NORTH NE P&I

# SIGNALS NEWSLETTER

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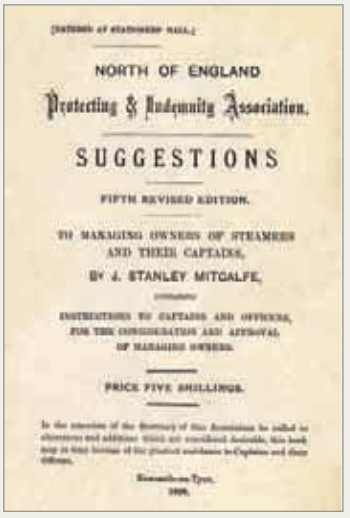
LOSS PREVENTION NEWSLETTER FOR NORTH OF ENGLAND MEMBERS

# *SIGNALS* REACHES 75

**North of England P&I club's *Signals* newsletter was first published in 1990 and has now reached its 75th issue. However, North first published loss-prevention advice over a century before that in *Suggestions to Managing Owners of Steamers and their Captains*, which was written by Mr J Stanley Mitcalfe – the Club's first secretary.**

To mark the 75th issue, a number of quotes have been taken from an early edition of *Suggestions* and compared with some of the problems and advice given more than 100 years later. Perhaps not surprisingly, many of the suggestions are just as valid today.



NORTH OF ENGLAND
Protecting & Indemnity Association.

SUGGESTIONS

FIFTH REVISED EDITION.

TO MANAGING OWNERS OF STEAMERS AND THEIR CAPTAINS.

BY J. STANLEY MITCALFE.

INSTRUCTIONS TO CAPTAINS AND OFFICERS, FOR THE CONSIDERATION AND APPROVAL OF MANAGING OWNERS.

PRICE FIVE SHILLINGS.

## Masters' rounds

The regular weekly inspection made by the master of the accommodation, galley and stores spaces on many ships is the subject of an article in this issue. Rather than being a ritual enjoyed by masters, it is something required of them by international regulations to protect the crew's living conditions – and will become even more essential when the Maritime Labour Convention 2006 is introduced.

*See page 3 for full story.*

## Liquefying bulk cargoes

The important issue of bulk cargoes that may liquefy is addressed again in this issue of *Signals*. The article reminds masters of good practice with regard to obtaining information about the cargo and a suitable declaration from the shipper before loading.

*See page 3 for full story.*

## PILOTAGE SAFETY POSTER

The latest poster in North of England's Safe Work series illustrates the importance of a good bridge team relationship with a pilot, which is essential for safe navigation in pilotage waters. The poster uses two illustrations to compare a casual approach – where the pilot is not involving the bridge team in the navigation of the ship and the bridge team is making no attempt to monitor the pilot's actions - with a proper approach – where the team are fully involved with the pilot in keeping a lookout and monitoring the ship's position and movement.

*A copy of the new poster, entitled Safe Work, Bridge Team/Pilot Relationship, is enclosed with this issue of Signals for all Members and entered ships.*


## RightShip approval clauses

RightShip is an independent ship vetting specialist offering the commercial shipping industry a ship vetting information system. It is becoming increasingly common for time charterparties to include clauses that impose obligations on owners so far as RightShip 'approvals' are concerned. However, these clauses can give rise to disputes and problems of interpretation, which are considered in this issue.

*See page 5 for full story.*

## Avoiding collisions

Despite the passing of time and the technological evolution since the nineteenth century, many of the basic principles of good seamanship remain the same. Some of those principles that relate to collision avoidance – notably keeping a good look-out, proceeding at a safe speed in reduced visibility and acting decisively – are considered in this issue of *Signals*.

*See page 7 for full story.*

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# Crew – your most important resource

The following paragraph was included in North's nineteenth century publication *Suggestions to Managing Owners of Steamers and their Captains.*

> *'When the launch of a ship was a cause for congratulation, and shipowning was almost entirely confined to our sea-port towns, there was one toast which was always received with approval. In proposing it, the speaker pointed out that good builders, a good ship, and good owners were of little use, unless the vessel was also provided with a good captain and crew.'*

A ship's crew is one of the shipowner's most important resources. Qualified, well-trained and healthy crewmembers not only reduce personal injury and illness incidents, they also help ensure proper maintenance of the vessel, good operations on-board and appropriate care of the cargo, limiting Members' exposure to claims of all types.

The shortage of officers and crew across the international fleet is well documented and there is much sympathy for Members who find it ever-more difficult both to recruit and retain crew of a high standard.

### Vetting is vital

However, with today's crews being truly international, there has been an increased use of local manning agents and third-party organisations. Many such companies are excellent but the Club regularly sees examples of seafarers being presented to Members who have false papers and/or are not fit for sea. Unfortunately this is usually only discovered after there has been some form of incident.

It is therefore increasingly important that Members take the recruitment of both officers and crew very seriously and make every effort to ensure that only fully capable and fit seafarers are employed. Where this operation is outsourced, Members should work closely with their suppliers. What checks are made and how these are upheld should be closely monitored, along with an effective pre-employment medical scheme and agreement as to terms of employment.

# Myth or truth?

## Left-handed people are smarter than right-handed people

This is a complete myth and it is not entirely clear where the rumour started, although it was presumably by a left-handed person.

There have been many medical studies on the effect of right-handedness or left-handedness on such varying subjects as oral hygiene, depression, schizophrenia, asthma, allergies and injury, although none of the findings have been in any way conclusive.

In general, the right side of our brain receives input from and controls the left side of our body, and vice versa.

Thus right-handed people are usually said to be left-brain dominant. It is also medically accepted that each brain hemisphere is known to have specialised abilities; the right brain is responsible for visual and spatial skills while the left controls language and speech.

However, while there are no noted differences in intelligence between left-handed and right-handed people, it does seem that males are far more likely to be left-handed than females.

# Clarifying next of kin


North has previously advised Members about the importance of having an effective 'next of kin' clause within crewmember contracts, most recently in *Signals* issue 73. However, the lack of such clauses is still causing problems for both Members and crews' families alike.

Many crew contracts today allow for fixed levels of compensation to families of crew members who die during their employment. The majority of crew contracts also include a section for details of a crew member's next of kin, and it is commonly presumed that this individual will be the beneficiary of any compensation.

However, in many jurisdictions, 'next of kin' is only considered to be that person who should be contacted in the event of an emergency and this does not entitle them to receipt of any monies following a fatality. This can be very distressing for family members, and also very frustrating for shipowners.

### Family legal battles

Where the beneficiary under a contract is not specifically and separately named, this can lead to a legal battle between various family members as to which of them is entitled to compensation, ultimately requiring a court judgement.

Members inevitably become financially involved in defending such claims from contesting parties and the true beneficiaries have to wait even longer for any funds to which they are entitled. More importantly, additional and unnecessary stress and worry is placed upon the family of the deceased at a time when they are most vulnerable.

Members should therefore ensure that all crew contracts not only detail the next of kin, but also clearly state that the individual is entitled to any compensation due under the employment contract – or name an alternative beneficiary.

*Members requiring assistance in reviewing and possibly amending existing contracts should contact a member of the Club's personal-injury department.*

# Liquefying cargoes – a running risk

Several articles have been published over the years in *Signals* about solid bulk cargoes that liquefy, yet recent cases indicate this continues to be a problem. The following are some examples of good practice when dealing with any bulk cargo.

## Obtain full cargo information before loading

The IMO Code of Safe Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code) states that, prior to loading, masters should ensure they receive from shippers a declaration of the details of the cargo as required by the Safety of Life at Sea Convention (SOLAS), chapter VI.

The BLU Code contains a suggested format for the declaration. Masters are entitled to require further details, such as trimming or continuous measurement of moisture content, if they feel it necessary. The code also requires terminal representatives to verify that masters have received the necessary cargo information.

It would be good practice for owners to request a copy of the cargo declaration from charterers as soon as vessels are fixed to carry a bulk cargo. If masters have not received the declaration by the time they receive voyage orders from charterers, they should request it then. In no circumstances should masters start loading without having received the required information and taken the time to consider it.

## Check the cargo declaration

Masters should have a reasonable period of time in which to consider the cargo information and to decide what precautionary steps they have to take. This can include additional precautions to be taken during loading, which can be notified to the terminal.

Masters should remember that the list of cargoes in the Code of Safe Practice for Solid Bulk Cargoes (BC Code) – or the International Maritime Solid Bulk Cargoes (IMSBC) Code, which becomes mandatory on 1 January 2011 and may be introduced as a requirement by some administrations before then – is not an exhaustive list of cargoes that can cause problems with liquefaction. As a matter of good practice, masters should check any cargo which consists, wholly or partly, of small particles.

## On-board testing

The BC Code contains details of the sort of tests masters can carry out on board and what they should look for. Samples should be taken regularly, tested and the results recorded in the log book.

## Stop if in doubt

Where masters have any doubts as to the safety of any cargo, whether or not it is listed in the BC Code as a possible liquefying cargo, they should protest and immediately call for the club's assistance. Where masters are significantly concerned as to the safety of the cargo, they should stop loading pending the arrival of a suitable surveyor appointed to represent the owner.

*Liquefied lateritic nickel ore*

# Master's rounds enshrined in new Maritime Labour Convention

It is the day for master's rounds of the ship's accommodation and the inspection is due at 1030 – right in the middle of coffee break. The crew are wondering yet again why they have to endure this ritual that only seems to please the master. It might be surprising for the crew to learn that the inspection is not just a ritual that masters enjoy but is something required of them by international regulations – to protect the crew's conditions of employment with respect to accommodation, recreational facilities, food, catering and medical health.

The conditions stem from almost 40 International Labour Organization (ILO) conventions, which have now been consolidated into the Maritime Labour Convention (MLC) 2006. This is a comprehensive new document covering everything affecting shipboard conditions of employment – including hours of work, food and catering, medical care, repatriation and accommodation.

## Frequent documented inspections

It is expected the MLC will be ratified by 2011 and take its place as the fourth major international maritime convention alongside the International Maritime Organization's (IMO) International Convention for the Safety of Life at Sea (SOLAS), International Convention for the Prevention of Pollution from Ships (MARPOL) and International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).

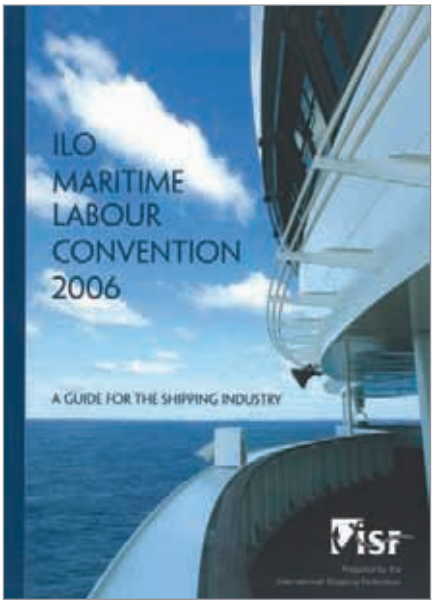
The conventions require individual IMO member States to put in place flag State legislation to ensure ships are inspected for initial and ongoing compliance with all conditions of employment. Specifically, frequent documented inspections must be carried out by masters to ensure that on-board supplies, storage and preparation of food and drinking water comply with required international standards.

## Protection for all ship employees

Even the quality of food on board will become an item to be inspected by port State control officers when ensuring foreign-flag ships are complying with MLC requirements, along with living accommodation, ventilation, heating, cabins and sleeping rooms, mess rooms, sanitary facilities, hospitals, laundry and recreational facilities .

The objective of MLC is to provide international protection for all seafarers – a term which under the convention will include every person employed on a ship. However, this should not necessarily mean a lot of extra work on board as port State control inspections already include most of the ILO requirements now consolidated into MLC.

*A more detailed article about MLC 2006 was published in Signals issue 74. Copies of Signals 74 and other recent issues of Signals can be downloaded from the Club's website: www.nepia.com/riskmanagement/lossprevention/publications/signals/*



# Signing bills of lading – old advice stands the test of time

In the nineteenth-century guide *Suggestions to Managing Owners of Steamers and their Captains*, the newly formed North of England P&I Association published recommendations about issuing bills of lading and accepting letters of indemnity, as follows.

*'Never sign bills of lading for goods until they are shipped unless you have instructions from your owners to do so; even when you have seen the goods shipped, refuse to sign until ship receipts (if any) are returned, in exchange for bills of lading: also, never sign for contents, or weight, or condition, of any package or cargo, unless they have been opened, and weighed, or surveyed, in your presence, and qualify them, 'weight and contents unknown, not answerable for breakage, leakage, or quantity and quality unknown,' and, never deliver goods (except under stop,) until the bills of lading you signed are produced duly endorsed to, and by, the receivers.'*

*'On no account accept a letter of indemnity against any clause in charter, or bill of lading – such letters are not legal against a third party, and may cause serious loss to your employers.'*

In those days, the captain usually signed bills of lading whereas these days it is usually the agent. However, the guidelines – though published over 100 years ago – are still useful.

## Masters' responsibility

Elsewhere in the same publication, it was pointed out that

*'Captains should also remember that by the Bills of Lading Act they are personally responsible to the receivers or cargo for goods, signed for in bills of lading, which have not been shipped, and the receivers can recover from them the value of such goods.'*

This was no idle threat. In the same publication, the Club reported on the outcome of a case heard by the UK House of Lords in 1886, in which a captain sued his ship's owner for his wages and the owner set a counter claim for £437 (a very considerable amount of money in those days) for his signing bills of lading that were ante-dated. The House of Lords ruled in favour of the owner.

In days gone by the master really was 'master' of the vessel, but was also held responsible for his actions.


# Look out for hot boxes

Unloading and re-stuffing a container with cargo can be a tedious process, which might explain why a container ship nearly loaded a 40 foot box with a smouldering fire inside recently.

The side of the container had been damaged and repaired by welding, but the welding was carried out with the cargo of scrap electrical components on pallets still inside. This caused a smouldering fire to start in the container, which could have resulted in a serious fire on the ship.

Members and ships' crew should be aware of the risk and be on the lookout for potential problems with any container showing signs of recent welding repairs.

# France hits polluters hard

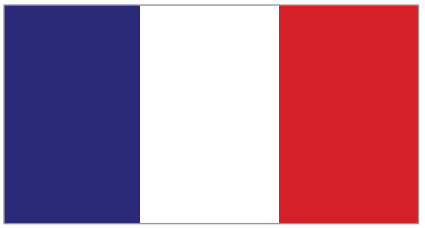
Two European Union (EU) directives entered into force on 3 August 2008. These are 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage, and 2005/35 on ship-source pollution and on the introduction of penalties for infringements. They apply to all EU nations and impose a strict liability regime.

France implemented both directives immediately. On 1 August 2008 the French 'Perben II Law' was amended to impose the maximum penalties shown in the table on masters and owners of ships convicted of pollution in French territorial waters and in the French exclusive economic zone.

The 'entry level' fine of up to €800,000 is for any pollution caused by carelessness, negligence or failure to observe laws and regulations. This lowest level of liability appears to be for offences that are less blameworthy than the 'serious negligence' needed to establish liability under the directives.

The implications of the lowest offence may be significant for Members and for masters. The maximum fine is substantial but the offence requires little fault and will therefore be easier to prove – and likely to be frequently used.

*For further information please contact Eamon Moloney at the Club. North is grateful to Richemont & Associes, Paris, for its assistance with this article.*



| Offence | Maximum penalty |
|---|---|
| For pollution caused by carelessness, negligence or a failure to observe laws and regulations | €0.8 million fine<br>but, for irreversible or serious pollution:<br>€7.5 million fine |
| For pollution caused by gross negligence or a deliberate breach of specific duties | €7.5 million fine and 5 years' imprisonment<br>but, for irreversible or serious pollution:<br>€10.5 million fine and 7 years' imprisonment |
| For intentional pollution | €15 million fine and 10 years' imprisonment |

# Avoid RightShip charterparty clauses

Following the article 'Rights to RightShip ratings' in *Signals* issue 74, which clarified shipowners' obligations to allow RightShip inspections by charterers, a related issue that can cause problems for shipowners and charterers alike is charterparty clauses requiring ships to be RightShip 'approved'.

RightShip is an independent ship vetting specialist offering the commercial shipping industry a ship vetting information system. Ship vetting can be used to provide an assessment of a ship's quality and suitability for a task. It is often used by potential shippers, charterers and terminals to look at nominated vessels, and their suitability for a task and any risks, before deciding whether to accept them.

RightShip offers an online vetting system that presents subscribers with a rating of a vessel's suitability for a particular task on a particular date.

Clauses North has seen recently oblige the owner to have the ship RightShip approved on delivery and to maintain such approval throughout the period of the charterparty. However, such clauses can give rise to disputes and problems of interpretation.

## Difficult questions

RightShip approvals are specific to the time that they are given, and given to a particular customer of RightShip, subject to that customer's own specific requirements. Those requirements are not made public and remain confidential between RightShip and its customer. The question therefore arises whether it can properly be said that, at any other time, a ship has RightShip approval?

Approvals are not time limited, and do not have a particular period of validity. So is it really within the power of an owner to maintain such an approval throughout the period of the charterparty? And what is the position if, on a given day, one RightShip customer with one set of requirements approves the ship but another customer with a different set of requirements refuses to approve the ship – is that ship RightShip approved?

Unfortunately it is not possible to answer these questions at the moment as there is no decided law on the point, nor would it be appropriate to do so as questions such as these are presently the subject of litigation in a number of cases. The answers will depend on the particular facts of each case and the wording of the charterparty provisions in question.

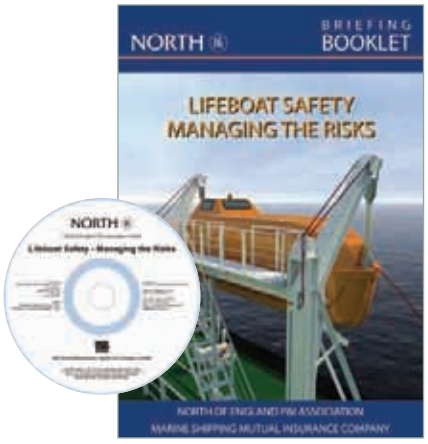
Until the legal position becomes clearer, Members need to be aware of the difficulties posed by clauses requiring a ship to have or obtain RightShip approvals. Their effect is unclear and they are likely to give rise to disputes that may be difficult and expensive to resolve. Ideally, therefore, such clauses should be avoided by Members, whether owners or charterers.

## Obligation to allow inspections

However, as discussed in *Signals* 74, the recent *Silver Constellation* case clarified that even where there is no express clause in a charterparty dealing with RightShip inspections and approvals, there is still an obligation on owners to allow and co-operate with inspections that charterers may require.

*Silver Constellation* was the first reported High Court case dealing with RightShip approvals, but the one thing it did not consider was the interpretation and effect of the sort of clauses discussed in this article. The charterparty in question did not contain such a clause and therefore the case does not offer any guidance on how such clauses should now be interpreted.

# Support for lifeboat fall-preventer devices




A DVD and poster about lifeboat safety were circulated to Members and entered ships with the last issue of *Signals* (74). One of the potential hazards identified was inadvertent release of the on-load lifeboat hooks. The DVD highlighted the growing body of support for fall-preventer devices as an interim control measure while the situation is reviewed by the International Maritime Organization (IMO).

Since then the UK Maritime and Coastguard Agency (MCA) has published marine guidance note MGN 388 which provides guidance on the use of fall-preventer devices. The MCA advises that IMO too is considering the use of fall-preventer devices for existing equipment.

MGN 388 provides interim guidance on the design considerations, shipboard operation, testing and potential problems associated with fall-preventer devices. However, ship operators and crew must bear in mind that relevant authorities including the flag State must be consulted for advice and any necessary approval before fitting and using fall-preventer devices.

*A copy of MGN 388 can be downloaded from the MCA's website: www.mcga.gov.uk/c4mca/mcga07-home/shipsandcargoes/mcga-shipsregsandguidance/marinenotices/mcga-mgn.htm*

*Members can order additional copies of the Club's DVD, Lifeboat Safety, Managing the Risks, from the loss-prevention department.*
*Email: loss.prevention@nepia.com*

# Weather – still worth reporting?

As far back as 1853 maritime nations recognised the value of ocean-weather observations from ships to provide essential inputs to weather warnings and forecasts. Since that time, weather observers and mariners have benefited from meteorological observations from voluntary observing ships (VOS) that provide vital data to ensure ever-increasing accuracy of forecasts.

Modern weather forecasting is based on the use of sophisticated computer models that undertake millions of calculations a second to arrive at weather information of the highest quality, ensuring safe and commercial decisions when operating ships in the oceans of the world. This raises the question of whether observations taken on the bridge of a ship in the middle of the ocean, such as reading a wet-and-dry-bulb thermometer and comparing the sky to pictures of clouds, are still of any value?

The short answer is yes, because the old adage of 'garbage in, garbage out' is absolutely true when it comes to weather computer modelling. The accuracy of the output from weather-predicting software is wholly dependent on the accuracy of the initial conditions used to start the model runs.

## Ship reports vital to warnings

There is no problem in collecting land-based observations of weather data. But 75% of the world's surface is water and it is important that mariners are assured that VOS observations remain vital in establishing accurate initial conditions over the vast oceanic areas of the globe.

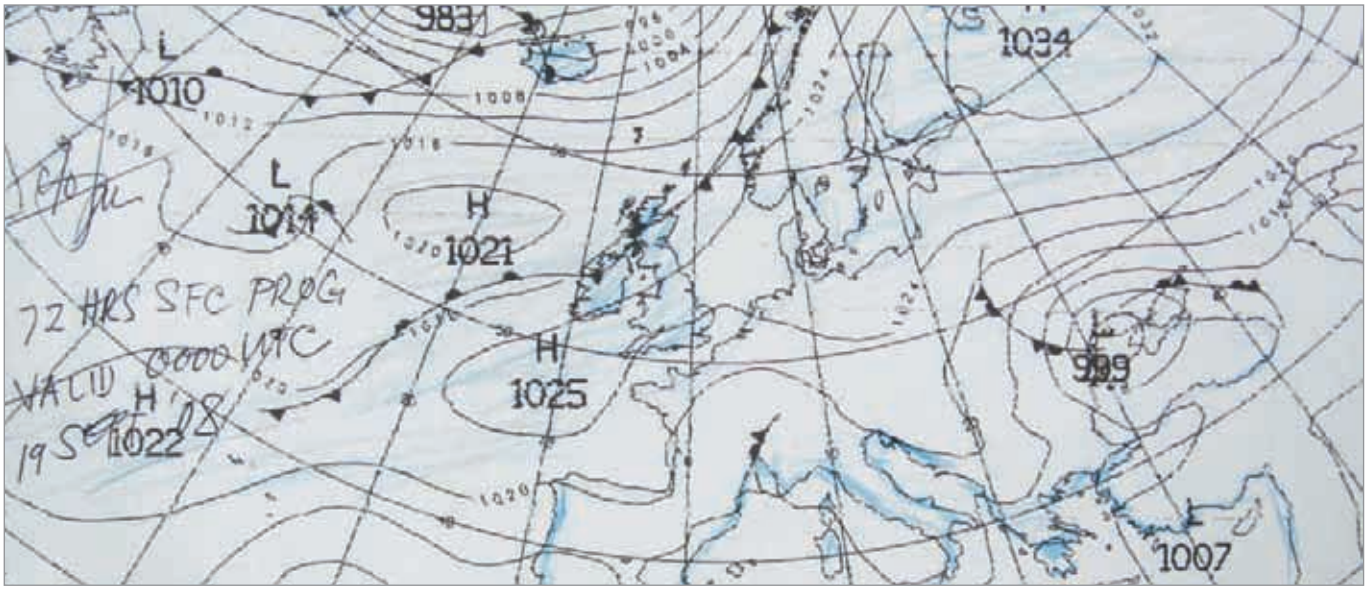
One way of demonstrating the value of a ship report is to take a previous weather forecast that proved absolutely vital in providing a weather warning and re-running the computer model after removing the VOS data. This has been done by several international meteorological organisations and the results are astounding – even removing one VOS report has a profound effect, sufficient to alter the forecast so that a weather warning is not generated.

Meteorological observations from VOS continue to make a vital contribution to marine safety and efficiency, providing real-time reports needed for weather forecasting and historical data needed for planning and design. They contribute substantially to increasing our understanding of the ocean/atmosphere interface – essential in addressing the issue of global warming and for the development of accurate long-range weather forecasts.

## Calibrating satellite observations

Ship reports also provide vital surface measurements for the calibration of satellite observations. These realities will remain unchanged in the foreseeable future.

*For more information visit the World Meteorological Organisation (WMO) website: www.wmo.ch*



# A century of collision avoidance

Despite the passing of time and a technological evolution that has produced bridge environments that would not look out of place on *Star Trek*, the principles of good seamanship remain the same.

Many of the comments that featured in North's nineteenth century publication *Suggestions to Managing Owners of Steamers and their Captains* are as relevant to safe navigation and collision avoidance today as they were more than 100 years ago.

## Keeping a good look-out

Despite the rapid development of progressively more-comprehensive electronic aids to navigation – including integrated bridge consoles with radar, ARPA, ECDIS, AIS and VDR all neatly packaged into an 'intuitive user interface' – many present-day admiralty incidents can be attributed to the failure of those on the bridge to maintain an effective look-out.

Watchkeepers in 1895 also had distractions from this important task. Indeed, going forward to assist with sail setting at night was considered such a distraction and was referred to as 'this evil practice'. As the club said last century

> *'Collisions for the most part do not take place from the want of knowing the 'Rule of the Road' as much as from the want of proper attention to it, and keeping a good look out and showing good lights.'*

Maintaining a continuous state of vigilance by sight and hearing remains just as important today as it did then.

## Understanding safe speed

> *'On the question of speed 'in a fog, mist or falling snow' the term 'moderate speed' does not seem to be quite understood. This, however, has been held to mean the least rate of speed at which the vessel can be kept under command. It is sometimes said that she could not go slower, but, if the speed cannot be sufficiently reduced by going dead slow, the engine should be stopped from time to time.'*
>
> *'The ordinary precautions against collisions in fog are patent to all prudent navigators, so that no suggestion (that I know of) can be added to the rules already laid down, but abide by them, seeing that human ingenuity cannot yet suggest better.'*

Since the above suggestions were written in the nineteenth century, 'human ingenuity' has resulted in the invention of radar and many other electronic aids. However, over-reliance on electronic aids to navigation has arguably seen significantly higher passage speeds being maintained in recent years during conditions of poor visibility.

Defining 'safe speed' as it is referred to in current-day regulations has, for better or worse, been deliberately left to the interpretation of the master, albeit subject to the vessel being able to be 'stopped within a distance appropriate to the prevailing circumstances and conditions'. Factors required to be taken into account by today's masters in determining what this should be include the characteristics, efficiency and limitations of the radar equipment. This becomes increasingly important as aids to navigation become progressively more integral to how a ship is actually navigated.

## Acting decisively

> *'Collisions often occur at night through indecisiveness or wavering of the officer in charge giving his orders – first port, then starboard – showing red then green to the approaching ship causing confusion to both. On seeing a light 'keep a cool head' make sure what the approaching light or lights are, then act decisively to port or starboard, as the rule demands.'*

This nineteenth-century suggestion has long since been incorporated into the International Regulations for Preventing Collisions at Sea and presently resides in rule 8 - action to avoid collision - which states that

*'Any alteration of course and/or speed to avoid collision shall, if the circumstances of the case admit be large enough to be readily apparent to another vessel observing visually or by radar ... a succession of small alterations of course and/or speed shall be avoided.'*

The determination and over-reliance on small passing distances predicted by electronic aids has contributed to many an unfortunate bump in the night. Standing orders and guidance from senior officers must be unequivocal in the clarification of what constitutes passing at 'a safe distance'.

## Supporting masters

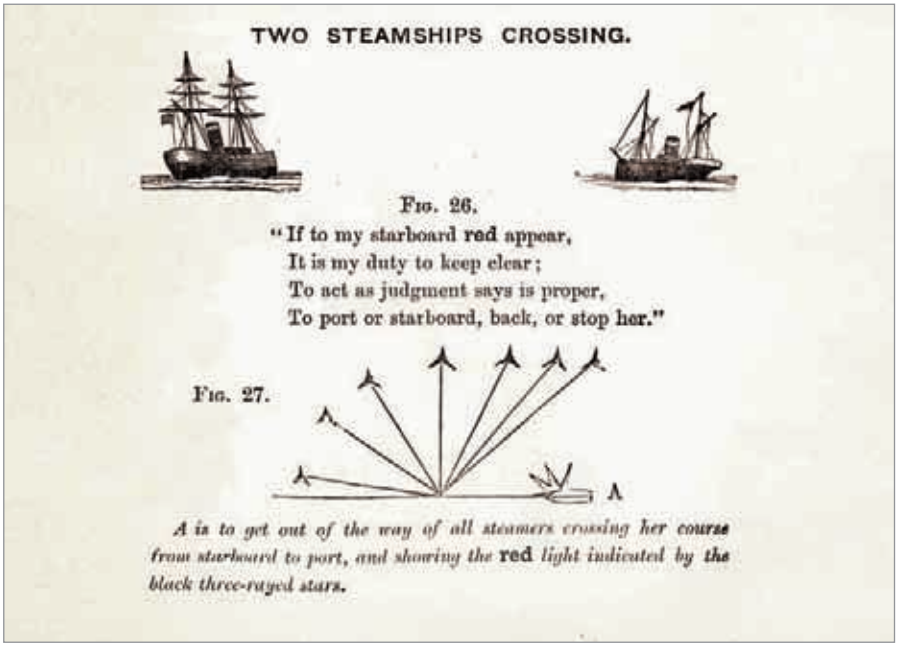
Finally, it would also seem to be the case that there is nothing new in masters having to accommodate the demands of third parties anxious for their attention.

> *'Seafaring correspondents contend that what with owners, Underwriters, Merchants' Brokers, Shippers, Charterers, Charterers' Stevedores, Consignees, and Indemnity Associations, to say nothing of their constant war with the elements, they often feel themselves between, say, the sweet little cherub that sits up aloft and the deep sea. They may not put it in these exact words, but our Directors are fully aware of the difficulties there are to contend with, and not only take all mitigating circumstances into consideration, but make a point of undertaking the defence of Captains.'*

Despite the introduction of hours-of-work legislation acknowledging the importance of well-rested watchkeepers, the determination of suitable levels of 'safe manning' remains the subject of much debate, perhaps exacerbated by poor legislative guidance. Ensuring masters are suitably equipped and supported to perform their increasingly diverse roles remains pivotal to the safe operation of ships.

## Keeping it simple

Perhaps the industry would do better to heed the advice of the nineteenth-century suggestions and concentrate on simple initiatives to promote the practice of ordinary good seamanship and navigation, such as 'look out of the bridge window'!



TWO STEAMSHIPS CROSSING.

FIG. 26.

"If to my starboard **red** appear,
It is my duty to keep clear;
To act as judgment says is proper,
To port or starboard, back, or stop her."

FIG. 27.

A

*A is to get out of the way of all steamers crossing her course from starboard to port, and showing the* **red** *light indicated by the black three-rayed stars.*

# A new environment for ballast-water management

Over 100 years ago North offered the following loss-prevention advice to owners and masters when considering the use of water ballast.

> *'It is time enough to think of filling the tanks when this is required to stiffen the vessel – say after much fuel has been consumed – and let the Captain think twice before doing it, and reflect that he opens a three-inch hole in the bottom without knowing for certain where the water goes. Being in charge of many lives and a valuable cargo he will do well to watch this risky operation from start to finish and himself order the seacock to be closed, and see it done, or he may find himself personally liable for damage resulting from the neglect of this precaution.'*

It would seem that ballast water presented problems for owners in the 1890s, with the shift from solid ballast to water giving rise to new problems. Indeed, the effect of ballasting at sea on vessel stability does not seem to have been well understood at the time, as the following extract illustrates

> *'having been criticised by the editor of a well-known shipping paper ... that we did not call particular attention to the greater risk consequent on a loss of stability ... This fact appears to be very little understood either by experts or shipmasters, and ignorance on this point may account for many missing ships.'*

## Navigating new legislation

The above extracts indicate that the main concerns arising from ballast water were cargo claims, vessel stability, damage due to sloshing and the detention of the vessel due to overloading – problems that are still commonplace. While the effects on vessel stability of ballasting when at sea are now much better appreciated by 'shipmasters and experts', modern environmental-protection requirements mean ballast water is presenting new problems for Members and masters today.

Modern environmental sensibilities have meant that in many countries considerable effort is focused on preventing introduction of invasive marine species and upsetting the local ecological balance. The continued delay in ratification of the International Maritime Organization's International Convention for the Control and Management of Ships' Ballast Water Sediments (BWM) has lead to a patchwork effect of legislation.

Countries that have implemented their own national legislation relating to ballast water include Australia, Brazil, Canada, New Zealand, Israel, Turkey, Ukraine and the USA. In addition, various individual states within Australia and the USA – and various individual ports around the world, such as Buenos Aires in Argentina, Scapa Flow in Scotland and Vancouver in Canada – have their own requirements.

Although many of the requirements mirror those of BWM, some jurisdictions have introduced their own standards and testing regimes. This makes it particularly difficult for ships to comply with the local regulations when passing from jurisdiction to jurisdiction, giving rise to operational difficulties aboard and the possibility of delays and/or fines if local regulations are breached.

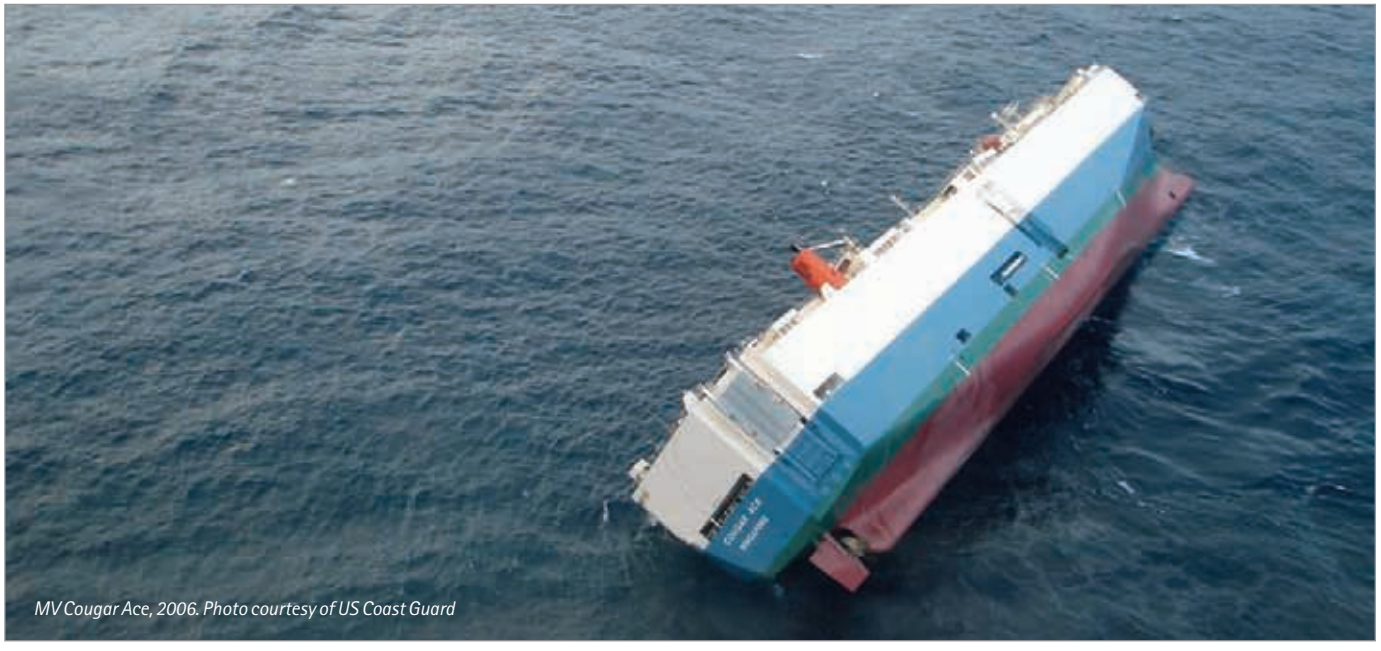
## Acknowledging old risks

To comply with ballast-water regulations, vessels are now generally required by the authorities to exchange ballast water at sea, which is a clear contrast with the advice to avoid ballasting at sea offered in the nineteenth century. The dangers of not following proper ballast water procedures are illustrated in the picture below.

However, in an echo of the sentiments then expressed, BMW stipulates that a ship will not be required to comply with the exchange requirements if the master reasonably decides that carrying out such an exchange would threaten the safety or stability of the ship, its crew or its passengers, because of adverse weather, ship design or stress, equipment failure or any other extraordinary condition. The master's decision not to comply must always be carefully considered since the local authorities at the ship's next port of call may take the view that it was not reasonable.

One thing that has not changed is the Club's continued focus on loss prevention. Indeed, an on-line *Loss Prevention Briefing* on the current status of the ballast-water regulations has recently been published.

*The Loss Prevention Briefing – Ballast Water is available to view or download from the Club's website: www.nepia.com/riskmanagement/lossprevention/publications/losspreventionbriefings/*



*MV Cougar Ace, 2006. Photo courtesy of US Coast Guard*

# Piracy – Gulf of Aden update

Since the article 'Gulf of Aden piracy – charterparty implications' appeared in the last issue of *Signals* (74), BIMCO has published a piracy clause for time charterparties and Intertanko has published standard piracy clauses covering both time and voyage charterparties.

Members are advised to contact North's FD&D department at the time of fixing to discuss such clauses for insertion in charterparty contracts.

## Suspected pirate attack report format

The European Union NAVFOR Maritime Security Centre, Horn of Africa (MSC(HOA)) has issued advice on the correct reporting format to be used by vessels when verbally reporting suspect pirate activity (see box below). While the format is not prescriptive, its use will enable pertinent information to be relayed to naval vessels in the most efficient manner.

### Immediate voice communications reporting format (VHF, radio, mobile phone or satellite phone)

It is requested that immediate reports of suspect pirate activity cover the seven-line reporting format as seen below.

LINE 1: Who is the originator of this information?

LINE 2: Date and time (Zulu) of incident.

LINE 3: Latitude and longitude of incident.

LINE 4: Estimated true course and speed of suspect vessel(s).

LINE 5: Brief vessel(s) description (length, colour, type, bow shape).

LINE 6: List all of the triggers below that can be seen or heard

- name of vessel (state if it is missing)
- number of personnel on board
- weapons
- ladders
- grappling hooks
- fishing equipment
- provisions (fuel/oil tanks)
- AIS transmission
- navigation lights irregular or off at night
- response to VHF
- items being thrown overboard.

LINE 7: Brief description of activity.

The report should be transmitted on VHF channels 8 and/or 16 or, if contact cannot be made with naval vessels in the area, masters can call the UKMTO by telephone on +971 505 523 215.

## Internationally recognised transit corridor

With effect from 1 February 2009, the UKMTO transit corridor was moved and renamed the 'Internationally recommended transit corridor' (IRTC). The coordinates of the corridor have been significantly revised with the intention of reducing the risk of collision by separating traffic and to allow maritime forces to conduct deterrent operations with a greater degree of flexibility. The changes create separate east and west bound corridors. Each lane is 5 nautical miles wide and lanes will be separated by a 2 nautical mile buffer zone.

The eastbound lane begins at 45° east between 11° 48' north and 11° 53' north. The lane is oriented along a straight line course of 072° and terminate at 53° east between 14° 18' north and 14° 23' north.

The west bound lane begins at 53° east between 14° 25' north and 14° 30' north. The lane is oriented along a course of 252° and terminates at 45° east between 11° 55' north and 12° 00' north.

## Group transits

Group transits were introduced at the beginning of 2009 to make better use of naval assets within the region. Group transits have contributed to a significant increase in the number of successful attack interventions by coalition forces. Increasing the level of protection to vulnerable vessels has been further enhanced by revising the transit schedule better to match transit speeds of participating vessels. Details of the revised schedule are shown in the box below.

Members are strongly recommended to instruct company security officers to register with MSC(HOA) and use the secure area of its website at www.mschoa.eu to report vessel movements and obtain up-to-date advice and information on the current situation in the Gulf. If difficulty is experienced in accessing the website, Members should contact MSC(HOA) by email: postmaster@mschoa.org

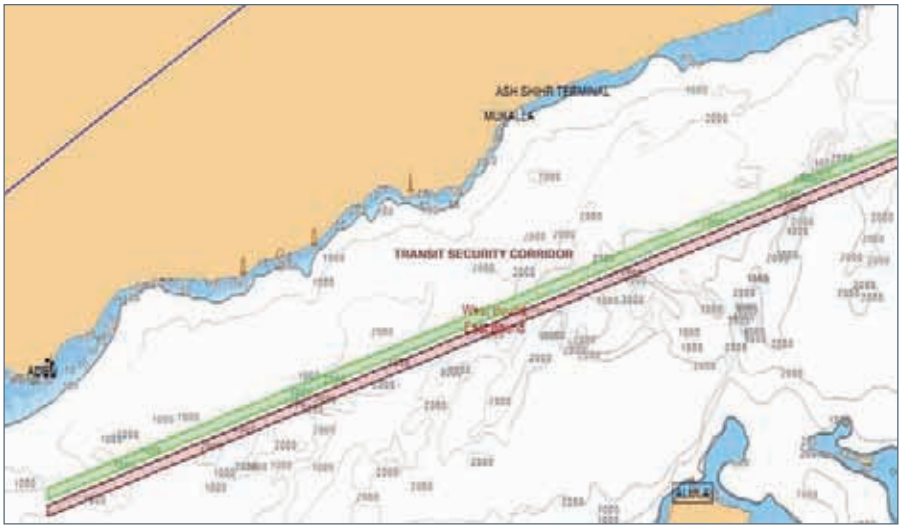
## New counter-piracy task force

Combined Task Force 151 (CTF-151) commenced counter-piracy operations on the 8 January 2009 in and around the Gulf of Aden, Arabian Sea, Indian Ocean and the Red Sea.

CTF-151 consists of naval ships and assets from more than 20 nations. It will supplement the activities of the CTF-150 force that was established at the outset of Operation Enduring Freedom to counter destabilising activities in the region, such as drug smuggling and weapons trafficking.

CMF commander Vice Admiral Bill Gortney is quoted as stating that, *'some navies in our coalition did not have the authority to conduct counter-piracy missions ... the establishment of CTF-151 will allow those nations to operate under the auspices of CTF-150, while allowing other nations to join CTF-151 to support our goal of deterring, disrupting and eventually bringing to justice the maritime criminals involved in piracy events.'*

*Members can keep up-to-date with the latest situation in the Gulf of Aden by accessing Industry News on the Club's website: www.nepia.com/publications/industrynews*




*Internationally recognised transit corridor*

**Daily Gulf of Aden group-transit schedule**

| Speed: knots | Time to enter corridor westbound | | Time to enter corridor eastbound | |
|---|---|---|---|---|
| | Zulu | Local | Zulu | Local |
| 10 | 1500 | 1800 | 0100 | 0400 |
| 12 | 2100 | 0001 | 0530 | 0830 |
| 14 | 0100 | 0400 | 0830 | 1130 |
| 16 | 0530 | 0830 | 1100 | 1400 |
| 18 | 0700 | 1000 | 1300 | 1600 |

# IMDG Code revised

A new edition of the International Maritime Dangerous Goods (IMDG) Code has been published by the International Maritime Organization (IMO) and is available in hard copy, as a download and as an internet subscription.

The new edition includes amendment 34-08 adopted by the IMO Maritime Safety Committee (MSC) in May 2008. The new amendments to the code are mandatory from 1 January 2010 but may be applied by administrations voluntarily from 1 January 2009.

The many detailed changes introduced by amendment 34-08 include twelve new UN numbers for dangerous goods. There are also five additional UN numbers that were not previously listed because the goods were not regulated by the code but are now shown with the observation, *'Not subject to the provisions of this Code but may be subject to provisions governing the transport of dangerous goods by other modes.'*

Training for shore-side staff involved with dangerous goods is now mandatory and may be audited by the competent authority. People who have not received appropriate training must be supervised by someone who has.

## Miscellaneous substances and marine pollutants

Chapter 2.9 'Miscellaneous dangerous substances and articles' has been extended and renamed 'Miscellaneous dangerous substance and articles (class 9) and environmentally hazardous substances'. A new section 2.9.3 'Environmentally hazardous substances (aquatic environment)' has been added to define and categorize substances that pollute the marine environment. Although these are contained in chapter 2.9, the categorisation criteria are applicable to all hazardous classes within the code.

Chapter 2.10 'Marine pollutants' has been rewritten. Severe marine pollutants (PP) have been deleted but marine pollutant (P) remains. The marine-pollutant 'bullet' symbol has also been removed. However a shipper is still required to declare any consignment as being a marine pollutant if it meets the criteria. The new marine-pollutant label is a dead tree and dead fish.

*Marine pollutant*

The IMO tank-instruction column disappears from the dangerous goods list because the transitional provisions on their use will have expired by the time the amendment becomes mandatory on 1 January 2010.

## Excepted quantities

There is a new column 7b in the dangerous goods list for excepted quantities. These are small amounts, up to 30 g or 30 ml per inner package and 1 kg per outer package. These are subject only to the rules of the new chapter 3.5, part 2 (classification) and some sections of 4.1 (packing) and 5.4 (documentation). They will be labelled with an 'excepted quantity' label and the class number. The dangerous goods form must state the words 'dangerous goods in excepted quantities' together with the description of the shipment.

An entry E0 in column 7b indicates that a substance may not be transported in excepted quantities. Codes E1 to E5 indicate different quantity limits according to a table in chapter 3.5. The total number of excepted-quantity packages in a container transport unit must not exceed 1,000.

*Excepted quantity*

## Limited quantities

For a substance not permitted in limited quantities, the column 7a entry 'None' becomes '0'.

## Radioactive materials of class 7

Chapter 2.7 relating to class 7 radioactive materials is completely rewritten, and there is a new chapter 1.5, 'General provisions concerning class 7'.

# IMO update

## Material safety data sheets

The final wording of a new International Convention for the Safety of Life at Sea (SOLAS) regulation will be submitted to the International Maritime Organization (IMO) Maritime Safety Committee (MSC) meeting, MSC 86, in May 2009 for adoption. The regulation is intended to ensure that seafarers are provided with sufficient information on oil carried as cargo and bunker fuel oil to take suitable precautions during handling.

The wording of SOLAS chapter VI, regulation 5-1 is intended to address the requirement for a material safety data sheet to be provided before loading bunker fuel carried for the ship's own propulsion, in addition to that for International Convention for the Prevention of Pollution from Ships (MARPOL) annex I cargoes. It is expected that MSC 86 will also determine whether the new regulation will be implemented on 1 July 2009.

## Tracking ships in polar seas

The first radio survey after 1 July 2009 will see the introduction of long-range identification and tracking of ships operating in polar seas (sea area A4), subject to the requirements of SOLAS chapter V, regulation 19-1. This will allow governments to identify and track any ship navigating within 1,000 nautical miles of their coasts. Requirements are only applicable to cargo ships of 300 GT or more.

## Solid bulk cargo code imminent

It is expected that the text for the proposed International Maritime Solid Bulk Cargoes (IMSBC) Code will be published in April or May 2009 and will enter into force on 1 January 2011. However, administrations may apply it on a voluntary basis before that date.

Closely linked to the IMDG Code, the procedure for amending the IMSBC Code will be aligned with that for IMDG Code amendments. Revisions to the code will be adopted at two-year intervals and the amendments to the code will enter into force on 1 January 2013, 1 January 2015 and so forth.

## Larger cargo-ship seafarers

Revised recommendations on the testing of life-saving appliances were adopted at MSC 85 in November 2008. These include an increase in the weight allocation for persons on cargo ships from 75 kg to 82 kg while the weight allocation remains at 75 kg on passenger ships.

The amendment to the International Life-Saving Appliance (LSA) Code will be applicable to new ships constructed after 1 July 2010 or replacement craft fitted on board existing ships after 1 July 2010.

## Stricter safety management

Various updates have been made to the International Safety Management (ISM) Code that will enter into force on 1 July 2010. Amendments include introduction of a maximum interval of twelve months between internal audits (ashore and on-board) by the company.

Other issues relating to the safety-management system place a greater degree of responsibility on the company to do more than merely provide procedures and include a requirement for companies to identify potential emergency shipboard situations, a requirement for the company to identify equipment and technical systems that could result in a hazardous situation if they failed suddenly, and the introduction of a possible three-month extension of certification if a ship is not in a port.

Section 9 'Reports and analysis of non-conformities, accidents and hazardous occurrences' has been expanded to include an obligation on the company to include measures intended to prevent the recurrence of accidents as well as providing procedures for implementation of corrective action.

Changes to the code will be applicable to audits carried out from 1 July 2010.

# Pre-employment medical guidelines revised

In 2002 North launched its pre-employment medical scheme in the Philippines in response to increasing concerns about claims arising from the employment of crew members with pre-existing medical conditions (*Signals* issue 49). The scheme is designed to provide a pre-employment medical examination capable of identifying such conditions before employment.

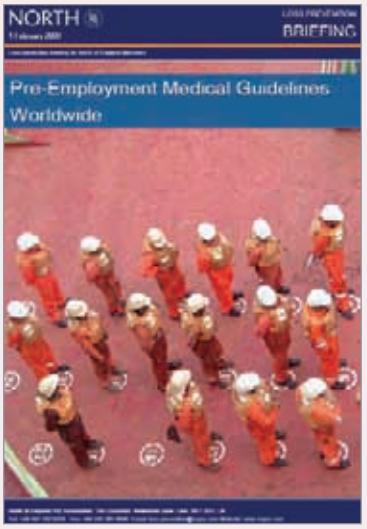
Since then the scheme has operated successfully and now includes four audited clinics in Manila with standard medical examinations at a fixed cost. The concept has subsequently been expanded to include a scheme for the Ukraine and guidelines on clinic selection worldwide. All are based on standards established by Medical Rescue International, which has acted as medical consultant to the Club for many years.

The original Philippines scheme was published as a circular to Members and subsequent schemes and guidelines were published separately. All these documents have now been replaced by consolidated and revised guidance published as electronic *Loss Prevention Briefings* on the Club's website.

There are now around 20 *Loss Prevention Briefings* available providing concise information about an extensive range of topics of concern to Members. The briefings are in pdf format, and are updated as current information changes.

*Members can view or download Loss Prevention Briefings from the Club's website: www.nepia.com/riskmanagement/lossprevention/publications/losspreventionbriefings/*

*Members with suggestions for new topics for Loss Prevention Briefings should email them to the loss prevention department: loss.prevention@nepia.com*




# Keeping up-to-date

Members can keep up-to-date between the publication of *Signals* newsletters using *Industry News* and *Loss Prevention Briefings* from the Association's website.

*Industry News* provides Members with information about current issues, changing legislation and any potential difficulties with particular cargoes or trades.

*Loss Prevention Briefings* provide concise and consolidated information about common topics of concern.

*Members can access Industry News and Loss Prevention Briefings on the Club's website by using the following links:*

*www.nepia.com/publications/industrynews/* and *www.nepia.com/riskmanagement/lossprevention/publications/losspreventionbriefings/*


# Loss-prevention feedback

North welcomes feedback about *Signals* and other loss-prevention publications and services. Members are very welcome to contact the club if there are any topics that they or their seafarers would like to be covered in future issues of *Signals* or any ways in which the loss-prevention service can be improved.

*A feedback form is provided on the back of the cover sheet dispatched with every issue of Signals. The feedback form can also be downloaded from the loss-prevention pages on the club's website: www.nepia.com/riskmanagement/lossprevention/publications/*


# Loss-prevention continues in 2009

*Andy Glen at a conference for Vroon Offshore, Netherlands.*

# First student completes new distance-learning course

The first student to complete the fifth edition of North's distance-learning course in P&I insurance and loss prevention is Siminda Firdosh Bhesania from Torm Shipping India Private Limited.

Her course tutor at the Club commented, *'Siminda was a model student – diligent and eager to question.'* She has now enrolled on the LLM International Trade Law course at Northumbria University, UK, using her pass at distinction level on North of England's course to gain an exemption.

The latest version of the course consists of a guidebook entitled *An Introduction to P&I Insurance and Loss Prevention*, a course workbook and supplementary material including selected loss prevention guides as well as electronic material on a USB memory stick.

An application form for enrolment *on the distance-learning course is available on the Club's website:* www.nepia.com/riskmanagement/lossprevention/educationandtraining/distance_learning_course.php

*Prospective students requiring further information should contact Denise Huddleston in the loss-prevention department, email: denise.huddleston@nepia.com*

# Signals Search 19

## Questions

1. What sort of practice was sail setting at night referred to?
2. What acronym are ships providing weather reports known by?
3. Who wrote the first loss prevention suggestions published by the Club?
4. Who should be specified in a crew contract?
5. What is the name of the French law that implements the latest EU directives relating to pollution?
6. A new edition of which IMO code has been published?
7. What contains a suggested format for the declaration of bulk cargo details?
8. Into what type of loss prevention publications have pre-employment medical guidance been consolidated?
9. What is the new traffic scheme through the Gulf of Aden called?
10. Whose approval could cause a problem when included in a charterparty clause?

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| E | L | O | R | T | F | S | H | Y | V | G | I | W | A |
| F | Y | R | Q | C | D | O | T | P | E | B | L | J | E |
| L | R | I | T | H | B | N | E | N | R | I | S | N | F |
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| C | I | E | T | I | B | N | E | E | N | O | R | C | N |
| T | C | C | R | E | G | F | E | I | T | C | L | E | E |
| I | I | L | N | N | I | H | O | O | E | V | O | D | R |
| M | F | O | R | N | T | U | T | S | C | E | O | O | N |
| Y | E | S | G | H | G | R | H | S | A | L | N | C | E |
| E | N | S | E | D | F | T | A | N | H | G | E | U | V |
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| T | O | N | D | N | D | P | M | T | G | H | A | R | D |
| S | D | H | E | M | C | I | A | S | S | L | S | E | E |
| J | F | T | O | I | T | O | H | O | I | H | S | E | O |

- Signals Search is open to all readers of Signals.
- Send a photocopy of your completed search, along with your name and, if appropriate, name of ship, position on board, company and address to Denise Huddleston at the Club. Email: denise.huddleston@nepia.com
- All correct entries received by the closing date will be entered in a prize draw.
- Closing date Friday 5 June 2009.

The first correct entry drawn will receive a prize along with a statuette of *"Bosun Bo"*. The next 5 correct entries drawn will each receive a statuette.

Details of the winner and runners-up will appear in the next edition of *Signals*.

## Your copy of Signals

Copies of this issue of Signals should contain the following enclosures:

- Safe Work poster – Bridge Team/Pilot Relationship (Members and entered ships only)
- Signals Experience – S004 Pilots and Voyage Planning (Members and entered ships only)

## Signals Search No.18 Winners

Winner: Captain Ian Mathison – Bibby Ship Management Limited

Runners-up:
Brian Baker, City of Westminster – United Marine Dredging
Seyed GH Ghaemi – IRISL
Matthew Lynch, Master MV Ave Luebeck – Meridian Marine Management
Captain R Miranda, Master MT Raika – IRISL
Captain Julian Paccal Jr, Master MV Iron Fuzeyya – Maryville Maritime Inc

## Answers to Signals Search 18

1 Ten knots
2 Lumley Castle
3 DHMedico
4 Suppliers
5 Mandatory
6 MSBC
7 Philippines
8 ISPM
9 Lifeboat
10 ICS



NORTH NE P&I

'Signals' is published by
North of England P&I Association Limited
The Quayside Newcastle upon Tyne NE1 3DU UK
Tel: +44 (0) 191 232 5221 Fax: +44 (0)191 261 0540
Email: loss.prevention@nepia.com
Website: www.nepia.com