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The dangers of working aloft



A routine container check proved fatal for one crew member

TWO recent deaths which have occurred on board members' vessels serve as a salutary reminder of the potential dangers inherent in the practice of working aloft.

In one case, a crew member disappeared after going to carry out routine checks on some refrigerated containers.

No-one on board witnessed the incident and, by the time the man was reported missing, he had not been seen for some considerable time. Eventually, he was presumed lost overboard.

In the other case, a crew member fell to his death from a painting platform to

the deck below. Subsequent investigations revealed that, even though a lifeline had been rigged and properly secured, it was not being worn by the crew member.

The importance of properly deployed safety measures and procedures being observed at all times when working aloft, alone or near the ship's rail, cannot be emphasised strongly enough.

Crew members should always inform a responsible person when and where they are working, and what they are doing. And they should at all times wear a suitable safety harness and lifeline.

EU bans TBT paints

THE EU Council of Ministers has adopted a regulation banning the application of TBT anti-fouling paints on EU-registered vessels. The ban will be in force by July 1, 2003, at the latest. The regulation also aims to forbid the existence of TBT on non-EU-flag vessels entering EU ports from January 1, 2008.

The adoption of the EU regulation will oblige member states to ratify the IMO Anti-Fouling System (AFS) Convention of October 2001, on the control of harmful anti-fouling systems on ships.

Accordingly, it is anticipated that it will also add impetus to progress towards implementation of the AFS Convention, which will enter into force twelve months after its ratification by 25 states representing 25 per cent of the world merchant fleet.

Panama Canal mandates AIS



AIS is to become mandatory in the Panama Canal

THE Panama Canal Authority is to make the use of Automatic Identification Systems (AIS) mandatory with effect from July 1, 2003, for all vessels over 300 gross tons or twenty metres in overall length. The AIS transponders must meet IMO standards.

SOLAS 74, as amended by the diplomatic conference held last December, requires that AIS be fitted to tankers

not later than the first survey for safety on or after July 1, 2003. From that date, as a temporary measure for any vessel not yet fitted with AIS, the Panama Canal Authority will provide AIS units to vessels for a nominal rental fee of US\$150.

The canal's relevant Advisory to Shipping can be found at: www.pancanal.com/esp/maritime/advisories/a-05-2003.html

Turkish ship sales

THE Turkish appeal court has issued a judgment which emphasises risks involved with the purchase of Turkish-flag vessels through court sales outside Turkey. In particular, it was held that such transactions cannot pass title free of any

maritime liens over the vessel, registered in the Turkish Ship Registry. So consideration of acquisition of Turkish-flag vessels in such circumstances should be accompanied by investigations at the registry before purchase, to avoid complications arising from the existence of liens there. **(ersoybilgehan)**

24 and 96-hour rules

THE US Customs has widened the scope of its '24-hour rule' requiring ocean cargo manifest information to be received by the government at least 24 hours in advance of loading cargo at the port of origin outside the US. With effect from May 4, parties making untimely data submissions will be subject to penalties. Customs will conduct post-departure audits to review whether the requisite 24hr notice was provided. Penalties of up to \$5,000 per violation will be assessed against the culpable party. Also, starting May 15, submissions with inadequate consignee information will trigger DO NOT LOAD orders. And parties submitting inadequate descriptions for cargo remaining on board will be subject to the same penalties as they face in connection with other cargo.

● USCG rules regarding the 96-hour advance notice of arrival came into effect on April 1. Reports indicate that the USCG is especially concerned with the accuracy of information provided in connection with vessel personnel. And any material discrepancies may lead to delays to the vessel.

Beware inadequate lashing



Members should seek advice from the Club at an early stage

THE photograph above shows the problems which can result from the inadequate lashing of containerised cargo.

In this case, the lashings failed on a consignment of aluminium coils carried in containers on the deck of the vessel.

The impact with which the unrestrained coils struck the ends of the containers was sufficient to force open the container doors, leading to a valuable cargo coming to rest on the vessel's stern ramp.

Fortunately, the falling coils did not injure any crew members, but the

cargo, ship and containers were all damaged.

The containers had been stuffed and sealed by the shippers prior to delivery to the vessel and, as is usually the case, the carrier had no opportunity to check the lashings. Accordingly, liabilities for any claims arising should rest with the shippers.

But members involved in similar cases should seek advice from the Club at an early stage in the proceedings, because the collection of evidence of causation will be of particular importance with regard to the protection of their position.

'Off Ushant' TSS changes enter force

FOLLOWING adoption by the Maritime Safety Committee of the International Maritime Organisation, the revisions to the traffic separation scheme (TSS) "off Ushant" came into force on May 1, 2003.

The changes to navigational rules in this busy shipping area are designed to improve maritime safety and enhance environmental protection in the approaches to and from the English Channel and the Bay of Biscay.

The new scheme involves standardisation of the traffic lanes between the Ushant TSS and the adjacent Finisterre and Casquets TSS, in order to avoid crossing situations at its approaches.

Members should ensure that their vessels and masters are fully aware of these important changes.

Full details of the changes can be accessed at: www.imo.org/includes/blastDataOnly.asp/data_id%3D7177/51

Starsin dispute settled in Lords

THE recent House of Lords decision in the *Starsin* dealt with a number of important issues. A crucial question involved whether a bill of lading was a charterers' or owners' bill. The time-charterers caused bills of lading to be issued on forms headed "liner bill of lading". These bore their logo and name, signed and stamped by their port agent under the typed

additional wording, 'As agent for (the carrier)'. On their reverse sides the bills contained the customary definition, identity of carrier and demise clauses.

Several parcels of the cargo of timber and plywood were damaged during the voyage, due to negligent stowage. The time-charterer later became insolvent and a number of the holders

of the bills claimed against the owners and demise-charterers.

The House of Lords held that the bills evidenced a contract of carriage made with the time-charterers as carriers because of the clear and unambiguous statements on the face of the bills as to who the carrier was, particularly the manner in which the bills had been signed by the agents of the time-charterer.

A further issue considered by the House of Lords involved the effect of a Himalaya Clause. It was found that the owners were unable to rely on the clause for protection against the cargo interests' claim in tort.

However, the House of Lords also found that the cause of action for the cargo damage arose when the goods were negligently stowed and that, with one exception, the claimants did not have title to the cargo at that stage, so were unable to sue in tort.



Paul Hinton and Lance Johnson cover up during a recent Far East trip

SARS alert

AT the time of writing, health authorities around the world are maintaining a state of alert with regard to the spread of Severe Acute Respiratory Syndrome (SARS). Those areas under particular scrutiny include China,

Hong Kong, Vietnam, Canada and Singapore. Members are referred to the Club Circular of April 10 for advice and recommendations, and to the website of the World Health Organisation for the latest news: www.who.int/csr/don/en

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