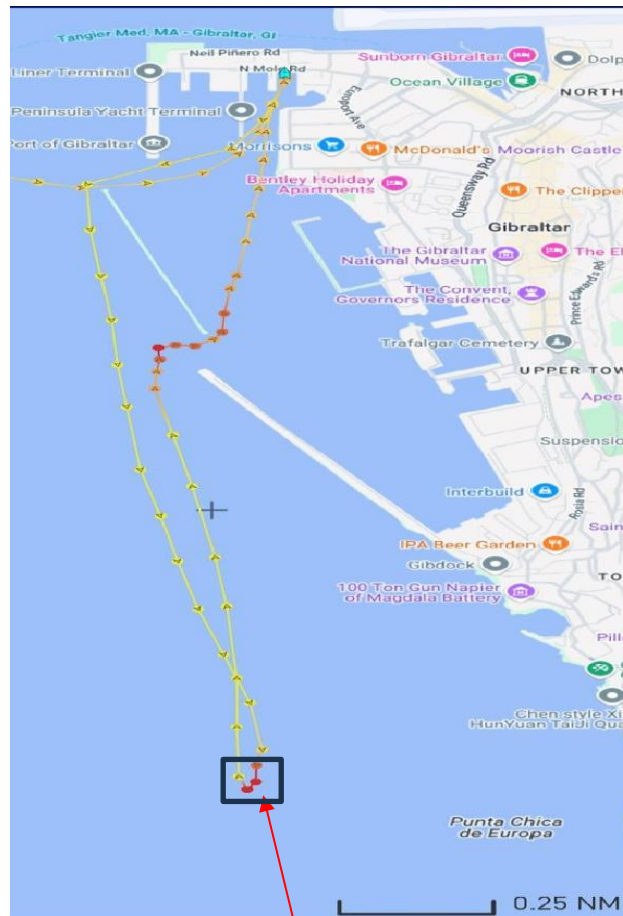


Fig. 5 - Al Thumama anchorage position

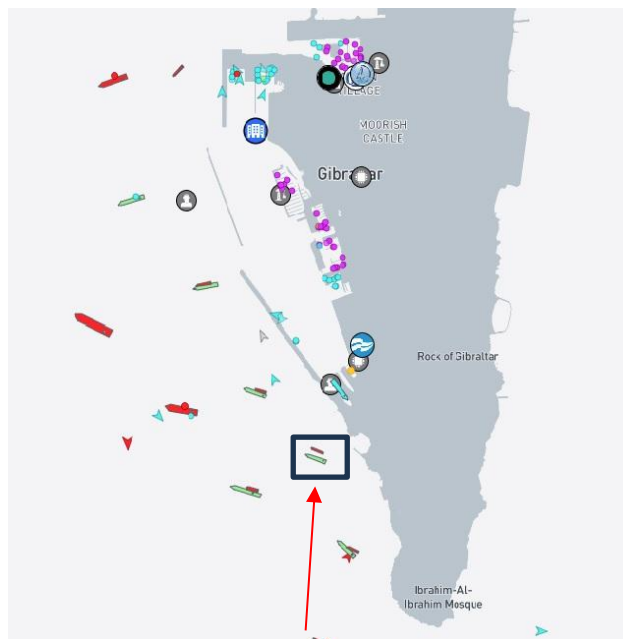


Fig. 6 - Example of Rosia Inside anchorage position

At 07:05 Sammy One was alongside vessel and cast off by 07:20 with a total of six off signing crew members onboard.

During that time fishing boat Keith was steaming southbound at a distance of approximately 40 meters and parallel to the detached mole. Keith's crew had been previously fishing for live bait adjacent to the North Mole / Western arm and was now making her way towards Rosia Bay.

1.12.2 The Collision

The crew member on Keith became aware of the risk of collision with the Sammy One on hearing the sound of her engines and then spotting her at a distance of approximately 30 meters. Crew on the Keith altered course to starboard, avoiding a head-on collision, however, too late to avoid the collision. Noticing that the collision could not be avoided, crew on the Keith shifted from the aft steering position to amidships to avoid the possibility of being struck by the Sammy One's port hull.

Sammy One's Boat Master, on sighting Keith at a distance of 10/15 meters slowed down and also stated to have altered course to starboard, however also too late to avoid colliding with Keith's Port Quarter.

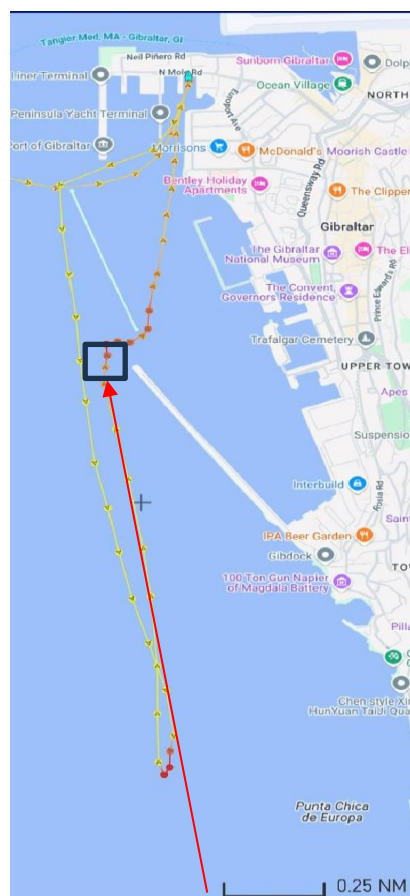


Fig. 7 - Approximate position where collision took place

1.12.3 Post Collision Events

Immediately on impact Keith suffered contact damage in way of the port quarter just above the waterline. As the live well is positioned on the port side of the boat, its pump was immediately switched off to reduce the list.

Sammy One immediately stopped and turned around after impact assessing the situation for any damage or injuries.

A towline was passed from the Sammy One to the Keith and was made fast on the bow cleat. As the water ingress was increasing rapidly, crew on the Keith jumped onboard the Sammy one.

Gibraltar VTS were informed immediately.

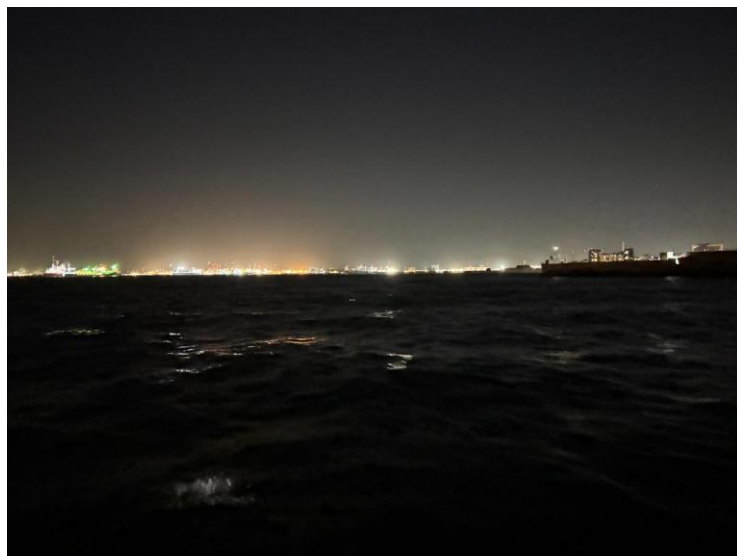
Keith commenced to sink rapidly by the stern, with only the bow line keeping her bow on the surface.

Tow line parted when the Sammy One commenced the tow towards the southern entrance. Keith sunk rapidly approximately 07:33 in position Latitude 36°08'.01N and Longitude 005°22'00W.

1.13 Environmental Conditions

The collision occurred within the Gibraltar western anchorage at a distance of approximately 0.12 nm SW of Alpha Head.

At the time of the incident it was still dark (dawn), visibility good, sea state calm. The investigation also identified the possibility that Sammy One's visibility may have been obscured by the presence of background light / shoreside light pollution. (See 4 photos below, showing presence of background light approaching Southern Entrance steaming from the south in a near northerly heading.)





1.14 Damage

The Sammy One's port bow hull suffered minor contact damage IWO of scratches to the gel coats surface. (see figure 8).



Fig. 8 – Damage sustained to SAMMY ONE Port Hull

Keith's hull was holed in way of her Port quarter, see images taken by divers once located on the seabed. Hull fracture across the underside of the hull towards the centreline keel.



Fig. 9 – Damage sustain to Keith Port side quarter

1.15 Sammy One

1.15.1 General

Sammy One is a work catamaran built in the United Kingdom by Blythe Workcats Limited in 2012. The vessel is 12.0m length overall (LOA) and has a top speed of approximately 10 knots. Sammy One is owned by Helm Marine Limited and operated / managed by James Molinary Limited.

1.15.2 Applied Regulations

Sammy One was designed and built in accordance with the requirements of the code of practice for the Safety of Small Commercial Vessels / workboats and is certified with the UK MCA approved certifying authority MECAL. Sammy One currently holds a Small Commercial workboat certificate, valid until 06 December 2028. She is certified as category 2 with a permitted area of operation (up to 60 miles from a safe haven. Sammy One is subject to annual safety surveys by the Gibraltar Maritime Administration and annual examinations by a certifying authority authorised examiner to verify compliance with the requirements of the SCV code and additional local requirements.

1.15.3 Crew

Sammy One crew met the minimum manning requirements as per stated on her minimum safe manning document issued by the administration. She was considered to be safely manned and in compliance with the provisions of Annex 3 "The Manning of Small Vessels" of the Small Code Vessel and Pilot Code. Furthermore, meeting the qualification and certification required for the operation of a domestic craft as outlined within HMGoG Admin. Instruction STCW 14, Annex 1 and LMD 014. This consisted of a Boat Master and mate. The Boat Master was 24 years old and had been employed by James Molinary Ltd since April 2023 as Boat Master. He started as deckhand in September 2017 where he worked his way up to attaining his local Boat Masters Licence by February 2018. Since then, he worked continuously as Boat Master up until July 2021 when he decided to take a break from working at sea. He then returned in April 2023 joining James Molinary Ltd. The Boat Master held an RYA/MCA Yacht Master Coastal certificate of competency endorsed for commercial use on vessels subject to the codes of practice issued by the MCA valid until 03 January 2029. He further held a valid Boat masters licence issued by the Gibraltar Maritime Administration valid until 26 February 2028. The deck hand was 24 years old and had been employed by James Molinary Ltd for 1.5 years.

1.15.4 Wheelhouse Visibility

From the helm position in the wheelhouse, the Boat master of the Sammy One had a clear sight of the sea surface and ahead of the vessel.



Fig. 10 - View of Sammy One's wheelhouse layout and visibility

1.15.5 Radio and Navigational Equipment

Sammy One was fitted with fully operational radio and navigational equipment meeting the requirements of the SCV code for her area of operation consisting of the following:

Radar, Chart Plotter, AIS, Fixed and Portable VHF radios, Magnetic Compass, Navigation lights meeting the requirements of the COLREG,s for a vessel of her size.

1.16 JAMES MOLINARY LTD

1.16.1 The Company

James Molinary Ltd was established in 1870 and own four work boats and operate and manage a total fleet seven vessels.

The are the main contractors to oversee the maintenance and repairs of the Royal Gibraltar Police, Defence police and pilot vessels.

1.16.2 Safety Management

James Molinary Ltd have a Safety Management System Induction and Familiarisation Handbook for Company vessels. The company expects all personnel to familiarise themselves with company policies and procedures which are available onboard. Instructions for vessel crews were contained within, including crew personal induction, familiarisation and training. The master has overall charge of the vessel including its safe operation, compliance with all instructions, regular crew training exercises and reporting defects or incidents. The deck hand is responsible for making fast and letting go mooring ropes, safe passenger embarkation and disembarkation and cargo loading operations. When the vessel was underway, the deck hand is required to assist the master by providing a lookout.

1.16.3 Crew Training and Emergency Procedures

Section1 of the safety management system inductions and familiarisation handbook for company vessels, states that all personnel will receive training appropriate to the tasks they will undertake.

Prior to commencement of working on any company vessels, each employee must receive appropriate familiarisation training and proper instructions on the onboard procedures.

These procedures should include but not necessarily be limited to the following:

- Must hold a valid Seafarer's Medical Certificate ENG1 and STCW 78 (as amended) EFA, FP&FF, PS&SR, PST, SA
- Emergency Signals
- Raising the alarm by all available means
- Donning of lifejackets
- Evacuation from all areas of the vessel
- Launching and recovery of survival craft
- Use and handling of firefighting equipment
- Mooring and unmooring

Section 2 of the SMS states that in accordance with mandatory rules and regulations, James Molinary's crews are required to carry out regular safety training and exercises, including drills as per their yearly training schedule covering, fire man overboard, abandon ship, flooding, grounding, collision,

emergency towing, loss of steering gear and propulsion, structural failure and heavy weather damage.

James Molinary's yearly drill schedule ensures each vessel carry's out two collision training exercises.

1.17 KEITH

1.17.1 General

Keith was a 5.20m fibre glass open boat built in 1993 with an approximate freeboard of 55cm. She was propelled by a single inboard diesel engine with throttle and a steering tiller aft.

Keith remains on the seabed in a position where collision took place.

Images of her on the seabed demonstrate area and damage caused by the collision.

Keith was berthed at Cormorant Camber, small boat Marina located on the western side of the Gibraltar inner harbour. She is owned by a local individual and is mainly used for fishing.

Keith did not carry any safety, radio or navigational equipment, only one all-round white navigational light on the masthead at a height of approximately 2m above the sea level.

1.17.2 Crew

There was one crew member on the Keith; he was 44 years old; he has been a keen fisherman since his early teens fishing within BGTW. He is currently employed as Tug Master for the local tug company and has been serving in that rank for approximately six years.

1.17.3 Certification

Pleasure craft, recreational vessels and leisure craft are not subject to the International Convention for the Safety of Life at Sea (SOLAS) and do not routinely engage in commercial activities such as carrying cargo or passengers for hire.

1.18 THE GIBRALTAR PORT AUTHORITY

1.18.1 Background

The government-administered Gibraltar Port Authority was founded in 1806 and its successor, the independent Gibraltar Port Authority (GPA), was established in 2005 by the Gibraltar Port Authority Act. The principal functions of the Port Authority are to regulate the safe movement of vessels, co-ordinate Search and Rescue (SAR) operations, ensure all agencies are operating in line

with Local and International Maritime Law and the security and safety of all vessels in British Gibraltar Territorial Waters (BGTW). To ensure the safety of navigation at sea in and around BGTW the Gibraltar Port Authority uses a high specification Vessel Traffic Services (VTS) system. Supported by multiple radars and high-powered cameras, positioned in strategic locations around the Rock of Gibraltar, the VTS centre monitors the surrounding waters on a 24/7 basis.

1.8.2 Guidelines for your Safety at Sea for Pleasure Craft

The Gibraltar Port Authority, Royal Gibraltar Police and the Gibraltar Maritime Administration jointly produced and published a safety at sea for pleasure craft guidelines booklet to provide leisure and commercial users guidance and recommendations on how to keep themselves safe as possible whilst out at sea.

This covered, preparations for safe boating, checks before putting to sea, safety and general equipment to be carried, awareness of local notice to mariners issued by the GPA, rules of the road, seashore and pleasure boat rules, Port Rules, importance of Marine VHF communications, personal survival at sea, registration and identification, and security and insurance.

Below are examples of the content within the guidelines



Port rules

Speed limit of 5 knots

Every vessel must proceed at a speed not exceeding the limit of five knots within the Inner port area enclosed to landward by...

- a line drawn from the southern end of the Western Arm to the northern end of the Detached Mole; and;
- a line drawn from the southern end of the Detached Mole to the northern end of the South Mole.

A person who causes or permits any vessel other than an RGP, Royal Navy Gibraltar Squadron or Gibraltar Defence Police (GDP) launch or a Port Authority launch engaged on urgent duty to proceed at a speed exceeding five knots within the aforementioned area is guilty of an offence (except where the vessel is taking part in an event which has received the prior approval of the Captain of the Port).

Inconsiderate User Rule

A person who within the Port water-skis or navigates a powered vessel without reasonable consideration for other persons or vessels using the Port is guilty of an offence.

Water-skiers Rule

A person who, without the prior approval of the Captain of the Port, water-skis within any of the following areas of the Port shown in Figure 1, is guilty of an offence.

- inshore of a line drawn 100 yards to seaward of, and parallel to, a straight line connecting the north-west corner of the aircraft runway extension and the north-west corner of the Western Arm of the North Mole;

- inshore of a line drawn 100 yards to seaward of, and parallel to, the Western Arm of the North Mole for its entire length whether to seaward or landward of the Western Arm;
- the area eastwards of the break water at the Runway Windsock Island to a distance

of 850 feet from the parallel to the Northern edge of the aircraft runway

Enforcement

Any person who without reasonable cause contravenes any provision of the aforementioned rules is liable to prosecution.

Lights for small vessels

Small vessels when under way between sunset and sunrise shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent a collision.

Consideration for other boat users

The owners of power driven vessels have to be particularly careful as the noise, speed and wash created by their craft is seldom appreciated by other boat users. Courteous behaviour will make the sea a safer place for all.

East and West of runway

Transit across the east and west of the runway is not allowed when the white strobe lights are flashing, especially by Sailing vessels.

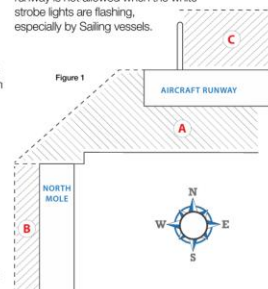
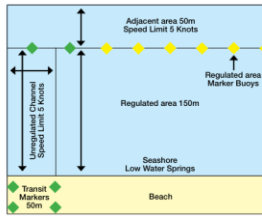


Figure 1
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Age Restriction

A speed boat means any power-driven vessel capable of speeds in excess of fifteen (15) knots. No person who is under the age of eighteen (18) years shall...navigate a speed boat unless he/she is if for the time being authorised in writing to do so by the Captain of the Port. Before being given any written authority the Captain of the Port may require the person to pass to the satisfaction of an authorised officer an oral or written examination and/or a practical test in order to ascertain the competence of the person to navigate a speed boat. The Captain of the Port may at any time for sufficient cause revoke in writing any such authority.

Control of Towing

No person shall...
a) Aquaplane or Water-Ski in any part of the regulated area, or
b) Aquaplane or Water-Ski within thirty (30) metres of any bather, except for the purpose of taking part in any sporting event, which the Captain of the Port has authorised in writing.
No person, being the navigator of a vessel, shall...
a) cause or suffer any person to be towed from the vessel in such a manner that the person being towed contravenes the aforementioned rules.
b) cause or suffer any person to be towed from the vessel unless there is on the vessel a responsible person who is acting as a look-out for the safety of the person being towed and is able to communicate directly with the navigator, or

c) cause or suffer any person to be towed from the vessel in any manner that is unduly dangerous to any person.

Dangerous User

No person, being the navigator of a vessel, shall...cause or suffer the vessel to be navigated or to coast in a dangerous manner or without due care and attention or without reasonable consideration for other persons.

Insurance Requirements

No person shall use, or cause to use or permit any other person to use any vessel without insurance in respect of third party risks, as may be approved by the Captain of the Port, for vessels that are either:
(a) six (6) metres or more in length; or
(b) mechanically propelled irrespective of its size.

The rules of the road, otherwise known as the International Regulations for Preventing Collisions at Sea, are designed to cover every type of situation between sea-going vessels, regardless of size, speed and purpose. You need to be aware of them, so that you understand your rights and obligations on the water.

Rules of the road

Some of the most important rules are given here. It is in your interest and in the interest of others at sea to go beyond these basic rules by reading available books, which discuss each point in depth.

Look-out

A proper look-out by sight and sound should be kept at all times.

Safe speed

Proceed at a safe speed so that you can take proper and effective action to avoid a collision. Take account of the visibility, sea state, weather, traffic density, depth of water and manoeuvrability of the vessel.

Action to avoid collision

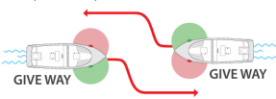
When two vessels are close, it is essential that each vessel understand what the other is doing. In particular small craft must always make their actions clear beyond doubt. So any alteration of course to avoid a collision must be bold, so that it is clear that the vessel has altered course. A series of small alterations should be avoided.

Responsibility between vessels

Power-driven vessels underway shall keep out of the way of the following:
• a vessel not under command
• a vessel restricted in its ability to manoeuvre
• a vessel engaged in fishing
• a vessel under sail
Note that a sailing vessel being propelled by its engine is considered a power-driven vessel, and should exhibit a conical shape, apex downwards, somewhere forward in the rigging.

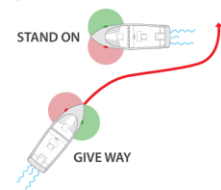
Head-on situation

Power-driven vessels approaching head-on shall alter course to starboard so that each shall pass on the port side of the other.



Crossing situation

When two power boats are crossing, the vessel which has the other on its starboard side shall keep out of its way. Avoid crossing ahead of the vessel that has right of way.



What to do before setting off

Preparation is the key to safe boating

• Make sure that your vessel and engine are regularly maintained.
• Be aware of the limitations of your boat and sail within your own ability.
• Periodically check communication and life-saving equipment.

Go through a systematic checklist before putting to sea

• Check the local weather forecast for any adverse weather conditions.
• Ensure that sufficient and appropriate safety equipment is carried for all on board.
• Tell someone ashore the details of your planned trip. Include departure time, arrival time and also destination, a description of the boat and the names of all persons on board.
• Be careful not to overload the vessel as it will make it unstable.

Safety equipment

• VHF Radio, or at the very least a fully charged mobile phone
• Lifejackets and buoyancy aids
• Flares
• Fire extinguishers
• First Aid kit

Children and non-swimmers should always wear buoyancy aids/life jackets.

Be sure that you know how to operate these aids and equipment and that they are checked for being in date for servicing.

Other equipment

Other equipment that should be carried and checked include:
• Anchor and adequate anchor chain/rope
• Batteries
• Fenders
• Bilge pump and/or a hand bailer
• Fog horn
• Navigation lights
• Ropes
• Tool-kit
• Torch
• Knife
• Spare can of fuel: kept separate from the main tank in case of contamination
• Back-up propulsion: a small auxiliary engine (5-10 hp), paddles or oars
• Compass
• Proper operation of the kill-cord (if fitted)
• Clean drinking water

Be aware

• Always keep a proper look-out
• Drinking alcohol impairs your judgement
• Wear hats and sunglasses and use sunblock for protection against the harmful rays of the sun.

Notices to mariners and navigational warnings

The Gibraltar Port Authority issues regular Local Notice to Mariners on their website to warn mariners about special operations that are being conducted or potential navigational hazards e.g. live firing exercises, maritime surveys, etc. It is very important to be aware of such notices before you set out.

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1.9 THE GIBRALTAR MARITIME ADMINISTRATION

1.9.1 Background

For more than seven decades, Gibraltar has played a significant role in vessel registration. In 1997, it achieved Category 1 Red Ensign Status, granting the authority to register vessels of all types and tonnages. The Gibraltar Maritime Administration (GMA) manages both the ship and yacht registers on behalf of His Majesty's Government of Gibraltar. These registers benefit from a comprehensive framework of maritime legislation rooted in English Common Law, complemented by an exceptional legal and fiscal environment.

1.9.2 Local Maritime Directions

The Gibraltar Maritime Administration have published on their website a list of local maritime directions. These cover survey and certification of locally operated craft, qualifications and certification required for the operation of a domestic craft, syllabus for Gibraltar Boatmasters and Marine engine operators,

safety equipment requirements for harbour craft, survey and certification of locally operated craft and the requirement for the carriage of a safety training and maintenance manual.

1.9.3 Safety training and maintenance Manual

A basic safety training and maintenance manual is required to be available on board every vessel operating commercially within Gibraltar waters as from 1st May 2007. The manual is to be in English, with copies translated into other languages, as appropriate. As each vessel is different, so each manual should be different, reflecting each vessel's construction, equipment on board and operating area.

LMD – No 07 provides the areas that should be covered and form part of the safety training and maintenance manual

1.10 COMPETENCY

1.10.1 Qualification and certification required for the operation of a domestic craft.

In the exercise of the powers conferred in the Gibraltar Merchant Shipping (Manning, Training, Certification and Related Seafarers Matters) Regulation 2002, effect from 1st February 2005, Administrative Instruction No. STCW-14 will apply to operators of the domestic vessels.

The purpose of this Administrative Instruction is to specify the training and certification requirements for the operation of commercially-operated non deep sea-going vessels and in respect of Engineering qualifications, for vessels which are commercially operated with propulsion power of less than 750 kW that may be engaged in domestic or international voyages.

Boat-master's Certificate: Every person who intends to take charge of a vessel operated commercially within Gibraltar waters must hold this qualification. The qualification is also a requirement for operating vessels over 12 metres in length owned or operated by a Government Department or any Agency or Authority under it within Gibraltar waters.

Annex 1 of LMD – No015 provides the system and the syllabus for training and examination in view of attaining a Boat masters certificate.

Generic bridge watchkeeping and navigation competencies included the ability to recognise the speed at which dangerous situations may develop and demonstrate a knowledge of the content and application of the International and National Regulations for Preventing Collisions at Sea.

1.10.2 Local knowledge

Local knowledge and regulations forms part of the Boatmaster's certificate syllabus; local Maritime Directives and Port Authority Notices to Mariners Local navigation marks – to include buoyage, lights, leading lights and marks Boundaries of Gibraltar territorial waters and areas of operation Local dangers to navigation: obstructions, currents and abnormal tidal streams Local safe landing places in differing weather conditions A general knowledge of the Times and Heights of Spring Tides Safe passage in and out of harbour.

1.11 INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Rule 5 of the COLREGs requires every vessel at all times to maintain a proper and effective lookout by sight, hearing and all means available in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision. Furthermore, Rule 7 required every vessel to use all available means appropriate to the prevailing circumstances and conditions to determine if a risk of collision exists.

SECTION 2 – ANALYSIS

2.1 AIM

The purpose of the analysis is to determine the contributory causes and circumstances of the accident as a basis for making recommendations to prevent similar accidents occurring in the future.

2.6 FATIGUE OR ALCOHOL

There is no evidence that the Boatmaster of Sammy One or crew member on board Keith was suffering from the effects of fatigue or alcohol and, therefore, they are not considered to have been contributing factors to this accident. Furthermore, the Royal Gibraltar Police carried out drug and alcohol test to the Boatmaster which came back as negative.

2.7 THE COLLISION

Both vessels had an obligation under the COLREGs to assess the risk of collision by keeping a good lookout and evaluating the shipping situation and vessels in the vicinity.

Sammy One's crew did not effectively assess the shipping situation after casting off from the vessel Al Thumama and before starting their passage north back to her berth. Unaware of Keith's presence in the vicinity, the risk of collision with Keith went unnoticed by Sammy One's crew. Once noticed it was too late to take effective avoiding action to prevent collision.

On board Sammy One, neither the master nor the deck hand had seen the Keith up until approximately a distance of 10m prior to the collision. The crew

onboard the Sammy One stated that the presence of background light in the area of the Collision may have obscured the sighting of the all-round white light exhibited on Keith's masthead.

Keith's crew did not effectively assess the shipping situation heading south, West of the detached mole and as she approached the southern entrance. Unaware of Sammy One's presence in the vicinity, the risk of collision went unnoticed. Keith's crew member became aware of the risk of collision with the Sammy One on hearing the sound of her engines and then sighting her at a distance of approximately 30 meters. Crew on the Keith altered course to starboard, avoiding a head-on collision, however, too late to avoid the collision.

2.4 SAMMY ONE – LOOKOUT AND RISK OF COLLISION

2.4.1 Crew competence

Both Sammy One; crew members had a great deal of experience working within BGTW especially in the area of the western anchorage area rendering services to the vessel at anchor, having to constantly use both North and South entrances into the harbour. They had also developed an innate understanding of the lighting marking and differentiating the harbour entrances and the associated risks of small boats not being seen.

Sammy One boat master was qualified as Gibraltar Boatmaster and RYA/MCA Yacht Master Coastal certificate of competency endorsed for commercial use on vessels subject to the codes of practice issued by the MCA. Therefore, he can be deemed as having sufficient experience and training.

2.4.2 Risk of collision

Having cast off from alongside the Al Thumama, Sammy One headed back to berth in a near northerly heading. She did not inform VTS of her movements. Boat Master on the helm and deck hand assisting as lookout. All radio and navigational equipment operational, except for the radar which was not switched on. Keith, was not equipped with any radio or navigational equipment therefore, no means available to have been detected by Sammy One other than by visually or radar.

Therefore, the Boat Master of the Sammy One was alerted to the risk when sighting Keith, now too late to take effective avoiding action.

2.4.3 Normalisation of risk

The environment and traffic within the Gibraltar western anchorage is one where vessels are persistently operating close to each other, workboats constantly providing ancillary services to the larger vessels at anchorage and using both harbour entrances constantly providing services to the particularly smaller craft such as workboats. Thus, these repetitive operations become routine or normalised, potentially leading to complacency, as vessels frequently manage close quarters situations where risk of collision exists. To Sammy One's crew it seemed perfectly normal to be operating at that distance

from the South Mole and harbour entrances as she steamed in a near Northerly heading back to her berth and there was no sense that more time should be taken to assess the situation and maintain a sharper look out. This causes over reliance, and an unsafe operating condition furthermore underpinned by the possibility of shoreline background light pollution having obscured her visibility making it more difficult to perceive Keith's mast head light visually.

Had Sammy One crew maintained a proper lookout by sight and by hearing as well as all available means, and had her radar operational, she may have possibly detected Keith.

2.5 KEITH – Lookout and Risk of Collision

2.5.1 Risk of collision

"Keith" crew member had a great deal of experience fishing within BGTW since his early teens. He held a local Boatmaster's certificate, and was employed and served as Tug Master for the local tug company. As Tug Master he had also developed an innate understanding of the port's movements, traffic, lighting, marking, differentiating the harbour entrances, harbour craft traffic and the associated risks of small boats not being seen.

Therefore, he can be deemed as having sufficient experience and training.

2.5.2 2.4.2 Normalisation of risk

Keith was steaming southbound at a distance of approximately 40 meters and parallel to the detached mole. Keith's crew had been previously fishing for live bait adjacent to the North Mole / Western arm and was now making her way towards Rosia Bay.

To Keith's crew it seemed perfectly normal – an indication of possible complacency - to be steaming in the area she was in, the distance from the South Mole, approaches to and intentions to cross the harbour entrance.

Keith did not carry any radio, or safety equipment.

Had Keith's crew member maintained a proper lookout by sight and by hearing, and have carried a hand-held VHF, may have been aware of vessels movements in the bay. By early detection, and should she have carried a sound signalling device; a sound signal could have been made giving warning to the Sammy One.

SECTION 3 – CONCLUSIONS

3.1 SAFETY ISSUES DIRECTLY CONTRIBUTING TO THE ACCIDENT AND HAVE RESULTED IN RECOMMENDATIONS

The crew of Sammy One did not effectively assess the shipping situation after casting off from MV Al Thumama and commenced passage back to berth.

Sammy One's crew were not maintaining a proper lookout by sight and hearing as well as by all available means appropriate to the prevailing circumstance and conditions so as to make a full appraisal of the situation and or the risk of collision.

Sammy One's radar was switched off.

Sammy One's visibility in way of the area where the collision took place may have been obscured by the existing presence of background light.

The crew member on the Keith did not effectively assess the shipping situation as he steamed south west of the detached mole heading south and in the approaches to the harbour entrance.

The crewmember on Keith, was not maintaining a proper lookout by sight and hearing appropriate to the prevailing circumstances and conditions so as to make a full appraisal of the situation and or risk of collision.

Keith was being operated single handedly, not fitted with a radar reflector and did not carry any safety or radio equipment

This sense of routine, combined with the lack of proper safety equipment and lookout, suggests a degree of complacency that contributed to the overall risk environment

3.2 SAFETY ISSUES NOT DIRECTLY CONTRIBUTING TO THE ACCIDENT AND HAVE RESULTED IN RECOMMENDATIONS

James Molinary's safety management induction and familiarisation handbook did not make reference to importance of maintaining a proper lookout within their standard operating procedures.

The crew member on the Keith was not wearing any floatation device, did not carry any other safety or radio equipment such as: VHF, Sound signalling device, radar reflector, personal locator beacon,

3.3 OTHER SAFETY ISSUES NOT DIRECTLY CONTRIBUTING TO THE ACCIDENT

The emergency response by the Sammy One's crew was swift and effective ensuring that the crew on the Keith was embarked quickly.

3.4 ACTIONS TAKEN

Following the collision James Molinary Ltd have instructed their crews to:

- Keep a proper lookout at all times, including not using your phone when underway.
- Make sure that the radar is always on including during the day so that the crews are familiar with the radar pictures and the corresponding navigational dangers
- Contact VTS each time a vessel enters or exits the harbour entrance
- Keep a wide berth when going in and out of the harbour entrance
- Be extra vigilant in the vicinity of the harbour entrances

SECTION 4 – SAFETY RECOMMENDATIONS

[Safety recommendations shall in no case create a presumption of blame or responsibility].

HM Government of Gibraltar is recommended to:

- Amend the Public Health Seaside Pleasure Boat Rules 1989 (1989/064) to make the carriage of lifejackets, VHF radio, distress flares and radar reflectors mandatory on small leisure craft.
- Amend the Public Health Seaside Pleasure Boat Rules 1989 (1989/064) to include a provision for drug and alcohol testing of leisure craft users.
- Consider the possibility of navigation lights being obscured due to light pollution from buildings when granting planning permission.

The Gibraltar Port Authority is recommended to:

- Issue a safety bulletin alerting mariners to the hazards associated with navigating in close proximity to harbour entrances and keeping a good lookout (COLREG Rule 5) and awareness of the possible effects the presence of background lights may have on visibility.
- Issue a safety of navigation to mariners' bulletin, to provide leisure users guidance and recommendations on how to keep themselves safe as possible whilst out at sea. Covering, preparations for safe boating, checks before putting to sea, recommended safety and general equipment to be carried, awareness of local notice to mariners issued by the GPA, rules of the road, seashore and pleasure boat rules, Port Rules, importance of Marine VHF communications, personal survival at sea, registration and identification, and security and insurance.
- Issue a safety bulletin to mariners setting to sea single handedly, especially those engaged in fishing.

James Molinary Ltd is recommended to

- Remind their crews of the importance of adhering to the requirements of the ColRegs especially keeping a lookout.
- To develop and include within their SMS, crew familiarisation with COLREGs,
- To include maintaining a proper lookout within their standard operating procedures
- Share lessons learnt from the accident with all staff fostering knowledge sharing and improving company safety culture.

The Gibraltar Maritime Authority, Gibraltar Port Authority and the Royal Gibraltar Police are recommended to:

- Review and amend as required the publication entitled “Guidelines for your safety at Sea (published in May 2016).

Office of the Marine Accident Investigation Compliance Officer
HM Government of Gibraltar

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