
Accident Reporting and Investigation

Notice to all Owners, Operators, Masters, Skippers, Officers and Crews of Merchant Ships, Fishing Vessels, Pleasure Vessels, Harbour Authorities, VTS personnel, Marine Pilots and UK Inland Waterway Authorities.

This notice replaces MGN 289 + Amendments (M + F)

Summary

This note is to inform all seafarers and vessel owners of the requirements of the new Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

Key Points

- The new Regulations primarily transpose the requirements of Directive 2009/18/EC (the Directive) into UK national law but also, where appropriate, make logical amendments to the previous regulations to reflect current practice.
- A comprehensive definition of the term 'accident' is provided (see Annex B).
- An 'accident' is defined as any marine casualty (including very serious marine casualties and serious marine casualties) or any marine incident. An accident also includes serious injuries as defined by the Regulations. See Annex B for a full description of these.
- The Regulations now state that an accident does not include a deliberate act or omission with the intention to cause harm to the safety of a ship, an individual or the environment.
- The MAIB preliminary examination has been replaced by preliminary assessment to harmonise with terminology used in the Directive.
- The MAIB is required to carry out full investigations for vessels within the scope of the EU Directive involved in a very serious marine casualty. Preliminary assessments are required for such vessels involved in accidents classified as serious marine casualties.
- A marine incident incorporates the 2005 Regulations definition of hazardous incidents. These can include 'near misses', stemming from failure of procedures in shipboard operations, material defects, fatigue and human errors. Marine incidents are now required to be reported to the MAIB. A guide to marine incident reporting can be found at Annex F.

- MAIB inspectors may record a witness interview of any person who is assisting a safety investigation in any manner he/she sees fit. This regulation recognises MAIB practice and is designed as future-proof against new technological developments.
- The definition of a 'serious injury' has been broadened. Injuries are no longer divided into serious or major injuries. See Annex B for a full definition of a serious injury. All serious injuries must be reported and investigated by the master/senior officer and/or the owner/operator.
- A safety investigation may be undertaken in co-operation with another European Economic Area (EEA) Member State or a Substantially Interested State providing that state abides by the confidentiality regulations set out within Article 9 of the Directive. See Annex E for a definition of a Substantially Interested State.
- The existing Regulations covering disclosure of records have been expanded to provide protection to correspondence received by the Chief Inspector from parties involved in a safety investigation, evidence from VDRs, all communications between persons involved in the operation of the investigated ship and notes/opinions documented by an MAIB inspector during an investigation.
- A report of a safety investigation should now be produced within 12 months from the date of the accident. However, the Chief Inspector is required to publish an 'interim report' should the final report into a marine accident, covered by the Directive, not be ready within 12 months of the date of the accident. Additionally, the Chief Inspector may allow the publication of a simplified report if he/she feels that a safety investigation will not have the potential to prevent future accidents.
- The length of time that evidence must be retained by persons mentioned in paragraphs 11 and 12 below, plus the time allowed for consultations and responses to recommendations has been extended from 28 to 30 days. (ref Regulations 10(4)(b) and 14 (6)).
- The Accident Report Form (ARF) has now replaced the Incident Report Form (IRF) as the means for reporting to the MAIB.

Introduction

1. The Marine Accident Investigation Branch (MAIB) is responsible for the investigation of all types of marine accidents, both to vessels and to those on board. The MAIB is an independent branch within the Department for Transport (DfT) and is separate from the Maritime and Coastguard Agency (MCA). The MAIB's head, the Chief Inspector of Marine Accidents, reports directly to the Secretary of State on accident investigation. He/she and his/her professional staff, who are drawn from the nautical, fishing, marine engineering, and naval architecture disciplines, are appointed by the Secretary of State under the provisions of the Merchant Shipping Act 1995. An administrative staff deals with records, data analysis and publications, policy matters, and provides general support.
2. The MAIB's sole objective in investigating an accident under the Regulations is the prevention of future accidents by establishing its causes and circumstances: it is not the purpose to apportion liability, nor except so far as is necessary to achieve the objective, to apportion blame. **The MAIB is not an enforcement or prosecuting body.**
3. Procedures are governed mainly by the Merchant Shipping Act 1995, and by Regulations. The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 SI No. 1743 which replace the Merchant Shipping (Accident

Reporting and Investigation) Regulations of 2005, came into force on the 31 July 2012. They define the accidents to which they apply, set out the purpose of investigation, and make provisions for the ordering and conduct of investigations.

4. The Regulations apply generally to all ships, including all commercial fishing vessels and (except for reporting exceptions highlighted at Annex A) to pleasure vessels. These vessels are covered by the Regulations whether at sea or in a port. Particular regulations only apply to vessels within the scope of the Directive.
5. Inland waterway vessels, fishing vessels under 15m in length, wooden ships of primitive build, and pleasure yachts and pleasure craft not engaged in trade are vessels outside the scope of the Directive.
6. The Regulations also set out requirements for reporting accidents and serious injuries. They do not cover the requirements of formal investigations or other public inquiries.
7. The Regulations are also separate from and in addition to reporting requirements in the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. Further details of these regulations can be found in Merchant Shipping Notice 1831.
8. An accident is defined as any marine casualty (including very serious marine casualties and serious marine casualties) or any marine incident. An accident also includes serious injuries as defined by the Regulations. See Annex B for a full description of these.
9. Accidents that have occurred directly by or in connection with the operation of a ship must be reported wheresoever they occur.

Reporting

10. Accidents must be reported by the quickest means available and should contain the information set out in the Schedule at Annex D.
11. When an accident occurs, the master or senior surviving officer must send a report to the Chief Inspector as soon as is practicable following the accident. See Annex C for reporting procedures.
12. When an accident occurs, the owner must send a report to the Chief Inspector as soon as is practicable following the accident unless the owner has ascertained that the report has already been made by the master or senior surviving officer.
13. Persons named in (11 and 12) above and where appropriate¹ Harbour Authorities and Inland Waterway Authorities must, so far as is reasonably practical, ensure that the circumstances of every accident are examined. A single report giving the findings of such an examination, stating any measures taken or proposed to prevent a recurrence, must be provided to the Chief Inspector as soon as is practicable, irrespective of any investigation that may be conducted by the MAIB.
14. Persons named in (11 and 12) above must also, so far as is reasonably practical, ensure that the circumstances of every serious injury (see definition at Annex B) are examined.

¹ i.e. Where the accident occurs within or adjacent to the limits of any harbour or inland waterway in the UK.

15. In addition, the following persons must report any accident of which they are aware to the Chief Inspector, by the quickest means available: the MCA if the accident was in United Kingdom waters; Harbour Authorities and Inland Waterway Authorities within the United Kingdom.
16. Reports should be sent by the quickest means available to the MAIB. Reporting requirements are set out in Annex A while contact details can be found at Annex D.
17. A marine incident incorporates the 2005 Regulation's definition of hazardous incidents. Marine incidents include 'near misses', stemming from failure of procedures in shipboard operations, material defects, fatigue and human failures. Marine incidents are now required to be reported to the MAIB. Many incidents occur which do not cause injury or damage, but have the potential to be hazardous or to have serious consequences.
18. Reporting marine incidents can lead to important safety lessons being learned. A guide to marine incident reporting can be found at Annex F. This guide has been produced as an aid to identifying what should be reported. It should be stressed however that this requirement relies heavily on seafarers' objective assessment as to whether a particular procedure, practice or condition could have or would be likely to cause a marine casualty.
19. When making reports, whether on an Accident Report Form (ARF) or in narrative, the content of the descriptive text is particularly important. Lessons can be learned from the positive as well as negative aspects. Details of actions taken to minimise the effects of the accident or, in the case of a Marine Incident, to prevent it developing into an accident, are particularly helpful. A description of actions taken or recommendations made to prevent a recurrence are also of value. Much is gained from the information provided by those most closely involved in the event at the time it occurred.
20. The MAIB Accident Report Form (ARF) can be used to provide an initial report of any accident; it can also be used for serious injuries. Copies of the ARF may be downloaded from the MAIB website or obtained directly from the MAIB (see Annex D for contact details).
21. The MAIB welcomes the voluntary reporting of accidents to or on pleasure craft used only for recreation purposes and not for commercial gain, but there is no statutory requirement for this.
22. These Regulations are not intended to replace the requirements of the Port Marine Safety Code.
23. Accidents involving commercial divers whilst diving are not covered by these Regulations and should not be reported to the MAIB. However commercial diving incidents are covered under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 and should be reported to the Health and Safety Executive. Accidents involving recreational divers whilst diving are not covered by the Regulations, and should not be reported to the MAIB. Any such accident should be reported to the British Sub Aqua Club (BSAC).

Investigations

24. A very serious marine casualty involving a vessel to which the Directive applies will be investigated in accordance with the Directive's requirements. A very serious marine casualty involving a UK vessel or (with few exceptions), vessels within UK waters that

are outside the scope of the Directive may still be investigated if the Chief Inspector deems necessary.

25. Accidents classified as serious marine casualties and marine incidents may be investigated by the MAIB if they involve a United Kingdom vessel, or (with few exceptions), vessels within UK waters.
26. The Branch may also investigate if the Chief Inspector agrees to a request to undertake an investigation on behalf of another flag state.
27. In some cases, the vessel's own investigation will be sufficient, but the MAIB may seek further details if necessary.
28. Before deciding whether to carry out any form of investigation, the Chief Inspector may seek to obtain such information as he/she considers necessary concerning the accident, and any remedial action taken. Any person mentioned in (11, 12 and 15) above, or any other person holding such information shall provide it to the Chief Inspector to the best of their ability and knowledge.
29. If the Chief Inspector decides that an investigation will be carried out, it will be undertaken by inspector(s) at a time and place, and in such a manner, as appears appropriate to achieve the sole objective of the MAIB.
30. Where the Chief Inspector has received a report referred to in (20) above, he/she must decide whether or not a safety investigation should be carried out and shall publish details of that decision as soon as is reasonably practical, in such manner as is seen fit. Public notice that an investigation has started may be given in a manner as the Chief Inspector thinks fit.
31. With the exception of accidents which the MAIB is obliged to investigate in accordance with the Directive (see paragraph 24), a preliminary assessment may be carried out. A preliminary assessment is used to obtain further details to see if the accident meets the criteria to warrant further investigation. When a preliminary assessment is complete, the Chief Inspector will decide whether it is appropriate to conduct further investigation leading to a published report.
32. A preliminary assessment will be carried out for any serious marine casualty involving a vessel to which the Directive applies.
33. Where an inspector is appointed to carry out an investigation, his/her powers are extensive, and are set out in detail in Sections 259 and 267 of the Merchant Shipping Act 1995. Subject to these powers, the inspector has wide discretion as to how he/she carries out his/her investigation. If possible, much of it will take place on board the vessel involved. He/she may wish to visit the owners or ship managers. He/she may also prohibit, pending investigation, access to or interference with anything involved in an accident.
34. In particular, those persons mentioned in (11 and 12) above should ensure that all charts, log books, voyage data and other recorded information relating to period preceding, during and after an accident, and all documents which might reasonably be considered pertinent to a reportable accident are kept intact. No alterations should be made to recordings or entries, and any equipment associated or involved in an accident should remain undisturbed until:
 - (a) published notification is received from the Chief Inspector that no safety investigation is to take place or that the investigation has been completed; or

- (b) 30 days after receipt by the Chief Inspector of a report referred to in (20) above;
or
- (c) the Chief Inspector or an inspector carrying out the investigation gives written notification that particular evidence is no longer required.

- 35. Persons mentioned in (15) are not specifically required to retain documents. The current safety provisions under International Ship and Port Facility Security Code (ISPS) are sufficient to cover any documents or evidence, such as VTS monitoring data that these parties may hold.
- 36. The Chief Inspector may, if he/she considers it reasonably necessary for the collection or preservation of evidence in connection with any safety investigation, including a preliminary assessment relating to the accident, require that any persons mentioned in (11 and 12) ensure that a ship is accessible to any inspector engaged in the investigation if there are serious grounds for concern that the ship, crew, or evidence will be inaccessible to MAIB should the vessel leave UK waters. The ship must remain accessible until the process of collecting or preserving evidence has been completed.
- 37. If this power were to be used, the MAIB would be likely to request written assurance that access to the ship, crew, and any evidence would be granted at the nearest port, and that the evidence would not be disturbed during the voyage. If this written assurance were not granted, then the Chief Inspector could use his/her discretion in applying the power described above. Should a ship be required to remain in a UK port, then the ship could be moved to a suitable anchorage to ensure that the availability of berths is not affected.
- 38. If this power were ever used, the MAIB would not unreasonably require a ship to remain in UK waters any longer than is necessary. Evidence will be collected or preserved as quickly as possible and with the minimum amount of delay to the ship.

Interviewing Procedures

- 39. The inspector can require any person who may be able to help the investigation attend an interview, answer questions, and sign a declaration of the truth of their answers.
- 40. An inspector may record a witness interview of any person who is assisting a safety investigation carried out in accordance with these Regulations in any manner that the Chief Inspector considers reasonable.
- 41. A solicitor or other professional legal adviser acting solely on behalf of the person being interviewed may not be excluded from an interview. Any other person allowed or nominated to be present at an interview by an interviewee, may be excluded from being present by the inspector. To use this power, both the inspector and the Chief Inspector must have substantial reason to believe that the presence of the nominee would hamper the investigation.
- 42. If this power was used, the interviewee can then nominate another person to be present. At the request of the person being interviewed, the interview would be suspended until the second nominee was present.

Co-operation with other States

43. A safety investigation may be undertaken in co-operation with another European Economic Area (EEA) member state or a Substantially Interested State providing that state abides by the confidentiality regulations set out within Article 9 of the Directive. See Annex E for details on Substantially Interested States.
44. The Chief Inspector may delegate all or part of a safety investigation to another EEA Member State, where he/she deems it appropriate, and with mutual consent.
45. Where an accident has occurred outside of any of the EEA States' territorial waters, which involves a ro-ro ferry, or High Speed Passenger Craft, whose last port of call was in the United Kingdom, the MAIB shall remain responsible for the safety investigation unless it is agreed with another EEA Member State that they shall be responsible.

Disclosure of Records

46. During the course of a safety investigation the MAIB may collect contemporaneous evidence. This may include charts; log books; recorded information relating to the period proceeding, during and after an accident, howsoever recorded or retained, including information from a voyage data recorder and video recorder; and all documents or other records which might reasonably be considered pertinent to the accident. This evidence remains the property of the owner and copies will be taken wherever possible.
47. Unless a Court determines otherwise, the names, addresses and any other details of anyone who has given evidence to an inspector shall not be disclosed.
48. Any independent technical analysis commissioned by the Chief Inspector and opinions expressed in such analysis may be made publicly available if the Chief inspector considers it appropriate to do so.
49. Copies of information obtained from voyage data recorder or from other recording systems, pertinent to the accident, may be provided at the discretion of the Chief Inspector to the police or other official authorities.
50. Subject to (48 and 49) certain documents or records shall not be made available for purposes other than the investigation unless a Court determines otherwise. These include any declarations taken by an inspector or supplied to him/her during the course of his/her investigation; any notes or recordings of any interviews; medical or confidential information regarding persons involved in an accident; any report made under (20), copies of a draft report, or a report which is not the final report of the investigation; all correspondence received by the Chief Inspector from parties involved in a safety investigation; evidence from VDRs; all communications between persons involved in the operation of the investigated ship and inspector's notes and opinions. But a person who has given evidence to the MAIB may disclose his/her own declaration, if he/she so wishes.
51. If any part of a report is based on information obtained pursuant to an inspector's powers under the Merchant Shipping Act 1995, the report shall be inadmissible in any judicial proceedings, with the exception of a Coroner's inquest or, in Scotland a Fatal Accident Inquiry, unless a Court determines otherwise.
52. The restrictions laid out above relate to the handling of records by the MAIB and other government parties. Without prejudice to other legal or contractual arrangements, owners and operators of the ships involved may disclose VDR data and

correspondence between persons involved in an accident, while those persons themselves may disclose their own correspondence, medical or address information without reference to a Court and without the threat of legal consequence for doing so.

53. In England, Wales or Northern Ireland 'Court' means the High Court, or in the case of Scotland, the Court of Session.

MAIB Reports of Investigations

54. The Chief Inspector may, at his/her discretion and to promulgate any lessons learned, publish collective short reports of accidents that have not been the subject of a full investigation and published report.

55. Reports of full investigations will be made publicly available in the shortest time possible and in such a manner as the Chief Inspector sees fit. The report shall set out conclusions relating to the facts of the accident, or where the facts cannot be clearly established, analysis and professional judgement to determine the probable facts; and recommendations for future safety.

56. All reports of full investigations are published on the MAIB website, [www.maib.gov.uk]. Hard copies are also widely distributed and can be supplied to anyone upon request.

57. Provision is made for any person likely to be affected by a report to see the draft and to comment on the facts and analysis therein, before it is finalised and made publicly available. The Chief Inspector will consider representations relating to the facts and analysis contained in the report that may be made to him/her by or on behalf of the persons served with such notice.

Recommendations

58. Recommendations can be made as a result of one or more investigations, whether completed or not, by the Chief Inspector. If only a preliminary assessment has been conducted they will be in the form of a letter from the Chief Inspector. If a full investigation has been conducted, the recommendation(s) would be included in the final report. Recommendations are addressed to those considered best fitted to implement them.

59. Any person to whom a recommendation is addressed should take the recommendation into consideration. They should also send full details of any measures that are being or will be taken to implement the recommendation and, if appropriate, the timetable for securing implementation. Notice should be given to the Chief Inspector if at any time this information is rendered inaccurate by a change of circumstances.

60. Any person to whom a recommendation is addressed should, after taking the recommendation into consideration, provide a full explanation to the Chief Inspector as to why the recommendation is not going to be implemented, if that is the case.

61. The Chief Inspector shall, annually or at such intervals as he/she sees fit, make information received in response to recommendations publicly available and shall inform the Secretary of State. If a person has failed to comply with a recommendation addressed to him/her, he/she will be allowed a further opportunity to make representations before the information is published.

Penalties

62. The Regulations lay down penalties for breaches of the requirements. These offences include a failure to report an accident or serious injury; not providing information as required; falsely claiming to have additional information or new evidence, and a failure to preserve evidence. In addition, penalties for obstructing an inspector or otherwise impeding his/her investigation are laid down in Section 260 of the Merchant Shipping Act 1995.

REPORTING REQUIREMENTS

1. Accidents involving or occurring on board any United Kingdom ship must be reported to the MAIB under the Regulations, with the exception of accidents involving or occurring on board a pleasure vessel.

2. Accidents involving or occurring on board-
 - a) a recreational craft hired on a bareboat basis;
 - b) any other craft or boat, other than one carrying passengers, which is in commercial use in a harbour or on an inland waterway and is less than 8m in lengthdo not need to be reported to the MAIB, unless the accident involves-
 - i. explosion;
 - ii. fire;
 - iii. death;
 - iv. serious injury;
 - v. capsizing of a power-driven craft or boat, or
 - vi. severe pollution.

3. Accidents involving or occurring on board-
 - a) any ship² within the jurisdiction of a harbour master or Queen's harbour master appointed or required to be appointed;
 - b) any ship³ carrying passengers to or from a port in the United Kingdommust be reported to the MAIB under these Regulations.

4. These Regulations apply to any ship which in the opinion of the Chief Inspector involves substantial interests of the United Kingdom. Please see Annex E for a definition of a Substantially Interested State.

5. Accidents involving commercial divers whilst diving are not covered by these regulations and should not be reported to the MAIB. However commercial diving incidents are covered under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 and should be reported to the Health and Safety Executive. Accidents involving recreational divers whilst diving are not covered by the Regulations, and should not be reported to the MAIB. Any such accident should be reported to the British Sub Aqua Club (BSAC).

² That is not registered in the UK

³ That is not registered in the UK

DEFINITIONS: ACCIDENT, SERIOUS INJURY AND SEVERE POLLUTION

1. For the purposes of the Regulations, an accident may be any marine casualty or marine incident. Accidents may be classified (in order of severity) as follows: very serious marine casualties, serious marine casualties and marine incidents.
2. a **marine casualty** is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship involving-
 - (i) the death of, or serious injury to, a person;
 - (ii) the loss of a person from a ship;
 - (iii) the loss, presumed loss or abandonment of a ship;
 - (iv) material damage to a ship;
 - (v) the stranding or disabling of a ship, or the involvement of a ship in a collision;
 - (vi) material damage to marine infrastructure external of a ship, that could seriously endanger the safety of the ship, another ship or any individual, or
 - (vii) pollution, or the potential for such pollution to the environment caused by damage to a ship or ships.
3. A **very serious marine casualty** is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship-
 - a) the total loss of a ship;
 - b) loss of life;
 - c) severe pollution.
4. A **serious marine casualty** is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship but does not qualify as a very serious marine casualty, that involves-
 - (i) fire;
 - (ii) explosion;
 - (iii) collision;
 - (iv) grounding;
 - (v) contact;
 - (vi) heavy weather damage, or
 - (vii) ice damage, or a suspected hull defect.

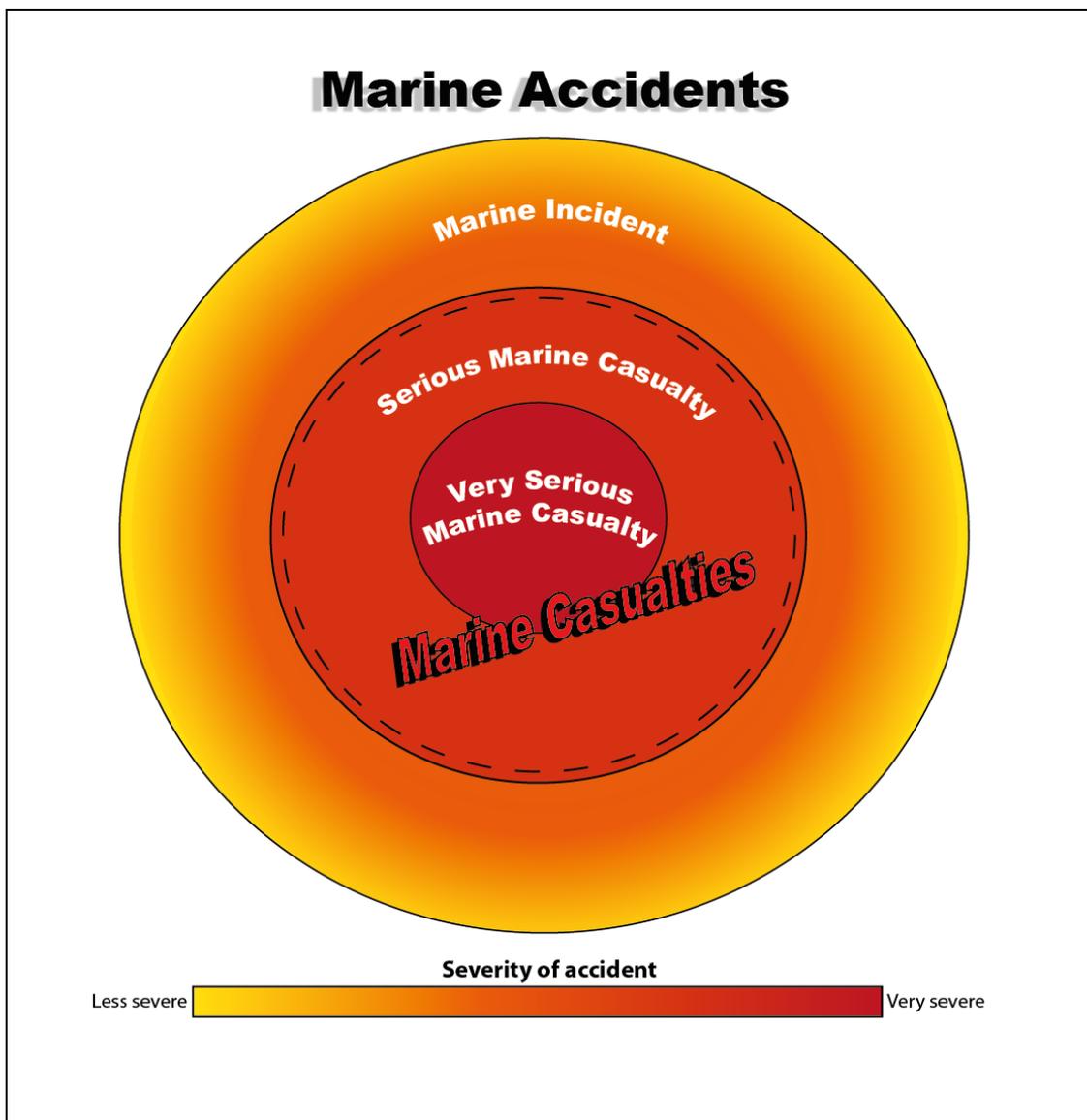
resulting in any of the following-

 - a) the immobilisation of the main engines;
 - b) extensive accommodation damage;
 - c) severe structural damage including penetration of the hull under water rendering the ship unfit to process;
 - d) pollution, or
 - e) a breakdown that necessitates towage or shore assistance.
5. A **marine incident** is an event or sequence of events other than those listed above which has occurred directly in connection with the operation of a ship that endangered, or if not corrected would endanger the safety of a ship, its occupants or any other person or the environment. 'Near misses' are marine incidents.
6. An accident does not include a deliberate act or omission with the intention to cause harm to the safety of a ship, an individual or the environment.

7. A **serious injury** means-

- a) any fracture, other than to a finger, thumb or toe;
- b) any loss of a limb or part of a limb;
- c) dislocation of the shoulder, hip, knee or spine;
- d) loss of sight, whether temporary or permanent;
- e) penetrating injury to the eye;
- f) any injury to a person employed or carried in a ship which occurs on board or during access which results in incapacitation for more than three consecutive days excluding the day of the accident, or
- g) any other injury leading to hypothermia, unconsciousness, requires resuscitation or requiring admittance to a hospital or other medical facility as an in-patient for more than 24 hours.

8. **Severe pollution** is a case of pollution which, as evaluated by the coastal State(s) affected or the flag State, as appropriate, produces a major deleterious effect upon the environment, or which would have produced such an effect without preventive action.



REPORTING PROCEDURES

INCIDENT	INITIAL REQUIREMENT	FOLLOW-UP PROCEDURE
<p>Accident</p> <p>Includes:</p> <p>1.marine casualties⁴,</p> <p>and</p> <p>2.marine incidents</p>	<p>The master or senior surviving officer (being either the senior surviving officer in the deck department or if there is no senior surviving officer in the deck department, then whoever is the senior surviving officer between the senior surviving engineering officer or the senior surviving electro-technical officer), and the ship's owner are responsible for sending a report to the Chief Inspector by the quickest means available.</p> <p>In addition the following shall report any accident/serious injury of which they are aware:</p> <p>(i) the appropriate harbour authority in respect of an accident within or adjacent to its harbour limits;</p> <p>(ii) the appropriate authority having responsibility for the particular waters concerned in respect of an accident on any inland waterways in the United Kingdom;</p> <p>(iii) The Maritime and Coastguard Agency (MCA) in respect of an accident within United Kingdom waters.</p>	<p>The master or senior surviving officer, the ship's owner and where appropriate⁵ harbour authorities and inland waterway authorities must, so far as is reasonably practical, ensure that the circumstances of every accident are examined.</p> <p>A single report giving the findings of such an examination, stating any measures taken or proposed to prevent a recurrence, must be provided to the Chief Inspector as soon as is practicable, irrespective of any investigation that may be conducted by the MAIB.</p>
<p>Hazardous Incident (now incorporated within marine incidents)</p>	<p>Same requirements as above.</p>	<p>Same requirements as above</p>

⁴ Serious injuries are incorporated within marine casualties.

⁵ i.e. Where the accident occurs within or adjacent to the limits of any harbour or inland waterway in the UK.

SUBSTANTIALLY INTERESTED STATES

A Substantially Interested State means a State:

1. which is the flag State of a ship involved in a marine casualty or marine incident;
2. which is the coastal State involved in a marine casualty or marine incident;
3. whose environment was severely or significantly damaged by a marine casualty (including the environment of its waters and territories recognized under international law);
4. where the consequences of a marine casualty or marine incident caused, or threatened, serious harm to that State or to artificial islands, installations, or structures over which it is entitled to exercise jurisdiction;
5. where, as a result of a marine casualty, nationals of that State lost their lives or received serious injuries;
6. that has important information at its disposal that the marine safety investigating State(s) consider useful to the investigation, or
7. that for some other reason establishes an interest that is considered significant by the marine safety investigating State(s).

GUIDANCE ON REPORTING MARINE INCIDENTS

1. Reporting marine incidents can lead to important safety lessons being learned. This guide has been produced as an aid to identifying what should be reported. It should be stressed however that this requirement relies heavily on an objective assessment as to whether a particular procedure, practice or condition could have or would be likely to cause a marine casualty.
2. A marine incident is a procedure, practice or condition that a reasonable person would consider, if not corrected, to have the potential to lead to a marine casualty.
3. Some general examples of a marine incident help to illustrate this definition (source: IMO MSC-MEPC.7/Circ.7):
 1. Any event that leads to the implementation of an emergency procedure, plan or response and thus prevents a loss. For example, a collision is narrowly avoided; or a crew member double checks a valve and discovers a wrong pressure reading on the supply side.
 2. Any event where an unexpected condition could lead to an adverse consequence, but which does not occur. For example, a person moves from a location immediately before a crane unexpectedly drops a load of cargo there; or a ship finds itself off-course in normal shallow waters but does not ground because of an unusual high-spring tide.
 3. Any dangerous or hazardous situation or condition that is not discovered until after the danger has passed. For example, a vessel safely departs a port of call and discovers several hours into the voyage that the ship's radio was not tuned to the Harbour Master's radio frequency; or it is discovered that the ECDIS display's scale does not match the scale, projection, or orientation of the chart and radar images.

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Please note that all addresses and
telephone numbers are correct at time of publishing

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