



## MARINE SAFETY INVESTIGATION AND REPORTING AUTHORITY

### Marine Casualty and Marine Incident Reporting

**Notice to all Owners, Operators, Masters, Skippers, Officers and Crews of Merchant Ships, Fishing Vessels and Pleasure Vessels, and Port Authorities**

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#### Summary

MGN 1 of 2020 is being issued to provide information about the new Marine Safety Investigation Authority that has been established within the Premiers Office of the Government of the Virgin Islands. It explains what marine accidents must be reported, and contains information on who must report, what to report, when to report and how to report when these occur.

The Marine Safety Investigation Authority (MSIRA) investigates the causes and circumstances of marine accidents involving BVI flagged vessels worldwide and vessels of any flag in BVI territorial waters. The MSIA's purpose is to help prevent further avoidable accidents from recurring, it does not seek to apportion blame or establish liability. The MSIRA is responsible for:

- Carrying out investigations to determine the causes of accidents at sea.
- Publishing reports that include safety recommendations on improving safety at sea.
- Increasing awareness of how marine accidents happen.
- Improving national and international cooperation in marine accident investigations.

The MSIRA's reports draw attention to lessons learned from marine casualties, to inform the shipping industry, the leisure craft community and the public of those lessons.

This MGN provides guidance on the legal obligation to notify marine casualties and marine incidents, formerly known as marine accidents, as contained in The Merchant Shipping (Accident Reporting and Investigation) Regulations 2020

#### WHO MUST REPORT?

The **master / skipper<sup>1</sup> of a BVI registered ship** must notify the MSIRA of any marine casualty or marine incident (see what to report below).

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<sup>1</sup> Or senior surviving officer

The **master / skipper<sup>1</sup> of any ship** must notify the MSIRA of any marine casualty or marine incident if:

- the ship is within BVI waters and carrying passengers to / from the BVI, or
- the marine casualty or marine incident occurs within the jurisdiction of a BVI Ports Authority.

The **ship's owner<sup>2</sup>** must notify the MSIRA of any marine casualty or marine incident, unless s/he is satisfied that the master / skipper or senior surviving officer has made the report.

In addition to the above, the following must notify the MSIRA of any marine casualty or marine incident, if it occurs in their area of responsibility:

- Port / Harbour authorities, for occurrences in or adjacent to their port/ harbour area.
- The person, authority or body having responsibility for a marina.
- An official of the Virgin Islands Shipping Registry (VISR), for all occurrences in BVI waters.

The duty to notify does not apply to:

- Recreational craft hired on a bareboat basis, or
- Commercial craft or boats <8m length overall that are operating in a harbour or within one mile of the shore, which are not carrying passengers,

Unless the marine casualty involves an explosion, fire, or capsizing of a power driven vessel, or results in death, serious injury<sup>3</sup> or severe pollution.

However, notifications relating to pleasure vessels (not operating commercially) are welcomed.

All notifications are treated confidentially and a reporter's identity will not be released.

## **WHAT TO REPORT**

It is a legal requirement that any **marine casualty** or **marine incident** is notified to the MSIRA.

Any notification made to the MSIRA does not remove any obligation to notify other organisations.

A **marine casualty** is an event or sequence of events that occurred directly in connection with the operation of a ship, and resulted in:

- The death of, or serious injury<sup>3</sup> to a person
- The loss of a person from a ship
- The loss, presumed loss or abandonment of a ship
- Material damage<sup>5</sup> to a ship

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<sup>2</sup> Or where a ship is managed by a person other than the owner, the manager

<sup>3</sup> In this context a serious injury renders the person unable to perform their usual duties for >72 hours, or requires their admittance to a hospital / medical facility for >24 hours.

<sup>4</sup> See The Merchant Shipping Act 2001, Section 2 for the definition of a pleasure vessel.

<sup>5</sup> In this context, material damage means the structural integrity, performance or an operational characteristic of the ship or infrastructure are significantly affected, and requires major repair or replacement of a major component or components.

- The ship being unfit to proceed, or requires flag state approval or a condition of class before it may proceed.
- At sea, a breakdown of the ship, requiring towage.
- The stranding or disabling of a ship, or the involvement of a ship in a collision.
- Material damage<sup>5</sup> to marine infrastructure external of a ship that could seriously endanger the safety of the ship, another ship or any individual
- Pollution, caused by damage to a ship or ships.

Note, a marine casualty or marine incident does not include a deliberate act or omission that is intended to cause harm to the safety of a ship, an individual (e.g. assault, suicide or homicide) or the environment.

A **marine incident** means an event, or sequence of events, which occurred directly in connection with the operation of a ship, that do not meet the criteria to be classified as a marine casualty but that endangered or, if not corrected would endanger, the safety of the ship, its occupants or any other person or the environment.

Examples of marine incidents include:

- Close-quarters situations where urgent action was required to avoid collision.
- Any event that had the potential to result in a serious injury.
- A fire that did not result in material damage.
- An unintended temporary grounding on soft mud, where there was no risk of stranding or material damage.
- A person overboard who was recovered without serious injury.
- Snagging of fishing gear resulting in a dangerous heel.

### **Do not Report**

There is no requirement to report:

- Defects to equipment and vessel detentions, unless they are related to a marine casualty or marine incident.
- Injuries to passengers that did not result from activities connected with the operation of the vessel. For example: a passenger suffering a fall on board a ship, where the ship's movement, design, or acts or omissions by crew were not contributing factors
- Damage or injuries occurring ashore, including the quayside, which do not involve the ship's equipment.

### **WHEN TO REPORT**

All marine casualties and marine incidents must be notified to the MSIRA as soon as practicable by the quickest means available (see 'How to Report', below).

Notification must not be delayed until the completion of an internal company investigation.

## HOW TO REPORT

The MSIRA's 24 hour accident reporting line: + 1 (284) 468 xxxx

Information can also be submitted using the MSIA's "Report of Marine Casualty" (RMC) form, which is available on the MSIA web page in the government website : [www.bvi.gov.vg/msira](http://www.bvi.gov.vg/msira) MSIRA. On the web page, click 'Reporting an Accident', then the 'Accident Report Form' link.

Comprehensive completion of the form will avoid the need for the MSIA to make follow-up enquiries to obtain missing information.

Once completed, the form may be submitted email to: [marineaccident@gov.vg](mailto:marineaccident@gov.vg)

For general enquiries about marine casualty or marine incident notification, to follow up on a notification already made and for assistance in completing the RMC:

Tel: +1 (284) 468 XXXX (switchboard)  
E-mail: [MSIRA@gov.vg](mailto:MSIRA@gov.vg)

The switchboard telephone number and the e-mail account are not monitored outside office hours.

## EVIDENCE

Following a marine casualty or marine incident, the MSIRA may require access to additional information and evidence. In this regard, all charts, log books, recorded data (hard copy or electronic) relating to the period prior to, during and after the marine casualty or marine incident, and all other documents, records and equipment which may be pertinent to the marine casualty or marine incident must be preserved.

Where a vessel is fitted with a Voyage Data Recorder, the data recorded by it must be saved immediately and steps taken to prevent the data becoming overwritten.

Depending on the type of Marine Casualty, Marine Incident or Occurrence additional information, including a copy of the operator's investigation report, may be required to be submitted. Typically, any additional required information should be provided within 30 days of the Marine Casualty or Marine incident. Appendix 1 includes a list of some specific types of Marine Casualties and Marine Incidents and the type of additional information that should be provided.

## PENALITES

Note, it is an offence under The Merchant Shipping (Accident Reporting and Investigation) Regulations 2020, Regulation 27, not to report a marine casualty or marine incident or provide the information required without reasonable cause.

## APPENDIX 1

### ADDITIONAL INFORMATION

Specific additional information is required for some Marine Casualties and Marine Incidents. The following is a list of some Marine Casualties and Marine Incidents and the additional information that should be submitted to the MSIA when available:

#### Death (crew member) – regardless of cause

- Copy of autopsy report;
- Copy of other documents received from local authorities in the port where the body of the deceased is landed ashore; and,
- Copy of police report, if available.

#### Death (third party) – regardless of cause

- Copy of documents received from local authorities in port where the body of the deceased is landed ashore;
- Copy of police report, if available; and,
- Copy of ship's doctor's report (cruise ships).

#### Serious injury (not fit for duty for more than 72 hours) – crew member

- Medical / fitness for duty report

#### Serious injury – third party

- Copy of applicable pages from visitor log; and,
- Copy of permits to work or similar documentation for third party personnel working onboard.

#### Hull / Equipment / Machinery damage or malfunction

- Class damage survey report

### Fire / explosion

The follow-up report should include as much information as possible, including:

- location of the fire / explosion on board;
- time from detection of fire to when first fire hose or extinguisher at the scene;
- how the fire / explosion was detected, and by whom;
- action taken to extinguish the fire;
- time required to extinguish and bring the fire under control;
- the nature of any impacts to passengers (passenger vessels);
- the nature of any impacts to cargo or; and,
- any other information that may be helpful to prevent other fires.

### Flooding

The follow up report should include as much information as possible, including:

- spaces affected;
- how the flooding was detected;
- action taken to control or stop the flooding;
- time required to control or stop the flooding; and the nature of any impacts to cargo or vessel operations.