

An Overview of the United Kingdom's Marine Accident Investigation Branch



Herald of Free Enterprise (1987)



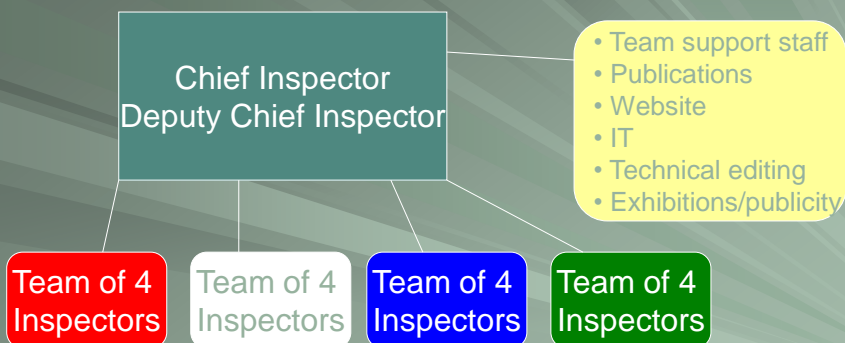
- Public inquiry recommended that MAIB be set up
- Separate accident investigation from regulator



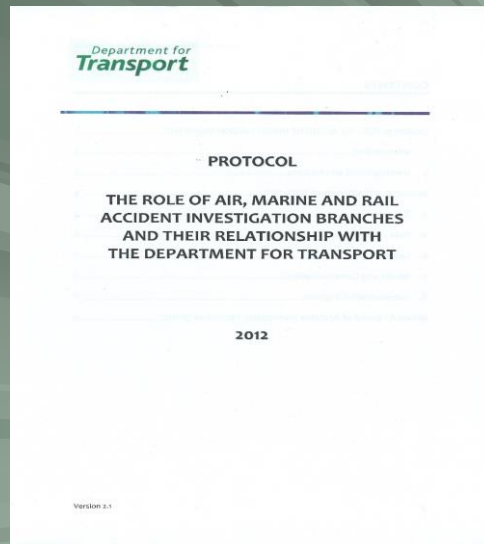
Where does MAIB sit?



Organisation



INDEPENDENCE AND IMPARTIALITY



EXTRACTS FROM PROTOCOL (1)

- It is essential that the three AIBs are, and are seen to be, entirely independent, including from their parent Department, in carrying out their prime purposes of investigating accidents and making recommendations to improve safety in their respective sectors. This protocol explains how independence is safeguarded...

EXTRACTS FROM PROTOCOL (2)

- The AIB Chief Inspectors are appointed by the Secretary of State for Transport. They have legal responsibility for, and functional independence in relation to, the ordering and conduct of investigations into accidents and incidents, and for producing reports and making recommendations as a result of investigations. **It is also the responsibility of the Chief Inspectors to ensure investigations are free from interference or influence**

What does this mean in practice?

- Chief Inspector reports directly to Secretary of State – not a civil servant
- Chief Inspector decides scope and direction of all investigations
- Secretary of State does not see a copy of the report until it is published
- MAIB investigations are conducted separately, in parallel with other (judicial) investigations
- MAIB normally has primacy over other agencies unless there is serious criminality involved

MAIB INSPECTORATE

- Normally ex Mariners with experience as Master / Chief Engineer or Royal Naval equivalent.
- 2 year accreditation scheme provides basic grounding in accident investigation methodology and core investigation skills
- Currently spend three weeks initial training at Cranfield University. MAIB accreditation scheme will be linked to MSc course
- Thereafter refresher and continuous professional development training is required.



The fundamental purpose of an MAIB investigation is to determine the circumstances and causes of an accident or incident with the aim of improving the safety of life at sea and the avoidance of accidents in the future.

It is NOT the purpose to apportion liability, nor, except so far as is necessary to achieve the fundamental purpose, to apportion blame.

UNDERPINNING LEGISLATION

■ PRIMARY LEGISLATION

– **MERCHANT SHIPPING ACT 1995**

- Defines Powers of Inspectors including right of entry to any premises, powers of interview & seizure of evidence

■ SECONDARY LEGISLATION

– **Merchant Shipping (Accident Reporting & Investigation) Regulations 2012**

- Defines who & under what circumstances marine accidents are reported
- **Enshrines Independence, confidentiality** and consultation process. Includes requirement to respond to recommendations

■ IMO Code (2010), Directive 2009/18/EC

CONFIDENTIALITY

- UK legislation protects individuals from self incrimination provided they answer MAIB inspectors' questions truthfully
- Certain documents, personal data and evidence (including statements) may not be used for purposes "other than a safety investigation" without a court order
- Reports cannot be published before those affected have been consulted

What does MAIB investigate?

- UK flag vessels anywhere in the world
- Any vessel in UK waters (12 mile limit)
- Merchant ships of all sizes
- Fishing vessels
- Leisure craft (commercial and private)



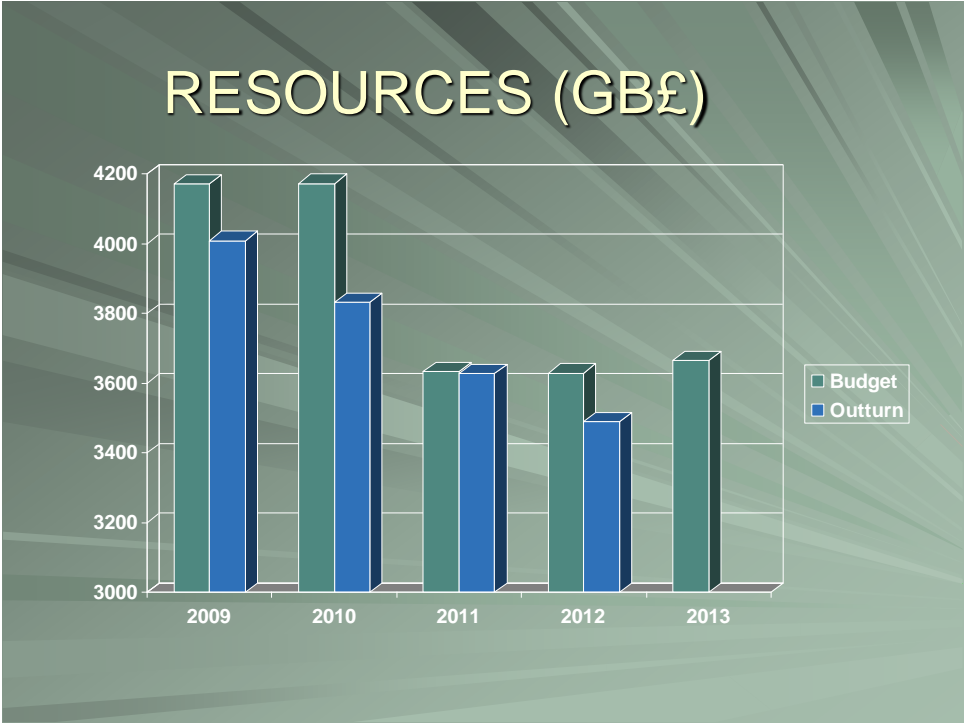
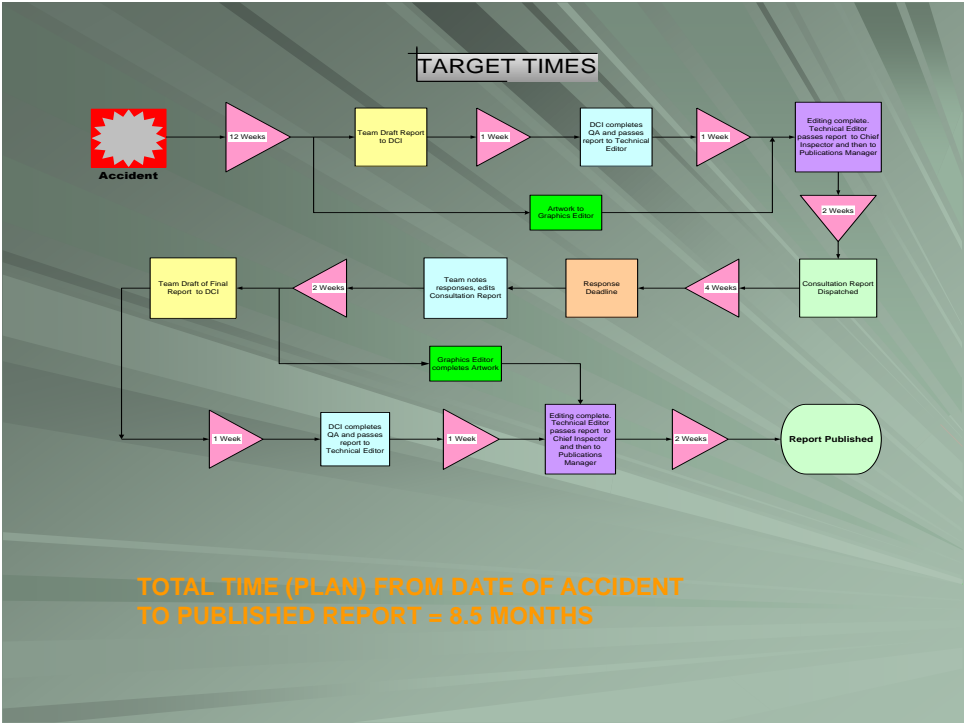


Scope of Investigations

- About 1800 reports received every year
- All go on to data base
- About a third lead to follow-up enquiries
- 30-40 are the subject of a field deployment
- All field deployments lead to a published report.

The Decision to Investigate

- All very serious marine casualties on commercially operated seagoing vessels and fishing vessels >15m
- If possible, whenever there is loss of life
- If important recommendations are likely to emerge
- Availability of resources



INTERFACE WITH THE POLICE SERVICE



Information on the Memorandum of Understanding (MOU) between the Marine Accident Investigation Branch (MAIB) and the Association of Chief Police Officers (ACPO).

The aim of this MOU is to ensure effective investigation of marine accidents in England, Wales and Northern Ireland, while maintaining the independence of all parties, and reinforcing the importance of close co-operation between MAIB and the police.

The Crown Prosecution Service (CPS) has approved the principles outlined in the agreement.

- An MAIB investigation and a police investigation will progress in parallel with maximum co-operation at all times.
- There should be early contact and close co-operation between the MAIB and the police throughout their respective investigations, both on and off site.
- MAIB inspectors must be allowed unrestricted access to an accident scene and to any preserved wreckage and evidence.
- Where possible, there should be an exchange of factual information as investigations proceed in parallel. This includes any examination or analysis of a piece of evidence and gathering and handling of evidential samples taken from witnesses.

MOU BETWEEN MAIB & ACPO (1)

- Recognises the need for MAIB & police Investigation to run in parallel with **maximum cooperation at all times**
- Establishes that MAIB Inspectors will have immediate and unrestricted access to, and **primacy** of interview of, any person involved or connected to an accident

MOU BETWEEN MAIB & ACPO (2)

- **Crown Prosecution Service** has approved the principles outlined in the agreement (separate MOU between MAIB / CPS)
- Police interviews, whether carried out under caution and/or recorded on video, will in no way be affected or rendered inadmissible in a court of law because it has taken place after an MAIB interview

MOU BETWEEN MAIB & ACPO (3)

- **MAIB statements** obtained during interview or other records pertaining to interviews **cannot** be disclosed unless a Court orders otherwise – however the interviewee can choose to make his/her copy of the statement available to the police
- **Police statements** are disclosable and **can** (must) be shared with MAIB Inspectors

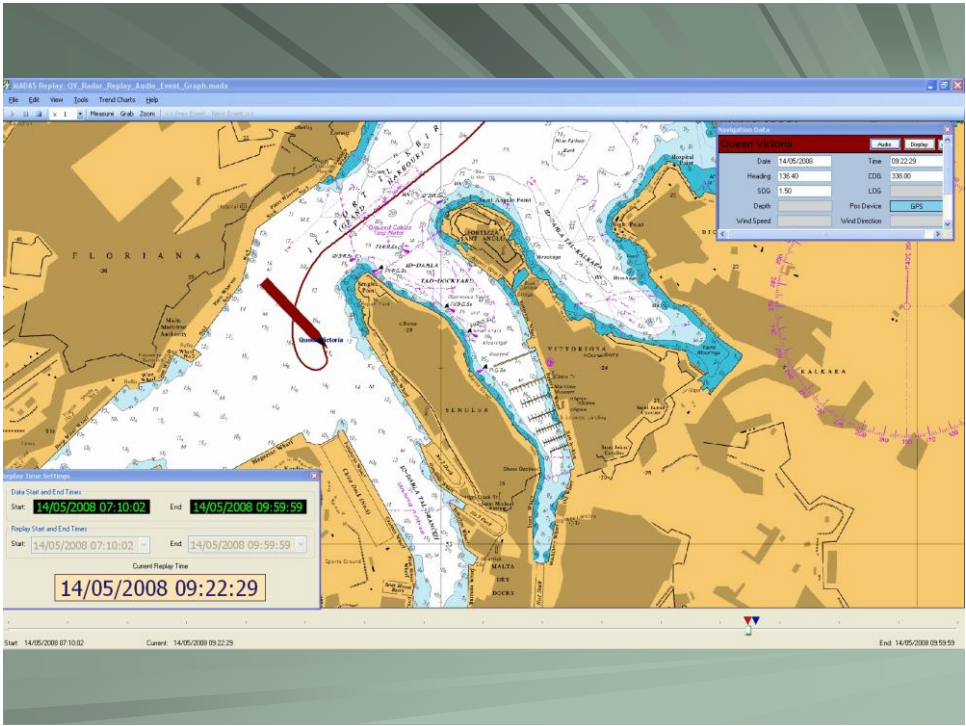
MOU BETWEEN MAIB & ACPO (4)

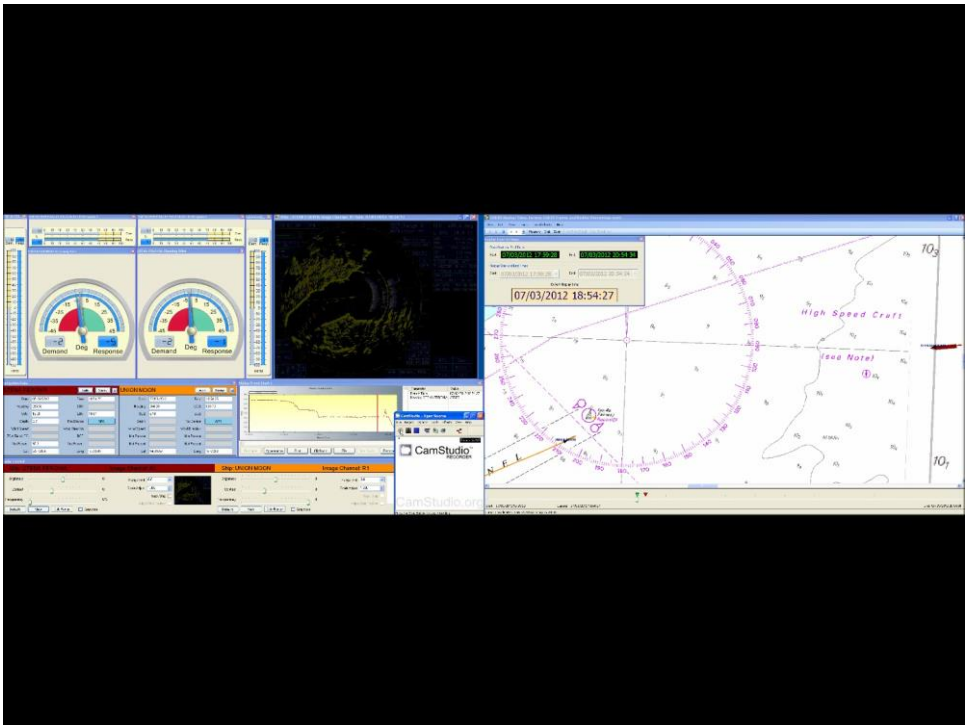
- All MAIB Inspectors are trained to handle evidence to judicial standards to ensure continuity of evidential trail.
- MAIB is normally content to take photographs or photocopies of most written evidence such as logbooks.
- Certified copies of VDR evidence will be passed to the police on request.

OTHER MOUs

- COPFS (judicial and coronial authority in Scotland)
- CPS (judicial authority in England)
- HSE / MCA (UK regulators)
- UK Ministry of Defense
- Guernsey / Jersey / Falkland Islands
- Individual Salvors
- [Admiralty Solicitors Group]

COLLECTION OF EVIDENCE









Marine Accident Investigation Branch: Home - Microsoft Internet Explorer

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28 January 2005

Latest news... [Analysis of responses to draft regulations published](#)

Welcome to the website of the MAIB

The **Marine Accident Investigation Branch (MAIB)** examines and investigates all types of marine accidents to or on board UK ships worldwide, and other ships in UK territorial waters. The fundamental purpose of **MAIB** accident investigations is to determine the circumstances and causes of the accident with a view to preserving life and property in the future and to improve safety in the marine industry.

The work of the MAIB

The head of the MAIB, the Chief Inspector of Marine Accidents, reports directly to the Secretary of State for Transport. We have four teams of accident investigators, each consisting of a principal inspector and three inspectors. All are professionally qualified and experienced in the nautical, engineering and/or fishing disciplines of the marine industry. We will use this website to share our findings with the public and industry stakeholders, as well as



Current investigations

It is difficult to put a list of the investigations currently underway in the Branch.

[Click here for current investigations](#)

Publications & Reporting

Click here for detailed MAIB reports including downloadable and printable documents.

[Click here for MAIB reports](#)

Done

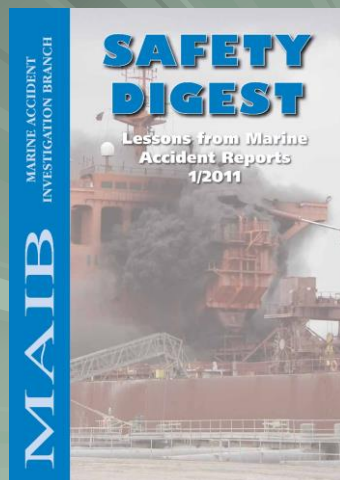
Internet

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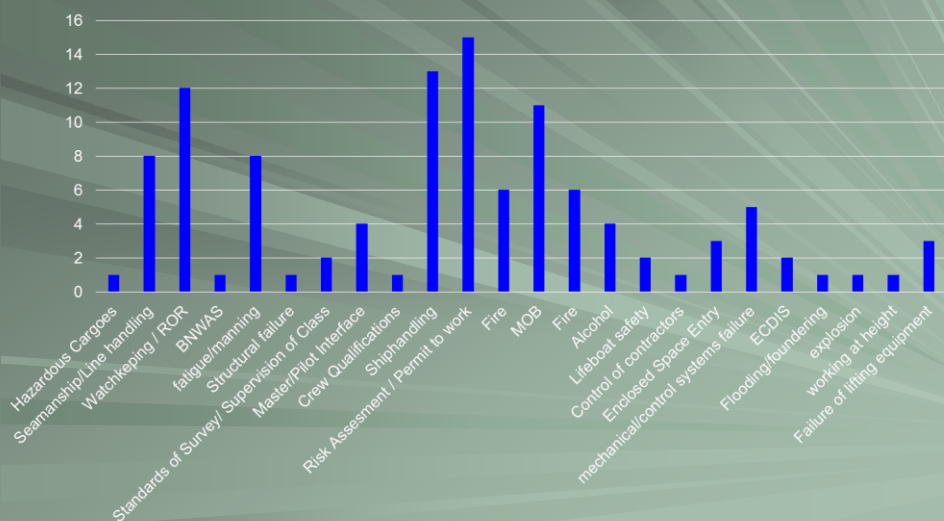
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MAIB SAFETY DIGEST

- published two times each year – > 9000 copies distributed
- provides brief accounts of a selection of accidents
- aimed at the seafarer
- draws attention to the lessons to be learned
- sole purpose is to prevent more accidents
- **it is free**



HEADLINE ISSUES – MAIB 2010-13 (96 Reports)



The Top 5.....

1. Risk Assessment / Permit to Work (15)
 - Failure to ask “what could go wrong?”
2. Shiphandling errors (13)
 - Competence and seamanship
3. Watchkeeping and ROR (12)
 - Keeping a lookout and knowing/applying the rules
4. MOB (mostly fishing vessels) (11)
5. Seamanship / Line handling (8)
Fatigue/Manning

MY TOP CONCERNS

- The use of Risk Assessment and Permit to Work systems at sea
- Electronic Navigation – particularly ECDIS
- Fishing vessel safety
- Complacency

COMPLACENCY

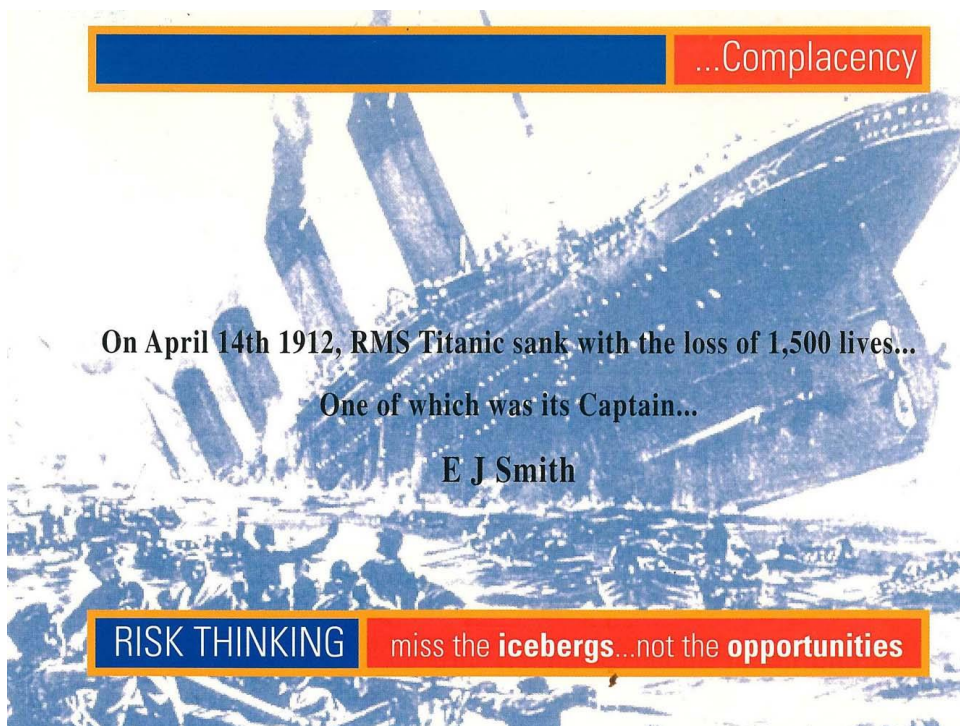
“When anyone asks me how I can best describe my experience of nearly forty years at sea, I merely say uneventful.

Of course there have been winter gales and storms and fog and the like, but in all my experience, I have never been in an accident of any sort worth speaking about.

I have seen but one vessel in distress in all my years at sea... I never saw a wreck and have never been wrecked, nor was I ever in any predicament that threatened to end in disaster of any sort.”

from a paper presented by E J Smith 1907

The Greatest Risk Is...





MAIB

THE MARINE ACCIDENT INVESTIGATION BRANCH

www.maib.gov.uk