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Hazards of trading to Somalia extend beyond risk of piracy



EXTENSIVE warnings have been issued about the dangers of piracy attacks on vessels passing off the coast of Somalia. But news has reached the Club which serves to highlight further hazards which can be involved with trade in the region.

In a number of recent cases arising from the discharge of cargo at Somalian ports, owners have faced complaints of cargo shortages from receivers, accompanied by demands for substantial payments in respect of alleged losses.

At the same time, the vessels involved in these incidents have been detained by receivers and, on occasion, the crew have been threatened.

Despite owners having adopted precautionary measures, including the carrying-out of cargo tallies, the claims appear to have been inflated.

Liability has been disputed, but the receivers refuse to agree the usual security, and the scope for any negotiation has been limited.

Members are urged to have these critical risks in mind before fixing vessels for trade which might include Somalia, and to be aware of the possibility of major delays there.

They should also be especially aware of the potential danger to life and property that can arise in the area.

New demurrage clause

IN order to avoid potential demurrage disputes, tanker owner members of the Club should be aware of the requirements of a new charter party clause published by Standard Tankers Bahamas, the chartering arm of ExxonMobil Corporation. This follows a review of procedures for their handling of demurrage claims.

Features of the new clause include calls for the presentation of such claims in a standard form, accompanied by a number of specified documents. Some emphasis is also placed on brokers, to organise claims in a stipulated format, prior to forwarding to charterers. The clause goes on to say that failure to submit a demurrage claim in the correct form, with the necessary supporting documentation, will result in its rejection. Further information can be found on Intertanko's website at www.intertanko.com

Keeping a good look-out



RECENT reports on a number of major casualties, none of which involved London Club vessels, suggest that simple principles of bridge watchkeeping at sea are not being followed. The International Regulations for Collisions at Sea (1972, as amended) and STCW set out the requirements for maintaining a proper look-out. They emphasise that the look-out should embrace all available means appropriate in the prevailing circumstances.

Factors such as the weather, manoeuvrability, visibility, traffic density and the proximity of navigational hazards may require the deployment of additional look-out arrangements. This might include the integration and management of both human and electronic

resources. A look-out at the ship's bow may also be appropriate, in some circumstances. A radar watch, although important, should not be relied on to the exclusion of other observation techniques. Reports to the watch-keeping officer should be unambiguous and include best approximations for bearing, range and aspect of sightings, which should be updated as necessary. Any light or sound signals should also be reported.

A good look-out should help with the early and accurate identification of hazards, their closest point of approach, and determination of action to be taken in accordance with the collision regulations and good seamanship. An effective look-out is critical to collision avoidance and in supporting the owner's legal position in the event of a casualty.

Dangers of deviation

INQUIRIES recently received by the Club serve as a reminder to owners of the dangers that can arise from deviations during cargo voyages.

The broad rule is that a ship should follow its contractual voyage - usually the direct geographical route from loadport to discharge port. Any unjustified departure from that can have drastic legal consequences.

Should a laden ship deviate for owner's convenience but, due to negligent navigation, sink while so doing, owners would be unable to rely on the defences to any cargo claim that should otherwise be available under the contract of carriage. Moreover, the owner's P&I cover would be prejudiced, so the ensuing liabilities could be uninsured.

Some deviations are justifiable but, if in doubt, members should check with the Club. Declarations to the underwriters and, when necessary, arrangements for market cover can help manage the risks involved. Consequences of deviations for P&I inspections are no less serious, so should be treated with the same high level of caution.

Security remains a priority

SECURITY issues continue to be an important feature of trade involving the United States.

The US Coast Guard and the US Immigration and Naturalisation Service (INS) have developed a Standard Operating Procedure (SOP) for identifying crew members on board vessels entering US ports that they require to be detained on board during the port call, and for taking steps to ensure that those crew members remain on board and depart with the vessel.

Reports received indicate that the policy will initially be introduced in a number of areas, before being applied throughout the country.

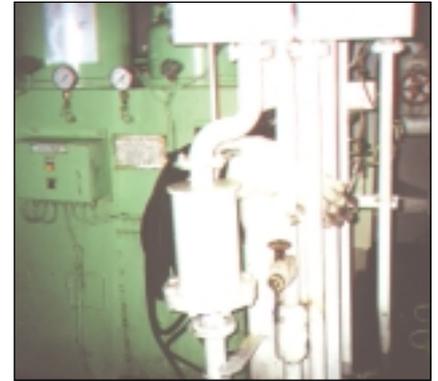
Upon receipt of information from the Coast Guard, the INS will determine which, if any, crew members should be detained on board.

In the event of detentions, the Coast Guard will order the vessel to remain at least three nautical miles offshore until it submits a crew member security plan. Only when this plan has been approved by the INS will the vessel be allowed to proceed to berth.

The security plan must document the procedures the master will use to ensure that any detained crew members remain on board. And, prior to departure, the vessel must notify the INS in sufficient time to allow INS inspectors to verify that all detained crew members are on board.

The INS decision on whether or not to issue a 'detain on board' order is said to be predicated on, among other things, whether stowaways have been reported during the vessel's voyage. Reports to the Club indicate that the US is likely to take a tough stance on stowaways.

The US position on stowaways is assessed on a case-by-case basis, but there are signs that in some circumstances there is a risk that vessels may be refused entry to the US if stowaways from certain sensitive areas are found on board. Members are urged to be vigilant, and to conduct a stowaway search before leaving port.



US adopts hard line on pollution

FURTHER evidence of a growing trend in the US towards imprisonment for offences related to pollution of the marine environment came with a recent report that the US courts have sentenced a chief engineer to a prison term of twelve months for falsifying an oil record book presented to the US Coast Guard in Washington.

The man had admitted ordering crew members to dump oily bilge waste and oily sludge overboard without treatment and without entries being made in the oil record book.

(Haight, Gardner, Holland and Knight).

For an update on IMO and US security issues, including details of proposed new measures, visit:
www.uscg.mil/hq/g-m/nmc/imosec/MSC_76-04-01_Add.1.pdf

New bunkering procedures at Santos

FOLLOWING an incident earlier this year when an inspector fell to his death from a pilot ladder, Brazilian state oil company Petrobras has adopted new procedures relating to bunker supply at the port of Santos.

The procedures stipulate:

- All bunkering operations will be attended by a safety inspector from Technimar, at no cost to owners. The inspector will verify whether safety procedures as established under international maritime conventions are being adhered to by both the bunker barge and the vessel.
- If an access ladder is used to facilitate transfer between the vessel and the bunker barge, the only type of

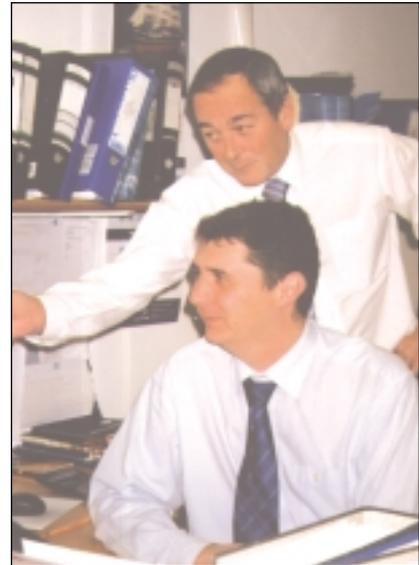
arrangement acceptable will be one conforming to the requirements laid down in SOLAS Chapter V Rule 17.

- It is compulsory for all vessels to have a crew member stand by at the top of the ladder each time the ladder is used by the Petrobras safety inspector or by a member of the bunker barge's crew.

Petrobras says it will not proceed with bunkering at Santos without prior confirmation that vessels calling for bunkers are aware of and understand the new procedures.

Members are urged to make sure that their ladders are compliant and in good condition.

(Proinde Ltda)



New appointments in Loss Prevention

THE Club has further strengthened its Loss Prevention Department with the recent appointment of Phillip Casement (*pictured above, standing*) as a Loss Prevention Co-ordinator and of Richard Eames (*seated*) as a Loss Prevention Officer.

While the Club is available at all times to assist its members with P&I and FD&D claims, its philosophy remains one of prevention being better than cure.

A strong loss prevention culture ultimately means a strong club.

Boycott reminder

THERE has recently been an increase in cases arising from vessels blacklisted under Arab Boycott Rules trading to Lebanese ports. Breach of the rules may cause a vessel to be detained pending the completion of complex formalities. Members

are urged to check the blacklist status of their vessels with the Lebanese regulatory authorities before contracting to call at Lebanese ports.

(Baroudi & Assocs)

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