



## Weather-wise performance



*How do you measure this?*

**D**OUGLAS. Douglas Sea State. Douglas Sea Scale. Douglas Scale. Douglas Swell Scale. Douglas Sea and Swell Scale. These terms are often included in charter party performance clauses. But what do they mean? In response to inquiries from a number of members, the Club has sought clarification from the United Kingdom and World Meteorological Organisations.

Douglas is the name given to a set of tables used to describe sea and swell conditions. The Douglas Sea tables refer to the waves generated by the wind in the locality at the time, the Douglas Swell tables refer to decaying waves originally generated by distant

winds, and the Douglas Sea and Swell tables are a combination of the two. Originally, Douglas made no mention of heights or wave periods, and used only words to define the sea and swell conditions, *e.g.*, slight sea, moderate sea or long low swell, short moderate swell. The combined definition was produced by a sea description followed by a swell description

But different publications have interpreted the Douglas Scales to produce wave heights and periods; and different interpretations have led to confusion. According to the World Meteorological Organisation, there is no internationally recognised definition or official status for any of the Douglas scales.

On the other hand, the Beaufort Scale is an internationally recognised table with a standard set of wind speed values.

Although it too does not include a value for wave heights, it should also be noted that sea state numbers and wave height values sometimes appended to Beaufort tables are not

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standardised and may differ from one source to another.

Owners conducting charter party negotiations should bear these points in mind with a view to avoiding ambiguity and confusion.

## Diligence required

STOPLOSS 20 (*November 2000*) reported the indictment in the US of the master, chief engineer and two supervisors from the operators of a vessel on charges that they had withheld information from the US Coast Guard about an onboard deficiency. More recently, the rigorous approach being adopted by authorities was underlined when a tanker owner incurred penalties of \$2.5m for failure to notify the USCG of potentially hazardous onboard conditions. Members should exercise diligence at all times to ensure that their ships report any serious defects and comply with all international and local rules and reporting requirements.

## New angle on fishing vessel claims



*Failure to keep a sharp look-out in fishing areas may have serious repercussions*

**F**OLLOWING the 'fishing alert' in StopLoss 19 (August 2000), the Club has further investigated various aspects of claims involving fishing vessels over the last five years.

Rather surprisingly, most of these incidents occurred during daylight in good visibility, which could indicate a certain amount of complacency on the part of individuals on both the ships and the fishing vessels concerned. Additionally, over ninety per cent of the incidents took place in the waters off China and Japan.

As fishing vessels are often bad radar targets, poorly lit

and ill-equipped with sound signalling devices, great vigilance must be maintained.

Watchkeepers must exercise great care at all times to keep a good basic lookout by sight, radar and hearing. They should check frequently the tuning and settings of radars, pay particular attention to keeping a sharp lookout, when in known fishing areas or after first spotting a fishing vessel, and give all such craft a very wide berth.

It should be remembered that encountering one fishing vessel means there is a very good chance that others are in the vicinity. Groups of fishing vessels

often include some smaller craft that are not as readily detected, and it is easy for a vessel to find itself in the middle of a fishing fleet with little warning. If it is not possible to avoid a fishing fleet, early bold alterations of course and/or speed should be made, accompanied by the appropriate sound signals.

### Masters' discretion

IN the recent case of the *Hill Harmony*, the House of Lords found that the route to be taken by the vessel under a time charter was the charterer's choice, rather than the master's.

The court held that the choice of route was a matter of employment, not a matter of navigation - it did not involve any element of seamanship.

While retaining an ultimate discretion, on the facts of this case the master was unable to justify the route taken, and his error did not fall within the Hague-Visby Rules defence of "an act of neglect or default in the navigation of the vessel."

**(A summary of this, and other recent cases, can be found on the Club's website at [www.lso.com](http://www.lso.com))**

## Temporary steel partitions

It is sometimes the practice for different consignments of compatible dry bulk cargo to be separated within a hold by temporary steel partitions. But owners should be aware of the problems that can arise in their construction and welding in place, as well as cargo handling when fitted. The Club's correspondents at Richards Bay have recently highlighted some practical measures to watch for:

- Check what is in adjacent compartments before welding, and take appropriate precautions.
- No welding can take place where fuel oil tanks are situated, so a longer skirt is provided to the separation in this area, held in place by the weight of the adjacent parcel of bulk cargo.
- If the vessel has adjacent epoxy-coated ballast tanks, appropriate precautions are required.
- Ensure that a hot-work permit is issued for this task, and that firefighting equipment is ready to hand.
- Ensure that welding equipment is suitable for



*Steel partition failures can have far-reaching consequences*

the task, and competently operated.

- It is advisable to paint marks on the sides of the holds to indicate the position of the partition as a guide for grab discharge. These separations cannot be considered stand-alone bulkheads. They are only effective when supported by adjacent cargo, and may split apart. When cargo from an open stockpile is loaded, water seepage can wet other rain-sensitive parcels in the same hold.

With this type of stowage, the charter party responsibilities of the parties are something the master should pay particular attention to, and where he is in doubt about the proper fitting of partitions, cargo handling practices and stevedore co-operation, the Club's local correspondents should be contacted for assistance.

### Pollution in Turkey

A RECENT case involving a Club member shows the need for vessels to beware oil transfer operations in Turkey. The authorities alleged that the member's vessel was a source of oil pollution. Although a P&I surveyor found no evidence to corroborate this, a fine was imposed under a local environmental law, based on a unilateral report by the authorities, and the vessel was detained pending payment. Although the fine can be appealed, lawyers advise that the prospects of success are uncertain. Members trading to Turkey should instruct their crews to pay particular attention for signs of pollution in the vicinity of their vessels and to collect as much evidence as possible in such circumstances.

## Working with stevedores

**P**ERSUADING stevedores at certain ports to discharge bagged cargoes with care can be difficult. But masters can take precautions before discharge by arranging a pre-arrival crew meeting to review appropriate steps to ensure careful cargo handling by stevedores. The master should also arrange a meeting with the stevedore foreman and provide him with a list of the vessel's requirements for careful discharge, which he should be asked to sign. These may include:

- The use of cargo-friendly equipment, avoiding the use of damaged or unsuitable slings or of pallets or hooks which may damage the cargo.
- Proper crane operations, avoiding dragging, snatching and snagging of loads.
- Systematic discharge from top to bottom of the holds where possible, avoiding the creation of walls of cargo.



*Collect photographic evidence of bad practice*

- The setting-aside and repair of leaking bags before they are handled further.
- The collection and tallying of sweepings.
- Making sure the quayside is kept clean, and any spillages ashore accounted for.
- The need to follow customary and vessel-specific safety procedures and the master's and crew's directions. This should include a ban on smoking on board, except in designated areas, a ban on taking fluids - except in sealed bottles - into the holds, and a ban on leaving litter in the holds.

In the next *StopLoss* we will look at precautionary steps during discharge.

## Fines in Egypt

A member's vessel was recently alleged to have contacted and damaged a jetty while discharging at Damietta in Egypt. The Club's correspondent advised that, in cases of damage to facilities at Damietta, members should be cautious about participating in any joint inspections, not least because the Damietta port authority may well insist on owners signing a Joint Survey Report, containing an admission of liability clause. Accordingly, it is advisable for owners to appoint their own surveyors to perform an inspection. Further, members should be aware also that prompt settlement of small-to-medium-size claims may be sought, despite the fact that bank guarantees on the usual P&I terms are allowable under local law.

In this particular case, it was confirmed that the member's vessel was likely to have made some minor contact with the quay, and a fair settlement was agreed. But members should contact the Club's correspondent if in any doubt about their position.

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