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NOTE

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Fatal man overboard from the lone-operated creel fishing vessel *Nista* (LK121) north of Belnahua, north-west Scotland on 13 December 2023

SUMMARY

At about midday¹ on the 13 December 2023, Hugh MacLachlan, the skipper of the lone-operated creel² fishing vessel *Nista* became trapped in the back rope of the fishing gear he was shooting³. The skipper was pulled overboard and underwater by the deploying fishing gear and drowned. The unmanned vessel continued to motor away and grounded 3 hours later on a shoal to the north of Belnahua, north-west Scotland. The skipper's body was later recovered entangled in the back rope of the creel fleet.

The investigation found that *Nista*'s skipper became trapped in the back rope of the fishing gear as it was deployed. He was probably wearing a personal flotation device, which came off while he was under the water. There was no effective means to separate him from the fishing gear while shooting, for him to reboard, or to raise the alarm from the water.

The circumstances of this accident highlight the persistent and enduring hazard that the dangers of creel and potting operations continue to pose to the lives of fishermen. The report makes no recommendations due to outstanding MAIB recommendations to industry organisations to promulgate safety guidance about the hazards of lone-operated fishing.



Nista

¹ All times are universal time coordinated (UTC).

² A trap used to catch shellfish, also known as a pot.

³ A term used to describe the act of deploying a fleet of linked creels from the stern of a vessel while underway.

FACTUAL INFORMATION

Narrative

At about 0840 on 13 December 2023, *Nista* departed South Cuan on the isle of Luing, Scotland and steamed north to Rubha Lagain Aillidh, arriving at 0919 (**Figure 1**). *Nista* then travelled west to Insh Island, arriving at 0928, and then headed south, arriving at Easdale an hour later to lift and shoot one fleet of creels.

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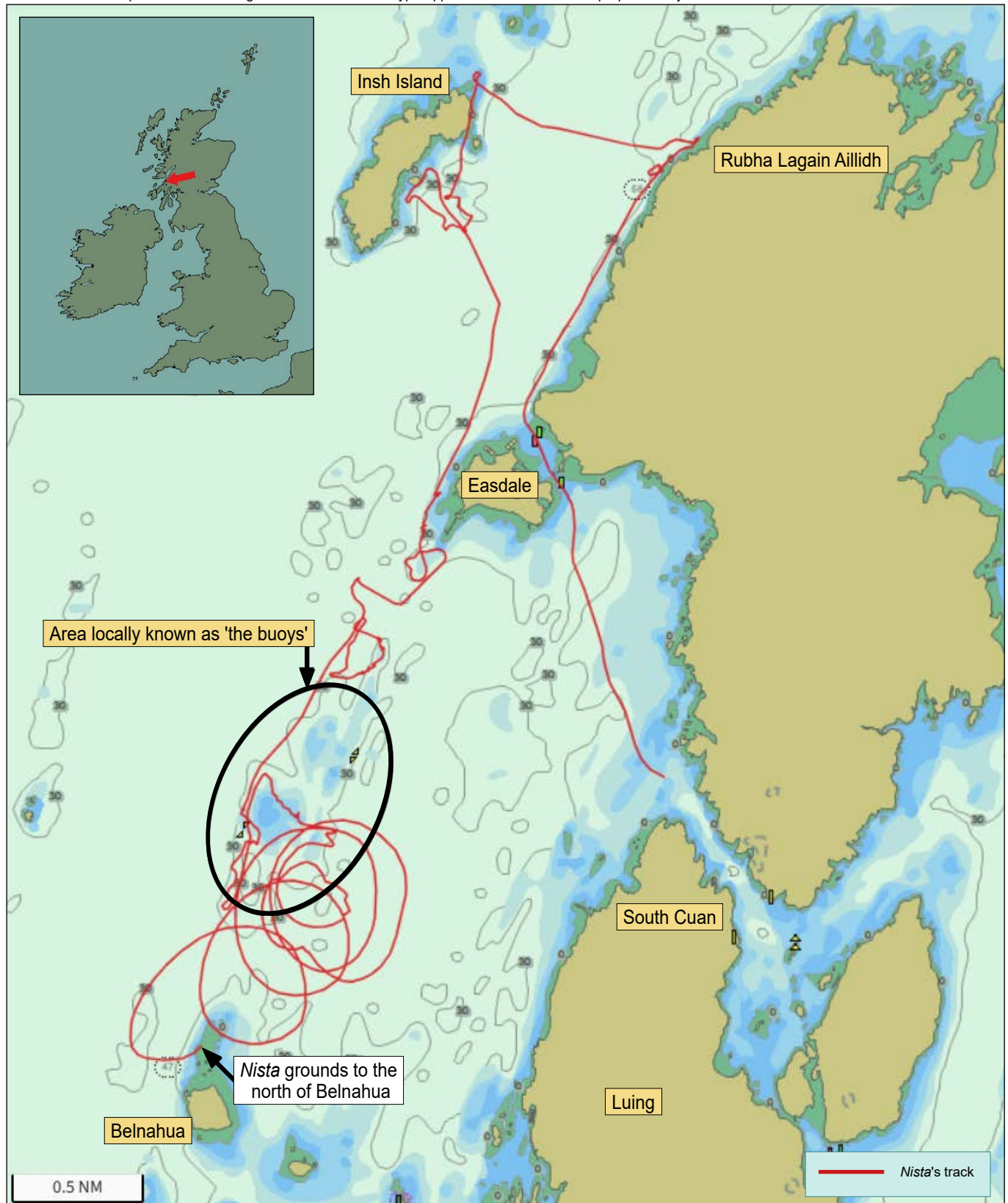


Figure 1: Passage of *Nista* on 13 December 2023 and (inset) accident location

At 1039, *Nista* continued south to an area known locally as ‘the buoys’. Thirty-five minutes later, the lone skipper relocated the vessel to the south of the buoys and lifted another fleet of creels. Just before midday, the skipper of the fishing vessel *My Tara* observed from the shore that *Nista* was taking some time to work the area and noted that the *Nista*’s skipper must be working single-handed.

At about midday, *Nista*’s skipper began to reshoot the fleet he had just hauled, and the vessel set off at approximately 6 knots (kts). *Nista* continued to steam ahead and completed five and a half port turns. At 1459, *Nista* grounded on the shoal to the north of Belnahua, north-west Scotland.

At about 1510, the wife of *Nista*’s skipper became concerned that her husband had not returned and telephoned around to enquire where he might be. At about 1530, *My Tara*’s skipper spotted *Nista* on the shoal from the shore. An hour later, fishing vessel *Vigilant*, skippered by the son of *Nista*’s skipper, and a small motorboat driven by *My Tara*’s skipper converged on *Nista*. *My Tara*’s skipper boarded *Nista* first and was joined shortly afterwards by *Vigilant*’s skipper, who called to alert the emergency services to the developing situation. *Nista*’s engine was running and in gear. The two skippers could not find *Nista*’s skipper on board but discovered five creels jammed in the shooting gate (**Figure 2**), with the back rope under tension leading aft of the vessel. The two skippers used the creel-hauler to recover the gear and found *Nista*’s skipper with his ankle caught in what they described as a *perfect knot* in the back rope between the jammed creels and the 15th creel. They brought him on board and cut him free of the rope; he was wearing oilskin salopettes, but his personal flotation device (PFD) and upper clothing were missing. At 1552, the skipper of *My Tara* called 999 to update the emergency services. At 1604, the coastguard requested Royal National Lifeboat Institution (RNLI) support.



Figure 2: Reconstruction of the creels jammed in *Nista*’s open shooting gate

At 1640, the Oban RNLI all-weather lifeboat (ALB) arrived on scene and made an initial assessment of the skipper. Thirty minutes later, search and rescue (SAR) helicopter *R151* arrived and lowered a medic to the ALB. The helicopter medic declared the skipper deceased and his body was airlifted to Oban, Scotland.

Environmental conditions

On the 13 December 2023, the wind in the area was north-easterly Beaufort force 1, the visibility was good, and the sea was calm. The sea temperature was 11°C and the air temperature was 6°C. Low tide in Seil Sound was at 1114. At low water the tidal stream set west-south-west at 0.3kts, changing to the north-east on the flood; it was a spring tide.

The skipper

Nista’s skipper, Hugh MacLachlan, was 58 years old. He was a career fisherman who had skippered trawlers and latterly owned a scallop dredger until 2019, after which he fished for lobster around the isle of Luing. He was approaching retirement and fished single-handed four to five times a week. He also provided support to other fishermen on the isle of Luing and helped with community projects.

The skipper had owned and operated *Nista* since February 2020 and had completed all the mandatory training for commercial fishermen. He was known to be safety conscious and to show concern for others at sea, encouraging local fishermen to wear a PFD, but was often behind in his paperwork. The skipper normally wore a 150 Newton PFD while fishing, and was believed to be doing so on the day of the accident, though it is unknown whether his PFD had a crotch strap.

The skipper’s postmortem report stated that the cause of his death was drowning.

Nista

Nista (Figure 3) was a 7.78m commercial fishing vessel built in 1990. It was constructed of fibreglass and had a 0.9m draught. In 2020, the skipper had added an aluminium cat catcher and two low pound boards to the vessel's stern.

For illustrative purposes only: not to scale

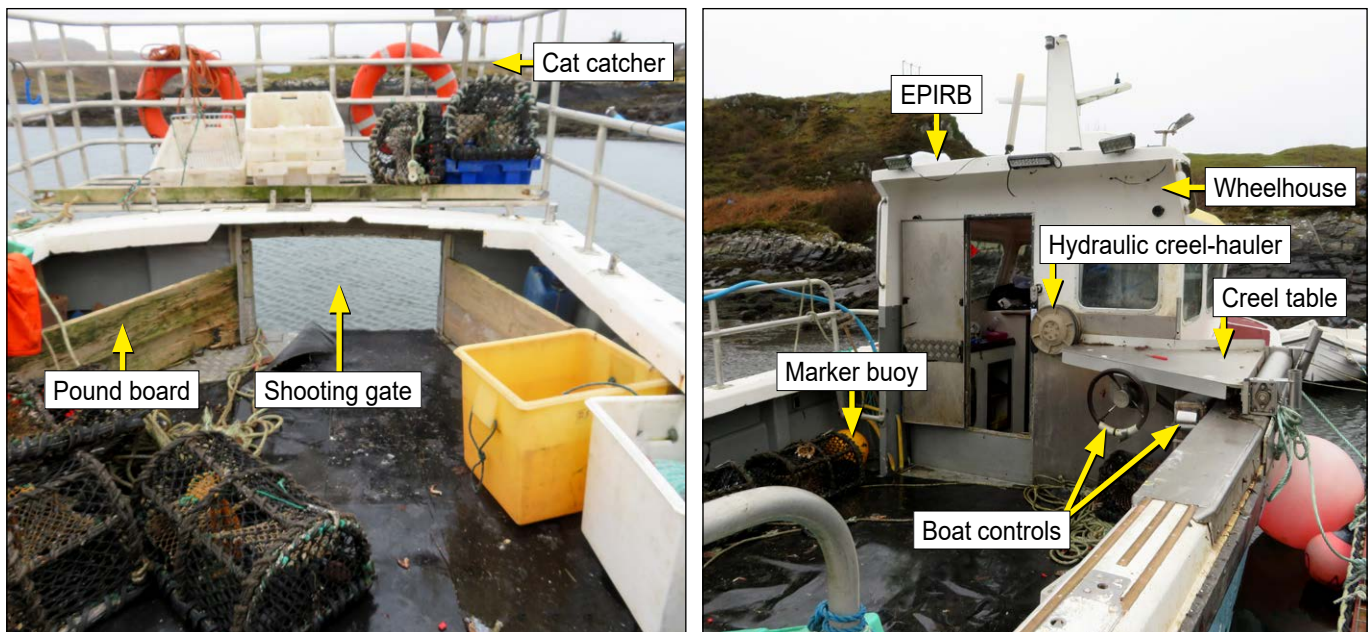
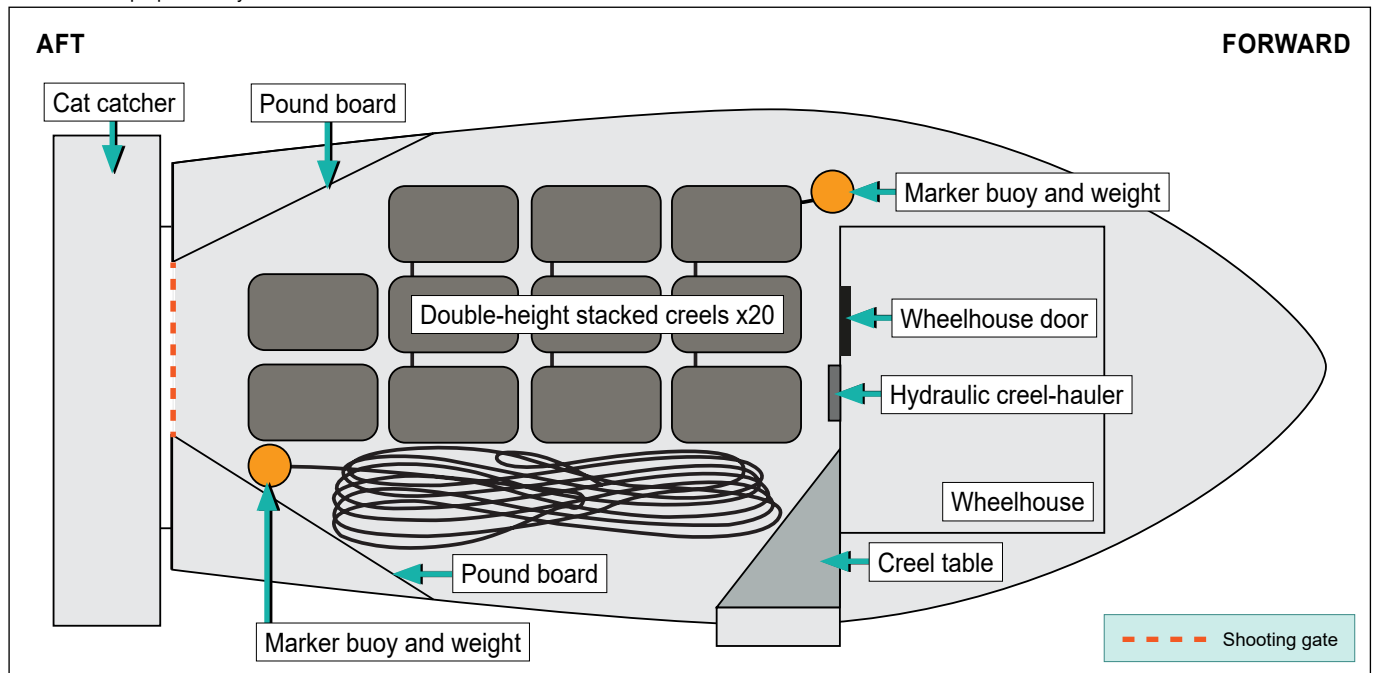


Figure 3: Nista's deck arrangement

Nista held a Small Fishing Vessel Certificate (SFVC) issued by the Maritime and Coastguard Agency (MCA) following inspection on 14 February 2020. The SFVC was valid until 13 February 2025.

The vessel had a 153-kilowatt engine below deck and could be driven from a helm in the wheelhouse or from next to the hydraulic creel-hauler that was mounted outside on its starboard aft bulkhead. The shooting gate opening in the transom measured 53cm by 108cm and was enclosed by a top rail. There was no means to close the shooting gate. The aluminium working deck was covered with an antislip rubber mat. Knives were found on the creel table next to the hauler and at the baiting station just aft of midships; no knives were found near the shooting gate.

Nista's lifesaving apparatus (LSA) was all found to be out-of-date for service and the Emergency Position Indicating Radio Beacon (EPIRB)⁴ that was mounted on top of the wheelhouse was also out-of-date. *Nista* did not have a deployable ladder or similar method for reboarding the vessel from the water.

A mirror mounted to the deckhead in the wheelhouse (**Figure 4**) provided a view of the shooting gate from the helm position. The wheelhouse was equipped with a very high frequency (VHF) radio.

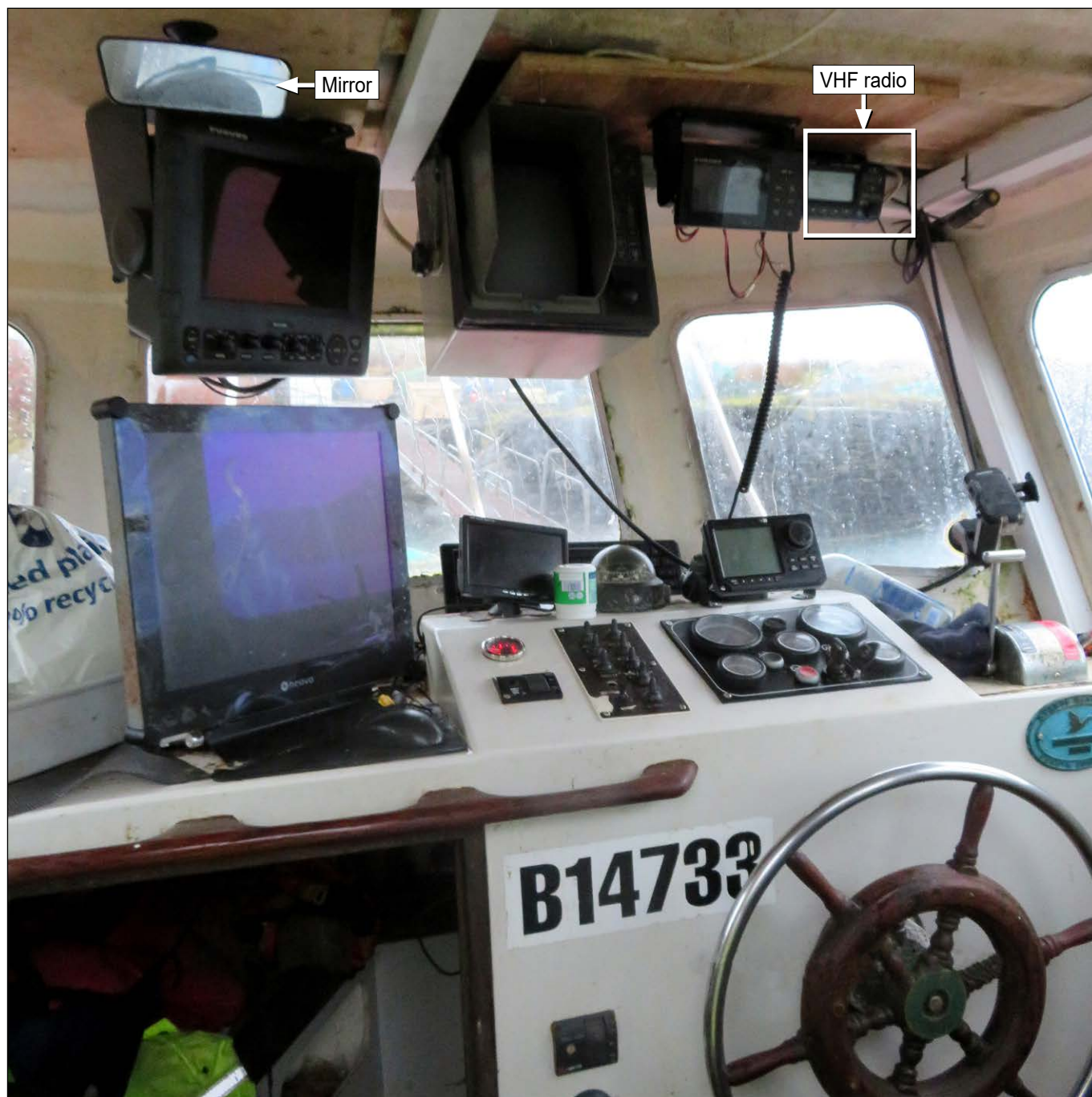


Figure 4: *Nista's* wheelhouse

Fishing operations

Nista's skipper usually operated the vessel up to 5 nautical miles off the isle of Luing, using fleets of 20 creels to fish for lobster. Each creel weighed 15kg and was 640mm long, 460mm wide and 370mm high. The creels were connected to the weighted back rope by leaders (leg ropes). At each end of the back rope was a weight and a riser line connected to a marker buoy floating on the surface (**Figure 5**). The creels were stacked on deck in rows of three before shooting, starting next to the buoy on the port side.

⁴ A device which, when activated, alerts the search and rescue services as to its position to satellites on 406 megahertz (MHz) and locally on the 121.5MHz distress frequency.

Once a new row of creels had been placed on the deck a second row would be placed on top, slightly overhanging the creels on the deck. The back rope was flaked on the deck next to the stacked creels. This positioning allowed the creels to be pulled out of the shooting gate in order and was intended to minimise the chance of the creels, leaders and back rope becoming entangled.

Shooting a fleet of creels from the deck was started by throwing the buoy, riser line, and weight from the end of the fleet nearest the stern and then driving *Nista* ahead at a speed of about 4kts to 6kts. This usually allowed the creels to shoot independently, one by one through the shooting gate.

If the back rope, leaders, and creels became entangled it was normal practice for the skipper to let the knotted creels shoot overboard and once the whole fleet had deployed to rehaul and shoot again. There were low pound boards on the starboard side where an additional crew member could stand clear of the shooting creels, but it was usual for the skipper to operate alone.

For illustrative purposes only: not to scale

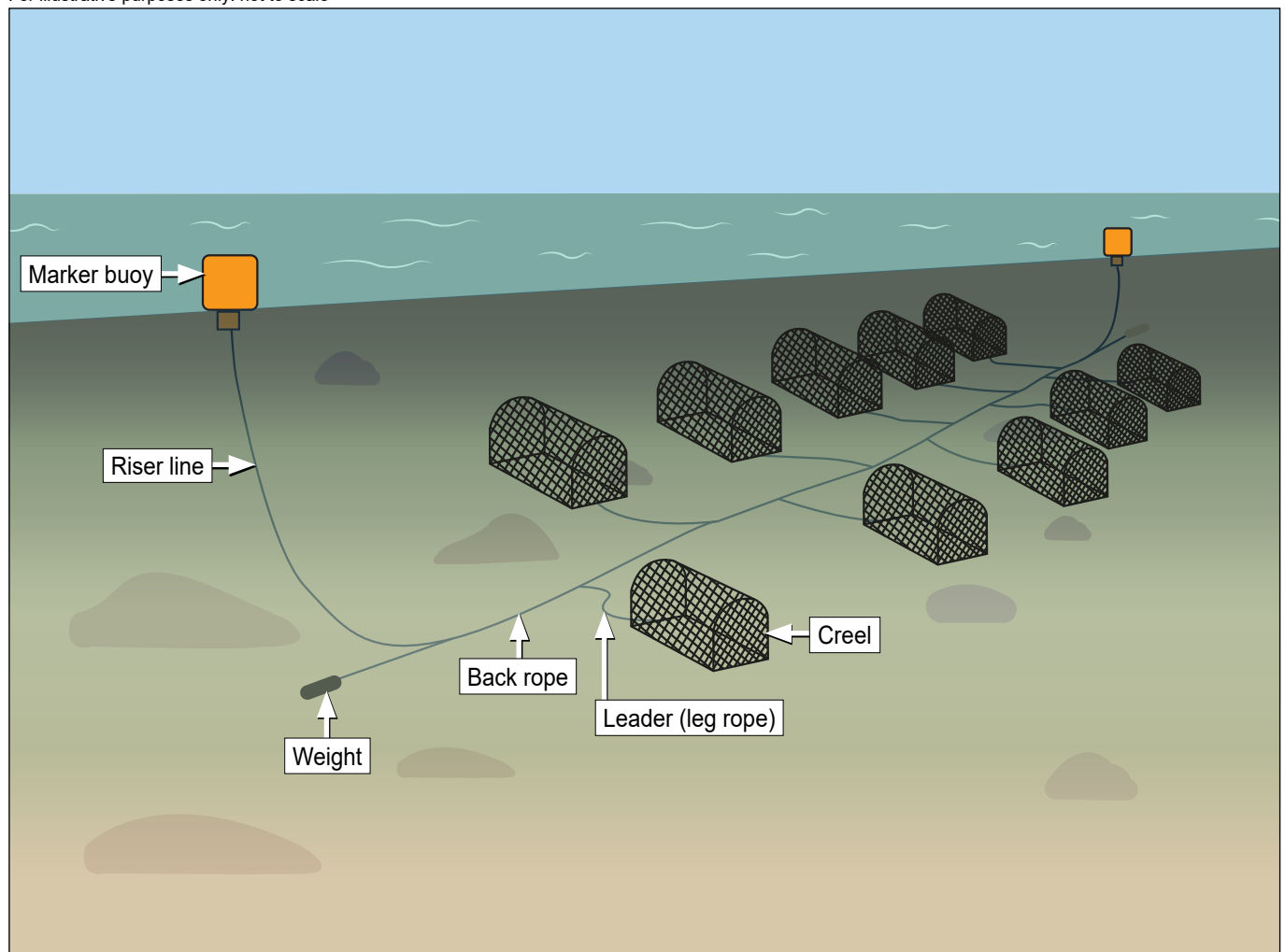


Figure 5: *Nista's* fishing arrangement

Regulation

Merchant Shipping Notice (MSN) 1871 (F) Amendment No.1 – *The Code of Practice for the Safety of Small Fishing Vessels of less than 15m Length Overall* applied when *Nista's* SFVC was issued in February 2020. The MSN required the vessel's LSA to be in date and for a verbal or written risk assessment to have been completed. On 6 September 2021, MSN 1872 (F) Amendment No.2 was issued that removed the dispensation allowing verbal risk assessments.

Marine Guidance Note (MGN) 587 (F) – *International Labour Organization Work in Fishing Convention (No. 188), Health and safety: responsibilities of fishing vessel owners, managers, skippers and fishermen*

reiterated the need for a documented risk assessment. The investigation did not find any written risk assessments on board *Nista* and the skipper had not signed up to the electronic SafetyFolder health and safety service.

Both versions of MSN 1871 (F) required vessels under 10m to carry an Emergency Position Indicating Radio Beacon (EPIRB) with a built-in global positioning system (GPS)⁵ receiver or each member of the crew to wear a personal locator beacon (PLB)⁶.

Guidance provided in MGN 571 (F) – *Fishing Vessels: Prevention of Man Overboard* introduced the requirement for vessels under 15m to conduct regular man overboard drills, highlighting that:

FALLING OVERBOARD IS ALWAYS LIKELY TO RESULT IN DEATH DUE TO COLD WATER SHOCK AND LIMITED SURVIVAL TIME IN THE SEA.

The guidance applied to vessels that were operated single-handed. It is unknown whether *Nista*'s skipper had conducted man overboard drills.

Industry guidance

First published on 14 May 2014, the MCA's *Fishermen's Safety Guide*⁷ provided industry best practice for all forms of fishing. The 1 May 2020 version, which was extant at the time of the accident, stated that:

Single handed operations are not recommended due to the high level of risk involved. [sic]

The guide listed several possible risks associated with single-handed operations including there being no-one to help raise the alarm, deal with an emergency or assist with recovering a person from the water. The guide also listed the need for a ladder to enable reboarding if the lone operator fell overboard. The guide stated that crew must wear a PFD or a safety harness if the risk of falling overboard could not be mitigated, and that a knife should be carried to enable them to cut themselves free of rope, particularly during single-handed operations.

The requirements for the layout and operation of potting vessels included:

- *Ensure that the layout of the vessel allows safe and efficient working of pots/creels. Look for possible snag points that the rope or pots may snag on when shooting*
- *To lessen the danger of crew members becoming entangled with the rope, consider if it is possible to install a barrier to contain the rope clear of the area where the crew are handling the pots*
- *Consider if an improved layout may be possible to enable the pots to be shot directly off the deck via a transom gate or a shooting ramp whilst the crew are safely stood clear in a forward position*

The MCA's *Single Handed Fishing Guide*⁸ advised skippers to:

Remove as much risk as possible

For example: non-slip decks, separating yourself from pots/creels...

And to:

Develop your own risk assessment using the free online Safety Folder, developed by the fishing industry for industry.

⁵ A satellite-based radio navigation system used to provide users with time, speed and location information.

⁶ A device that, when activated, alerts SAR services as to its position to satellites on 406 megahertz (MHz).

⁷ <https://www.gov.uk/government/publications/fishermens-safety-guide>

⁸ <https://www.gov.uk/government/publications/single-handed-fishing>

Seafish⁹ provided information about risk assessment and creel fishing vessel safety on its website that was included in the Fishing Industry Safety Group (FISG)¹⁰ Home and Dry online safety campaign¹¹. The Home and Dry website also included information on the importance of wearing a PFD and using PLBs¹². No evidence was found to indicate that the skipper of *Nista* had accessed this safety guidance; however, he was known to have held extensive discussions with fellow fishers about the correct wearing of PFDs.

Previous accidents

In the 10 years before this accident there were 104 reported incidents involving UK registered fishing vessels where a person had gone overboard, of which 44 (42%) resulted in a fatality.

On the 16 October 2021, the owner of the single-handed creel fishing vessel *Goodway* went missing while fishing (MAIB Report 11/2022¹³). The investigation found that it was likely the owner went overboard as he was attempting to free a snagged fleet of creels.

On 28 August 2021, the owner and skipper of the lone-operated creel fishing vessel *Harriet J* went overboard while shooting the fishing gear (MAIB Report 2/2023¹⁴). The investigation concluded that the skipper probably became entangled in the fishing gear and the FISG was recommended to:

2023/101 *Expedite the delivery of the outcomes of its working group on lone-operated fishing vessels, taking into account the work commissioned by the MCA and Seafish.*

In response, the FISG executive board established a working group focused on lone-operated fishing vessels that resulted in the identification of several proposals to improve the uptake of guidance; however, these proposals have yet to be implemented.

On 2 May 2021, the skipper of the single-handed creel fishing vessel *Saint Peter* (MAIB Report 6/2022¹⁵) became caught in the back rope while shooting creels and was pulled overboard and died. His PFD had kept him afloat, but he had no means of raising an alarm.

On 27 March 2019, the skipper/owner of the single-handed creel fishing vessel *Sea Mist* (MAIB Report 14/2019¹⁶) died after he became entangled in a back rope while shooting creels and was pulled overboard. The skipper carried a knife and had tried to cut himself free. Recommendations were made to the FISG to:

2019/119 *Evaluate and, as appropriate, revise guidance for single-handed fishermen provided by the MCA and Seafish to ensure that it remains fit for purpose and readily available for fishermen.*

2019/120 *Take action to improve the promulgation of the available safety guidance and safety lessons to single-handed fishermen.*

In January 2020, and partially in response to recommendation 2019/119, the MCA updated its *Fishermen's Safety Guide* and *Single Handed Fishing Guide* publications.

⁹ Seafish, a member of FISG, is a non-departmental public body (NDPB) that supports the seafood industry in the UK.

¹⁰ The FISG was set up with the goal of zero preventable deaths on fishing vessels and includes the MCA, fishermen's associations, Royal National Lifeboat Institution and Shipbuilders & Shiprepairers Association.

¹¹ Home and Dry is a safety campaign and website run by FISG to share vital fishing safety information and guidance with fishers.

¹² <https://www.homeanddry.uk/fishing-safety-info/lifejackets/>

¹³ <https://www.gov.uk/maib-reports/capsize-of-single-handed-creel-fishing-vessel-goodway-with-loss-of-1-life>

¹⁴ <https://www.gov.uk/maib-reports/person-overboard-from-creel-fishing-vessel-harriet-j-with-loss-of-1-life>

¹⁵ <https://www.gov.uk/maib-reports/person-overboard-from-single-handed-creel-fishing-vessel-saint-peter-with-loss-of-1-life>

¹⁶ <https://www.gov.uk/maib-reports/man-overboard-from-single-handed-creel-boat-sea-mist-with-loss-of-1-life>

Seafish also commissioned a report on existing safety guidance for potting¹⁷, which noted:

Following an initial drop in potting accidents following the introduction of the stern gate shooting, more recently 70% of potting accidents occur when shooting, almost all have fatal consequences. [sic]

And,

Seafish and the wider fishing industry should continue with a proactive stance and targeted potting safety campaign to encourage uptake of guidance across the UK industry via industry press, social media, gear suppliers and boat yards. [sic]

ANALYSIS

Overview

Nista's skipper became entangled in the back rope after the 15th creel had been shot. He was pulled overboard by the back rope through the vessel's shooting gate and then under the water. Without means to surface or raise his airway above the water, and unable to call for help, the skipper drowned.

The accident

That *Nista* was travelling at about 6kts indicates that the vessel was shooting a fleet of creels at the time of the accident. It is likely that the skipper became entangled in the back rope while clearing a snag or other problem with the shooting fleet that caused him to stand on the moving back rope. While doing so, it is possible he became task focused and did not notice that a bight of the back rope was tightening around his ankle.

Once the skipper's ankle became caught by the back rope it would have pulled him out of the shooting gate. The reason the last five creels became jammed in the shooting gate (see **Figure 3**) cannot easily be explained but it is also possible the tangle of creels pushed the skipper towards the shooting gate as he became entangled. Once in the water, the weight of the gear would have quickly pulled the skipper under the surface.

Nista continued to steam ahead, dragging the fleet of creels and the skipper through the water. Assuming the PFD inflated as designed it is very unlikely that its buoyancy would have been sufficient to overcome the weight of the creels already in the water and the skipper would have been submerged. Thereafter, the drag of the water probably caused the skipper's PFD and upper clothing to be pulled off over his head. That the skipper's PFD was lost possibly indicates that it was not fitted with a crotch strap or, if it was, that it was not fastened.

Lone fishing

The risks from lone fishing were well stated in industry guidance such as the Fishermen's Safety Guide, which made clear that single-handed operations were not recommended. At the time of the accident *Nista's* skipper had no one to help him once he became caught in the fishing gear, to help recover him from the water or raise the alarm. Although *Nista* had an EPIRB as required by the regulations and was equipped with a VHF radio neither of these was available to the skipper once he had been carried overboard. Had the skipper been able to free himself from the back rope it is also unlikely he would have been able to reboard *Nista* as it was making way and there was no easy means for him to self-recover.

The *Sea Mist*, *St Peter*, *Goodway*, and *Harriet J* investigations all identified the challenges, risks and hazards of working alone on small fishing vessels and the particular difficulties posed by overboard emergencies, including those of self-recovery. *Nista's* skipper had little chance of survival in the cold water from the moment he was pulled overboard after becoming entangled in the back rope.

¹⁷ Tegen Mor Fisheries Consultants Ltd – Review of existing safety guidance on potting (Ref TMSF01/2020 dated 31 March 2020).

Working deck arrangement

The skipper's desire to work 20 creels on each fleet and the limited size of *Nista's* working deck resulted in him stacking the creels in two layers before shooting. This increased the risk that the creels would topple, become entangled, and that two or more would be pulled to the shooting gate at the same time. The skipper had fitted pound boards to funnel the shooting creels towards the shooting gate, and spare gear was stowed behind the pound boards to keep the deck as clear as possible. However, despite these mitigations, as this accident has demonstrated, creels could still become jammed by the shooting gate.

If the shooting sequence was disrupted, for example by creels becoming jammed at the shooting gate, the only way the skipper could clear the problem was by walking over the back rope. Even if the skipper had put the engine in neutral before going on deck, the back rope would have been under tension from both the weight of the creels in the water and their anchoring effect on the vessel that would have been subjected to any wind or current.

Shooting was started by throwing the end weight overboard, which also required the skipper to walk over the back rope on the working deck. While some small fishing vessels are rigged so the crew can initiate the shooting process without leaving the vicinity of the wheelhouse, this has yet to become common practice.

The need to separate crew from shooting fishing gear is covered in detail in the current guidance. However, *Nista's* working deck arrangement did not eradicate the risk of creels becoming jammed or remove the risks to anyone going onto the deck during the shooting process.

Operational risks and safety

Nista's skipper had probably considered some of the risks associated with single-handed fishing. He wore a PFD while fishing and had installed antislip matting and pound boards, presumably to improve safety on the working deck. Once shooting had started and *Nista* was making way, he could monitor the fishing gear by using the rear-view mirror in the wheelhouse. The presence of knives on the working deck provided the potential for the skipper to cut himself free should he become caught in a rope. Also, it was his normal practice to let fouled gear deploy and to later safely recover and sort it, although this was apparently impossible during the accident.

The LSA on *Nista* was out-of-date for service and there were no documented risk assessments, although verbal risk assessments had been acceptable at the time of *Nista's* last MCA inspection. Mitigations such as effective separation from the fishing gear at all phases of fishing and the wearing of a safety harness had not been implemented. It is therefore possible that the skipper was unaware of the guidance detailing safe single-handed fishing vessel operations. However, the preparation and use of effective risk assessments might have enabled him to mitigate the operational risks and improve safety.

The circumstances of this accident and those involving *Sea Mist*, *St Peter*, *Goodway*, and *Harriet J* highlight the enduring risks of lone fishing, especially while shooting. The Seafish report on potting safety guidance stated the need for a proactive stance on creel fishing safety, in particular the highly hazardous practice of single-handed creel fishing. Despite safety awareness material on these topics having been produced by the FISG established Home and Dry campaign, this has not yet resulted in better support to creel fishermen to improve their working deck arrangements or reduce the risks associated with single-handed operations.

CONCLUSIONS

- *Nista's* skipper entered the water when he became entangled in the back rope of his fishing gear and was pulled through the shooting gate into the sea, where he drowned.
- The skipper probably accessed the working deck to address a problem or free a creel that had become stuck in the shooting gate as it was deployed from the underway vessel.
- The skipper was dragged underwater due to the tension in the back rope, with little opportunity to free himself due to the vessel being underway.

- The lone fishing operation put the skipper at risk and his chances of survival once in the water were low.
- *Nista's* working deck arrangement did not eradicate the risk of creels becoming jammed or remove the risks to anyone going onto the deck during the shooting process.
- It is possible the skipper was unaware of the industry guidance on mitigating the risks of single-handed fishing.
- Previous recommendations for industry initiatives to improve the promulgation of available safety guidance and information on the hazards of single-handed fishing have yet to take effect.

ACTION TAKEN

MAIB actions

The MAIB has made repeated recommendations aimed at ensuring that effective guidance and safety lessons are widely promulgated to the sector and are made readily available to fishermen. The MAIB has issued a safety flyer to the fishing industry highlighting the lessons to be learned from this accident.

RECOMMENDATIONS

In view of the outstanding recommendations made in previous investigation reports of fatal accidents involving single-handed fishing operations, no new recommendations are made in this report.

VESSEL PARTICULARS

Vessel's name	<i>Nista</i>
Flag	UK
IMO number/fishing numbers	LK121
Type	Creel fishing vessel
Registered owner	Privately owned
Year of build	1990
Construction	Glass reinforced plastic
Length overall	8.18m
Registered length	7.78m
Gross tonnage	3.72

VOYAGE PARTICULARS

Port of departure	South Cuan, isle of Luing, Scotland
Port of arrival	South Cuan, isle of Luing, Scotland (intended)
Type of voyage	Fishing
Cargo information	None
Manning	1

MARINE CASUALTY INFORMATION

Date and time	13 December 2023 at about midday
Type of marine casualty or incident	Very Serious Marine Casualty
Location of incident	Approximately 1.3nm west of the isle of Luing, Scotland
Place on board	Working deck
Injuries/fatalities	1 fatality
Damage/environmental impact	None
Vessel operation	Fishing
Voyage segment	Mid-water
External & internal environment	Minimal swell; air temperature 6°C; wind north-easterly force 1; sea temperature 11°C
Persons on board	1