

## Inadequate berth maintenance poses dangers for shipping



Shoreside failings can play a major role in substantial claims

capability - jeopardising the safety of the entire structure.

In another similar casualty, in Argentina, investigations into the claims arising showed that Yokohama fenders on the berth were not inflated to the correct pressure, and had not been renewed at the end of their recommended lifespan.

The owners in each case are pursuing legal action against the charterers, to recover losses resulting from the casualties, on the basis of charter party provisions concerning the safety of the berths. Meantime, these sorts of cases underline the major role that shoreside failings can play in substantial claims, and emphasise why safety requires input from all sides of the shipping industry. Regulation of ships and their operators alone will not suffice.

**S**hip operators continue to adapt to increasing levels of regulatory requirements. But claims seen by the Club, resulting from inadequately maintained berths, highlight the fact that safety initiatives should not focus solely on ships and their operators. Heavy responsibilities must also rest with those running the facilities at which ships call.

By way of illustration, in a recent case, a Panamax bulk carrier, loading in the US, was warping along the berth (*pictured above*) when a supporting timber dolphin collapsed, together with a 200ft stretch of connecting walkway.

Subsequent investigations revealed the strength of the berth - constructed over fifty years ago - to

have been severely compromised as a consequence of poor and inappropriate maintenance. In particular, underwater deterioration of the dolphin had led to a significant reduction in its load

### Novorossiysk cracks down on medication

Customs authorities at the port of Novorossiysk in Russia have adopted a hard line in respect of incorrect declarations of the content of first-aid kits on board visiting vessels.

In recent months, the authorities have brought legal and criminal proceedings against the owners and masters of two vessels, alleging the incorrect completion of customs

declarations relating to the nature of medication carried on board.

Members are recommended to instruct masters to pay special attention when filling out customs documents concerning all medications. Onboard first-aid kits usually contain substances that should be declared - and in cases of any doubt, masters should seek assistance from the local agent in completing the relevant paperwork. (Novorossiysk Marine Company Ltd)

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## Fire hazard from wet fumigants



Fumigants and moisture are a burning issue

**F**umigation of cargoes under certain conditions plays an important part in loss prevention planning. But recent news reaching the Club underlines the need for high levels of care and attention in the handling and use of fumigants.

A Club member reports that, following the vessel's loading of a bulk wheat cargo at Lithuania, the fumigant, magnesium phosphide, was inserted inside tubes installed in the cargo holds, which were then sealed. On discharge, one of the tubes, together with the cargo surrounding it, was discovered to have suffered burning damage. It is thought that the burning was caused when undetected ice in the tube melted during the five-week voyage and reacted with the fumigant.

Meanwhile, the remaining undamaged tubes were removed from the holds and placed on deck. However, during subsequent deck washing, the tubes were splashed by water, and started to smoke. As a precautionary measure, the tubes were thrown overboard, after which they exploded, emitting fire and smoke for several minutes.

In this case the master had received no guidance or warnings of the potential for adverse reactions involving the fumigant of the sort experienced during and following the cargo voyage.

However, the IMO publication, *Recommendations on the Safe Use of Pesticides in Ships* - which forms part of the supplement to the IMDG Code - advocates that instructions for the proper disposal of fumigant residues should be provided by the fumigant operator. Further, it outlines procedures for safe fumigation. Masters should be familiar with the IMO's recommendations, and should seek assistance from the local P&I correspondents, in case of need.

### IMB membership reminder

THE Club continues to hold block membership of the International Maritime Bureau. This facility provides Club members with access to the IMB's comprehensive database containing details of the

### India acts on age and class of tankers

A recent Indian government circular issued by the Directorate General of Shipping introduces new restrictions on the age and classification of foreign-flag tankers calling at the country's ports, with effect from September 1 this year.

Crude oil and product tankers with SBT/PL, as well as chemical carriers, should be below 25 years of age. Gas tankers are to comply fully with the GC/IGC Code and should be below thirty years of age. All tankers above twenty years of age must have at least CAP 2 rating from IACS, for hull, machinery and cargo equipment.

Moreover, the government stipulates that all tankers calling at Indian ports must be classed with a 'major' IACS society, or with the Indian Register of Shipping.

(James Mackintosh & Co Pvt Ltd, Mumbai)

history and financial performance of a vast array of charterers. Members are urged to utilise this service as part of their checks into the creditworthiness and reliability of prospective charterers.

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## The importance of pre-fixture charter party checks

**S**topLoss 17 highlighted charter party disputes concerning a Club member, involving the proper description in bills of lading of an oil cargo, as well as steps subsequently taken for the member to lien the cargo for substantial outstanding demurrage.

The disputes have since progressed to litigation in Singapore. And, in a recently issued judgment, the Singapore court has ruled in favour of the member - upholding the measures taken in relation to the cargo, along with the lien for the demurrage due from the charterers.

The difficulties that this case gave rise to, and the findings reached by the Singapore court, are of broad significance for owners in both the wet and dry trades, and will be reported more fully in the next issue of *London Club News*.

In the meantime, careful pre-fixture checks of the terms of proposed charters – as well as the background and standing of potential charterers - remains crucial. Charter party provisions impacting on the issuance and form of bills of lading require particular attention. And, although not arising in the case mentioned above, the danger for owners is especially acute in cases where charterers' indemnities are accepted in exchange for owners agreeing to deliver cargo without production of the original bill of lading.

P&I cover excludes liabilities arising from this practice, so the charterers' creditworthiness and ability to satisfy their indemnity obligations are of critical importance when evaluating the advisability of concluding fixtures including such terms.

### A bridge too far



It is not only on the roads that accidents involving access beneath railway bridges can occur. One of the Club's member's vessels was passing through the Kiel Canal when its derrick struck the underside of a bridge, causing the railway line to

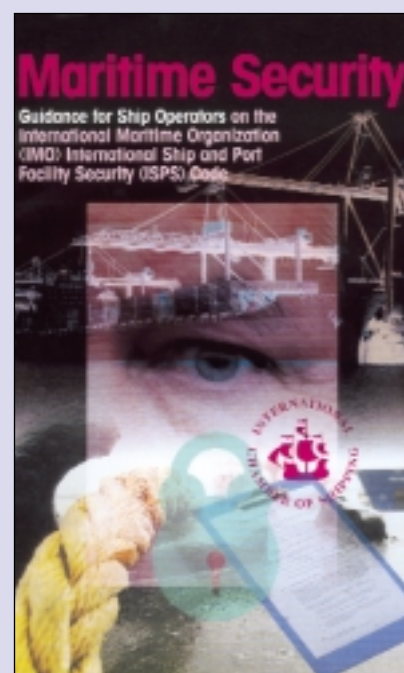
be damaged. The incident resulted in the suspension of rail services for a number of days, and the member had to deal with the problem of claims from both the canal authority and the railway company.

The claims emphasise the need for care in checking air drafts. In this case, although checks had been made, the resulting calculations were flawed because the derrick was extended higher than shown on the ship's plans. The photograph (*left*) shows, in the foreground, the steel beams which were installed alongside the rails as part of the temporary repairs which were effected to help maintain the rail service following the accident.

### Maritime security guide from ICS

THE International Chamber of Shipping (ICS) has published a new guide to recent security-related amendments to SOLAS and the International Ship and Port Facility Security (ISPS) Code. *Maritime Security: Guidance for Ship Operators* includes a detailed explanation of the requirements and responsibilities that the new regulations and code impose, and is available from the ICS.

[www.marisec.org/pubs/publist.htm](http://www.marisec.org/pubs/publist.htm)





## Cement and water don't mix

**T**wo recent claims have been brought against members' vessels, involving water ingress into cargo holds through bilge pumping systems.

In each case, regular cleaning and testing of the pumping arrangements had been performed. However, just prior to the claims arising, both vessels had carried cement cargoes - lumpy residues of which were subsequently discovered in their bilge suction pipe systems as well as sounding pipes in a number of holds. These residues resulted in a variety of difficulties including :

- Screw-down non-return valves were tightly shut with lumps of cement remaining on the valve seat, resulting in leakage and, in one case, causing the shaft of the valve to bend.



- Normal non-return valves failed due to cargo residues impeding their proper operation.

- Sounding pipe bottoms became clogged and blocked, preventing the ingress being detected.

A combination of these problems gave rise to partial flooding of a hold on each of the vessels, leading to substantial claims for damaged cargo (see photo left). Members are encouraged to advise ships' staff of these experiences and to urge particular care in the removal and cleaning of cement residues from holds and bilges.

### BIMCO solid cargo database

BIMCO has launched a solid cargo database which provides general guidance and information on a variety of dry bulk cargoes.

The database includes descriptions of the characteristics and properties of the most commonly transported dry bulk cargoes. It provides information on cargo and ship certification, particular cargo hazards - with precautions and emergency response - as well as guidance on preparations, handling, carriage and cleaning.

The database should be a valuable supplement to, for example, the IMO Code of Safe Practice for Solid Bulk Cargoes, and the IMDG Code.

Members of BIMCO can access the database at:  
[www.bimco.dk/frontpageitems/cargo\\_database\\_22\\_April\\_2003.asp](http://www.bimco.dk/frontpageitems/cargo_database_22_April_2003.asp)

### In-house seminar update

BILBROUGHS hosts a regular programme of in-house seminars, featuring talks delivered by industry guests as well as Bilbrough personnel. Forthcoming presentations are on :

*'Dumping Conventions and the Disposal of Distressed and Abandoned Cargoes'*

- Robert Hill of Steamship Maritime Co Ltd, Wednesday,

September 10, 2003, at 1200hrs  
*'Pre-employment Medical Certificates'*

- Tony Nicholson of Bilbroughs, Wednesday, October 8, 2003, at 1200hrs

Club members or their representatives are very welcome to attend these presentations. Those interested should contact Arthur Crawford at:

[arthur.crawford@a-bilbrough.co.uk](mailto:arthur.crawford@a-bilbrough.co.uk)

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