



Sampling crucial in quality disputes

THE London Club has recently considered a claim which brings into focus the importance of taking cargo samples if cargo quality disputes are to be effectively defended. The claim also provides a timely reminder of the complications and exposure that may arise from accepting charterers' requests to co-mingle oil cargoes on board.

Cargo sampling should be carried out to suit specific cargoes, orders and circumstances for each voyage and, if appropriate, specialist advice sought to ascertain the required extent of sampling.

In general, representative samples of each cargo grade should be drawn from the vessel's manifold at the start of loading. Tank samples should also be taken at the first foot, on completion of each grade and after any co-mingling operation. Samples should also be taken from each tank prior to discharge and, ideally, from the shore tanks into which cargo is to be discharged, if not empty. Sampling should be performed in conjunction with any



Closed cargo sampling in progress

surveyors attending on behalf of cargo interests, who should be asked to authenticate each sample with their signatures.

Properly described, sealed and maintained cargo samples should provide valuable evidence to defend any contamination allegations made against the vessel.

Particular care needs to be taken in responding to

Breathe easy

MEMBERS are reminded that amendments to SOLAS require that ships built on or after July 1, 2002, must carry Emergency Escape Breathing Devices (EEBDs) and that existing ships must comply not later than the first relevant survey after this date. The number to be carried will be governed by

In this issue...

- Bagged maize alert
- Lifeboat complacency
- Stowaways warning from India

charterers' requests that cargoes be co-mingled on board vessels. In view of the difficulties involved with blending in this way, expert advice on the technical implications for the cargoes may be necessary.

Receivers may complain if the resultant blend does not match the cargo description in the bills of lading.

Such claims may fall outside Club cover and so the terms of any indemnities offered need to be considered very carefully, as does the creditworthiness of the proposed guarantor.

the flag authority for each vessel. But at least two must be carried in the accommodation spaces. EEBDs should also be carried in machinery spaces, depending on the number of persons normally working in those spaces. The EEBDs must comply with the Fire Systems Safety Code and are to be indicated on fire control plans.

Problems with grain cargoes



The incidence of foreign matter increased substantially at night

THE Club has recently been alerted to the problem of significant foreign matter present in bagged maize presented for shipment from Jinzhou, China. The problem quickly came to light because the maize was loaded in bulk, the bags being cut open by gangs standing over steel gratings, which acted as filters above the holds.

P&I surveyors were called in when the master began to notice that a number of bags also contained stones and coal. All such bags were rejected on the advice of the surveyor, and it was also found that no sweepings presented by the stevedores were suitable for loading.

The stevedores were also instructed to pick up foreign matter small enough to pass through the gratings and enter the holds. This exercise was conducted every two hours. As a result, substantial further material was recovered, including gunny yarns, mud, plastic bags and rubber piping.

It was found that the incidence of foreign matter increased significantly during night-time loading, when the foreign matter would have been most difficult to detect and remove.

There is no doubt that the master's vigilance and

the swift intervention of the surveyor helped protect the member against claims for contamination/shortage and enabled the master to enter appropriate remarks on the mate's receipts.

Members are advised to be aware of this problem, and should not hesitate to contact the Club or local correspondent should a similar difficulty be encountered.

Chief engineers and master to stand trial

WHILST not involving a London Club member, reports have been received of the arrest of a master and two chief engineers in Alaska on charges of keeping false logbooks to conceal the dumping of waste oil and sludge from ships, obstructing a US Coast Guard investigation, and obstruction of justice for allegedly telling crew members to lie to a federal grand jury. If convicted, the seamen, who worked on Panama-flag vessels operated by a Korean company between Alaska and Asia, face up to ten years in prison and fines of \$250,000.

Beware lifeboat complacency



USED properly, lifeboats can save lives. But the very name should not breed complacency.

Most seafarers are well aware that the launching or recovery of lifeboats may be one of the most dangerous activities they will have to undertake in their careers, and that anyone using a lifeboat - be it in a drill or during a genuine evacuation - runs the risk of being injured, or even killed.

Accidents involving lifeboat launching systems are one of the three main causes of death on ships. The risk is substantially reduced in the case of free-fall lifeboats, but is most pronounced for lifeboats predating changes to SOLAS in 1996.

Following a number of concerns expressed by both governments and industry bodies, IMO is considering issuing a circular on lifeboat accidents and the development of a strategy for implementing measures to prevent them.

In the meantime, members are advised to emphasise to their crews the common factors leading to such accidents, and the need for extreme care to be exercised in relation to the maintenance and operation of lifeboats, and especially hook release and recovery mechanisms. The most common cause of lifeboat accidents is the failure of on-load release hooks, either due to incorrect setting of the mechanism, mis-operation, or bad maintenance.

While the rules governing the use of lifeboats are under review, owners and their crews should remain aware of the potential risks involved.

Crew familiarisation and lifeboat maintenance programmes should be employed, and complacency avoided at all costs.

AMSA gets tough on entry certificates

THE Club has recently received reports of a number of cases in which the Australian Maritime Safety Authority (AMSA) has refused to allow vessels clearance to depart from Australian ports due to the absence of a valid P&I club certificate of entry on board.

Since February 20 this year it has been a local requirement to have a valid P&I entry form on board, and AMSA is adopting a very strict policy on this issue. Members are urged to make sure they comply with the law in this respect.

Binder reminder

MEMBERS should by now have received new binders for their *London Club News* and *StopLoss Bulletins*, which were mailed out last month with Issue 29 of *London Club News*.

Any members who have not received their binders, or who would like additional sets, should contact Bilbroughs. Binders for Club circulars will be produced at the next opportunity.

Stowaway crackdown at Kandla

FEARS over national security have prompted the authorities at the port of Kandla, on the west coast of India, to bar entry to vessels which have stowaways on board. Although it has traditionally

been very difficult to disembark and hold stowaways on Indian soil, the authorities have not, until now, imposed any restrictions on, or penalised, vessels carrying stowaways, and have indeed allowed the operation of such vessels to proceed unhindered.



The decision to bar entry to Kandla to vessels carrying stowaways has been influenced by the port's close proximity to the international border and its sensitivity from a national security point of view.

In a recent incident involving the presence of a stowaway on board a vessel due to discharge at Kandla, the port would not allow the vessel to berth, despite the fact that the police authorities were willing to provide security. As a result, the vessel had to be brought to Mumbai anchorage, where the stowaway was repatriated.

Members are asked to bear these developments in mind when trading to India, and are reminded to remain vigilant for the presence of stowaways at all times.

Fishing not trawling

A RECENT judgment involving a member's vessel has highlighted the requirements that claimants in Australia should satisfy in order to obtain court orders for pre-trial discovery from owners.

The "Bunga Teratai Satu" ran aground on the Great Barrier Reef in November 2000, and GA was declared. Cargo interests sought court orders for pre-action discovery involving access to the vessel and documents. Although the orders were allowed by the court of first instance, the member's lawyers recommended an application to the federal court for them to be set aside.

The federal court found that the cargo interests should have undertaken all reasonable enquiries before they sought the pre-trial orders. And, as the evidence identified several sources of enquiry that were not tried, the federal court ordered that the discovery orders should be set aside. It commented that, while the procedure for preliminary discovery permitted "fishing", it did not allow "trawling". The owner and the Club co-operated fully with the authorities in the wake of the grounding in a fifty-day programme to successfully clean up, and repair damage to, the reef. (See *also StopLoss 23*).

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