

Once a report of an accident has been received and the decision to investigate taken, the inspectors will start to collect evidence. No two investigations are ever the same, and the process may take different forms.

In very general terms, it takes about seven months to a year to complete an investigation and publish the report. At first sight this might seem like a long time, but it may be necessary to interview a wide range of individuals, crosscheck evidence, examine equipment, consult with the technical experts, and then process the report (see below). Nevertheless, an MAIB investigation report must be made publicly available in the shortest time possible.

THE INVESTIGATION REPORT

The report will highlight the safety deficiencies, state the lessons learned and make recommendations to prevent similar accidents happening again. All MAIB investigation reports are produced in-house, and are publicly available, free of charge. The final report can also be read and downloaded from the MAIB's website.

The chief inspector is required by law to send a consultation report to those whose reputation might be adversely affected by it, so they have the opportunity to correct any factual errors before it is made publicly available. The coroner or procurator fiscal concerned with the case will be sent a copy of the consultation report on request.

The consultation process can take as long as two months.

The final report is sent to those who were consulted, the next of kin, the Secretary of State for Transport, and the coroner or procurator fiscal.

One of the tragedies of accidents at sea is that in some cases the exact cause will never be known. In such circumstances, the MAIB may still conclude that valuable lessons can be learned, and will make recommendations accordingly.

CONCLUSION

The MAIB's staff is acutely aware of the distress caused by a fatal marine accident, and assures coroners, procurators fiscal and all next of kin that any investigation will be as thorough and as quick as possible.



For further information about the MAIB or for information about specific accidents, contact the MAIB at the address below:

Marine Accident Investigation Branch
Mountbatten House, Grosvenor Square
Southampton SO15 2JU

Telephone: 023 8039 5500
Fax: 023 8023 2459
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Information is also available by visiting the MAIB website home page at:
www.maib.gov.uk

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Fatal Marine Accidents Information for Coroners and Procurators Fiscal

This leaflet explains how fatal marine accidents are investigated in the United Kingdom and when they occur on board UK registered vessels. It also attempts to answer many common questions.

Ship's Name

Date of Accident

Principal Inspector

Lead Inspector

THE MARINE ACCIDENT INVESTIGATION BRANCH

The United Kingdom Marine Accident Investigation Branch (MAIB) is based in Southampton and is an independent part of the Department for Transport. The MAIB investigates all types of marine accidents, both to ships and to people on board them. The sole objective of any MAIB investigation is the prevention of future marine accidents through the ascertainment of the causes and circumstances of an accident.

The MAIB does not apportion blame or liability. The MAIB is not a regulatory or prosecuting authority and cannot enforce its recommendations.

The MAIB's responsibility covers the investigation of accidents to or on all UK registered vessels anywhere in the world, and to all vessels if they are within twelve miles of the UK coast (UK territorial waters), including inland waterways.

The Branch is not responsible for recovering bodies, nor for the marking, raising or removal of a wreck.

The MAIB is not involved in the identification of bodies if they are recovered from the sea, nor in their return to their families.

Sadly, after some accidents bodies are never recovered. In this case the Maritime and Coastguard Agency may conduct a death inquiry.

THE MAIB's AUTHORITY

The authority for the MAIB to investigate marine accidents originates from the Merchant Shipping Act 1995, which consolidated previous Merchant Shipping Acts dating back to the Principal Act of 1894.

The current statutory instrument which defines the procedures to be followed in the investigation of marine accidents, and the powers of Inspectors of Marine Accidents is the Merchant Shipping (Accident Reporting and Investigation) Regulations 2005.

WHEN AN ACCIDENT OCCURS

When there has been an accident, the owner, along with the master or skipper of the vessel are required to report it to the MAIB. Skippers of non-commercially operated pleasure craft do not have to notify the MAIB, but may do so if they wish.

Following the receipt of a report of an accident, the Chief Inspector of Marine Accidents will use likely future safety issues as the basis for deciding which of the following courses of action to pursue:

- not to investigate in any way
- to conduct an administrative enquiry
- to make a preliminary examination
- to complete a full investigation

Once the decision has been taken to investigate, one or more MAIB inspectors will be appointed. They are highly qualified and are drawn from the nautical, marine engineering, naval architecture and fishing disciplines. All are highly trained and competent to investigate marine accidents of any nature. An administrative staff deals with records, data analysis and publications, and provides general support.

THE ADMINISTRATIVE ENQUIRY

In some cases the ship's owner's or officers' own investigation will be sufficient. However, the MAIB may conduct an administrative enquiry by correspondence or telephone to seek further details on any accident. The Regulations require owners, masters and other relevant people or organisations to provide any such information when requested.

THE PRELIMINARY EXAMINATION

An MAIB preliminary examination (PE) identifies the causes and circumstances of an accident to see if it meets the criteria required to warrant further investigation which will culminate in a publicly available report.

If it is decided as a result of the PE that the criteria have not been met, the MAIB will not continue the investigation. This decision will normally be made within two weeks of the accident, and all involved parties will be notified.

Nevertheless, during the course of a PE, a number of safety issues might be identified which the coroner or procurator fiscal may wish to take forward during the course of his/her enquiries before the inquest or fatal accident inquiry. They will be outlined in a letter from the Chief Inspector.

The normal function of an inspector at a coroner's inquest or fatal accident inquiry is to support the MAIB report of an investigation. In cases where there has been a preliminary examination but no further investigation, an inspector will not be able to act as a coroner's or procurator fiscal's expert witness. However, the MAIB may offer advice to coroners and procurators fiscal on the issues arising from the PE, and also on suitable sources of expertise available to them.

THE FULL INVESTIGATION

All accident investigations seek answers to four basic questions:

- what happened?
- how did it happen?
- why did it happen?
- what can be done to prevent it happening again?