

# MAIB

MARINE ACCIDENT INVESTIGATION BRANCH

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

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Information is also available by visiting the MAIB website home page at:

**[www.maib.gov.uk](http://www.maib.gov.uk)**

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## Information for Witnesses

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### Following a Marine Accident

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Any accident at sea or in harbour may be investigated or examined by the Marine Accident Investigation Branch.

Whenever a marine accident occurs it can seem as if many official bodies converge simultaneously on the scene to find out what happened. The police, government officials, lawyers, insurance assessors and marine surveyors will all be asking similar questions, albeit from different perspectives. This often appears confusing to witnesses.

This leaflet explains how and when marine accidents are investigated in the United Kingdom and on UK registered vessels. It also outlines the obligations and rights which witnesses have during and after an interview with MAIB inspectors.

## THE MARINE ACCIDENT INVESTIGATION BRANCH

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The 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 accidents through the ascertainment of the causes and circumstances of an accident.

The MAIB does not apportion blame or liability, and it is **not** a regulatory or prosecuting authority.

The MAIB fulfils its purpose by examining incidents, investigating those with wider implications for safety at sea, and publishing the reports of its investigations. Both examinations and investigations may lead to the MAIB making safety recommendations to relevant people or organisations. In the past these have included the Maritime and Coastguard Agency (MCA), the classification societies, owners/operators and others. Before publication, the reports are sent out to anyone whose reputation may be adversely affected to give them the opportunity to correct any factual inaccuracies in the draft report.

MAIB inspectors have legal powers under the Merchant Shipping Act 1995 and subordinate legislation which include the right to interview and require answers from anyone they consider able to give information relevant to the examination or investigation.

This information is kept in confidence within the MAIB and can only be released if a Court orders it; declarations may be released with your written permission.

**We do not prosecute**

## BEING INTERVIEWED

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When, as a witness to an accident or incident, you are being interviewed by MAIB inspectors you must answer the questions posed. If you refuse to do so, you are committing an offence under the Merchant Shipping Act.

This interview is solely between you and the inspectors. However, you may nominate one other person to be present during the interview. This person can be anyone known to you, and he or she may advise you on any point but must not prevent you from giving a direct answer to the inspectors.

It is important that you think about your own interests when deciding on which person, if any, you would like to have with you during the interview. Sometimes, representatives of the vessel's owner or insurer might have very different interests from yours. Witnesses will often be questioned on their experiences in working for a company and will be required to answer candidly. If you feel that the presence of your employer's or any other organisation's representative might inhibit you in any way, you should tell the inspector who has the power to exclude any person from the interview. Likewise, if the inspector has good reason to believe that your nominated representative is hindering the progress of the investigation, they will exclude that person from the interview. You will then be given the option to nominate a different representative. Unless you ask, an inspector will not exclude a legal adviser acting solely on your behalf. An answer given by you to MAIB inspectors cannot be used in evidence against you in any proceedings, unless you make a false statement or sign a declaration which is false.

If, during the course of an interview, you have any hesitation in answering the inspector's questions because of others present, you are likewise encouraged to bring this to the attention of the inspector who will ask the other person to leave during that part of the interview.

**We do not enforce**

## DECLARATIONS

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The inspectors might take a declaration from you. A declaration is a confidential document, which may include a description of your qualifications and background, and your recollection and personal opinion of the incident being examined or investigated. MAIB will not reveal that you have made a declaration, and declarations will not be released outside the MAIB unless a Court orders it or with your written consent. Once your declaration has been taken, you will be given the choice of either reading it over yourself or having it read to you by an inspector, before you sign it. You will, of course, be given a copy to retain.

## RECORDED INTERVIEWS

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Wherever possible, you will be given the option of having the interview recorded, in addition to, or instead of, making a declaration.

We encourage the use of recordings as it allows an inspector to progress the interview faster because fewer notes need to be taken. Recordings of interviews are not normally transcribed but, subsequently, are referred to by the inspector in the same way as notes taken during interviews. They are confidential and not released outside the MAIB to anyone unless a Court orders it.

**We do not apportion blame or liability**