

Cohesive defence efforts save money

The London Club is keenly aware of the potential expense, risk and delay that can be involved in litigating or arbitrating P&I claims.

But, despite attempts to seek an alternative method of dispute resolution whenever possible, there

are some cases where satisfactory settlement is impossible, and where there is little option but for the claim to proceed to the courts.

Such was the case in a recent dispute involving an allegation of cargo contamination against a tanker

entered with the Club, in which the London High Court has just issued judgment for the member, rejecting the substantial claim completely.

The claimant traders alleged that the ship was responsible for contamination of a fuel oil cargo by sea water remaining in the cargo tanks and lines upon loading, and by fresh water leaking through defective heating coils.

Security for the claim was provided by a Club Letter of Undertaking for \$1.1m. Meantime, lawyers and experts for the members reviewed the comprehensive evidence promptly collected from the ship and concluded that allegations made by the claimants should fail. But, since the claimants showed no interest in finding an amicable solution, the case was tried, and the judge found that the ship was not responsible for any contamination.

The successful outcome again highlights the critical value of the member's and Club's teamwork in conducting swift and detailed investigations into claims. Here, this enabled key technical evidence to be developed to its optimum degree, so laying foundations for the positive impression made at the trial by the member's technical manager and their expert witness, the importance of which was also reflected in the judgment.

French Navy aids container retrieval

Weather has traditionally been one of shipping's toughest adversaries, and such was the case in November last year when a container vessel entered with the Club encountered very rough seas and high winds while approaching the English Channel, in French waters. Fifteen containers were lost overboard, and the French authorities ordered their retrieval, as they were deemed a hazard to shipping. It was agreed

that the French Navy was best placed to organise the operation, which resulted in the recovery of five containers, which were subsequently landed at Cherbourg.

The photograph below shows the retrieval in progress, the cost of which has been shared between the members and time-charterers, pending a final determination of liability.



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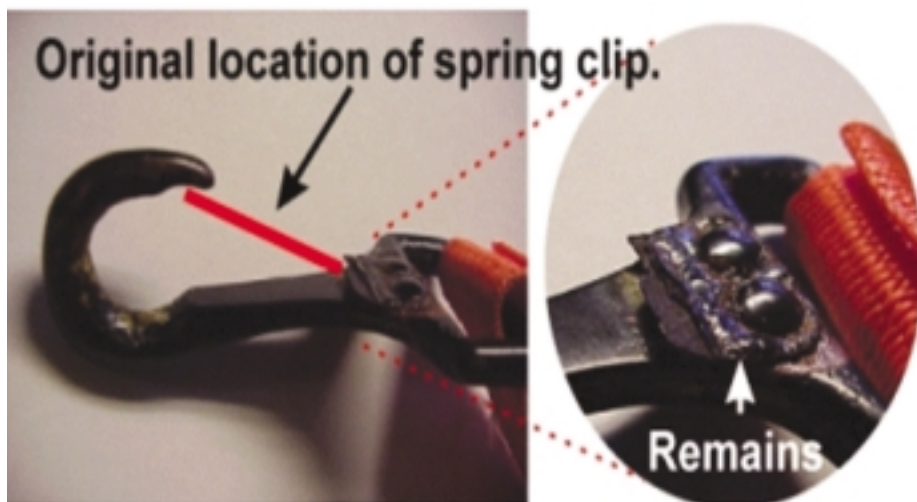
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USCG warns on lifejacket defects



The US Coast Guard (USCG) has recently published details of defects found in specific makes of lifejackets and lifejacket lights.

It is reported that defective snap hooks, with corroded spring clips, have been discovered on four models of USCG-approved Type 1 flotation devices manufactured by Cal-June Inc. The USCG safety alert advises that improper materials were used during the manufacturing process, as a result of which it is said to be only a matter of time until the defective snap hooks deteriorate and fail to operate as designed.

The manufacturer has acknowledged the defect and has agreed to replace all defective snap hooks with new assemblies at no cost. The defective snap hooks were only used on specific series of the lifejackets,

details of which can be accessed at: www.uscg.mil/hq/gm/moa/docs/snaphook.htm

The USCG has also reported defects in lifejacket lights made by PROSAR Technologies. Some of these lights were found to have very noticeable deformations due to battery corrosion, while others appeared perfectly normal but did not work when tested.

US Coast Guard approval of PROSAR Technologies lifesaving equipment has been cancelled. Owners and operators are advised to replace PROSAR products with other, USCG-approved equipment. Full details of the products affected can be accessed at: www.uscg.mil/hq/gm/moa/docs/prosar.htm

Security round-up

IN addition to ISPS, recent initiatives relating to maritime security include a tightening up of a requirement by Indonesia that crew members on all ships calling at the country's ports must have with them a passport which is valid for at least six months from the date of entry of the ship into Indonesian waters, failing which crew may be repatriated and the vessel detained. In the UAE, meanwhile, all joining seamen's visas must now be sent to Dubai airport security prior to arrival. On-arrival clearance without prior approval is no longer permitted.

(Andhika GAC Jakarta, GAC Dubai)

In-house training

Billbroughs' popular programme of in-house training seminars is continuing throughout the summer.

Forthcoming events include talks by Matt Illingworth of Ince & Co on injury/death claims (August 25), Patrick Franklin of Homarus Ltd on fisheries claims (September 8), and John Fairclough of Brookes Bell Jarrett Kirman on cargo securing (September 22).

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

arthur.crawford@a-bilbrough.com



NZ welcomes IMO coastline ban



The International Maritime Organisation has approved what is described as a 'world first decision' that will see ships banned later this year from an area off the north-east coast of New Zealand's North Island. The area in question is a coastal strip extending five nautical miles from land between Bream Head and Cape Brett, north of Whangarei, and also includes the area around Poor Knights Islands. The Maritime Safety Agency (MSA) of New Zealand has been pushing IMO to prohibit internationally

trading ships from straying close to the coastline, in order to provide greater environmental protection to the highly vulnerable area.

With effect from December 1, 2004, the area will be designated off-limits to ships greater than 45 metres in length, and the MSA can enforce the ruling if a vessel enters the area. Ships transiting the coast will be required to pass east of the Poor Knights Islands, and cannot pass between the islands and the mainland.

USCG ballast water reporting requirements

The US Coast Guard has recently introduced a rule establishing civil penalties for ships bound for ports or places within the US which fail to submit the required ballast water management reports (See *StopLoss 25 and StopLoss 29*).

The new rule provides for the imposition of penalties - with effect from August 13, 2004 - not to exceed \$27,500, for each day that the violation of the reporting requirement continues. **(Intertanko)**

Pre-arrival security initiative at Singapore

The Maritime & Port Authority of Singapore (MPA) has recently issued a circular requiring, with effect from July 1, all passenger ships, cargo ships of 500 gross tons and upwards, and mobile offshore drilling units to complete a Pre-Arrival Notification of Security (PANS), which must be faxed to the port's Maritime Security Department at least 24 hours prior to arrival.

The PANS form requires masters to provide details, including the ship's local agent, purpose of call at Singapore, information about its International Ship Security certification, and the last ten ports of call.

The MPA circular also contains guidance for ISPS-compliant ships calling at Singapore following calls at non-ISPS-compliant ports.

This includes a list of security checks that the MPA recommends are implemented and completed by such ships before calling at Singapore, and declared in the PANS form submitted to the port's Maritime Security Department.

For more information, go to the MPA website at: www.mpa.gov.sg/homepage/ms/pc04-15.pdf



Ukraine rice cargo alert

Reports have reached the Club of ongoing difficulties encountered by vessels discharging bagged rice in Ukrainian ports.

Upon arrival in Ukraine, cargo is inspected by the State Sanitary Authority (SSA), which will prohibit discharge of cargo from any hold found to contain mouldy bags or packaging. The reports indicate particular problems with cargo on ships from Chinese loadports, which is reported to have been packed in single polypropylene bags and

stored under tarpaulins in open areas, where it has been exposed to wetting prior to loading. Further, cargo sweating during the subsequent ocean passage, together with defective dunnaging, can also contribute to the development of mould. Members should be aware of the potential problems that may be involved with this cargo and, in cases of any doubt, should seek assistance from the local P&I correspondents.

And further information can be accessed at:

www.dias-co.com/problems/?35



Work hour software

The International Shipping Federation (ISF) has finalised its Watchkeeper 2.0 software, which is designed to help operators prevent crew fatigue, comply with seafarers' work hour regulations, and avoid port state control difficulties now that the ILO Convention 180 is in force.

The ISF software comes with a free, thirty-day trial, and can be requested by e-mailing: isf@marisec.org

The cold facts about death at sea

Tragic events occur at sea, just as they do ashore, and it is sometimes necessary to make contingency plans.

In the event of a death on board a ship, for example, conventional wisdom suggests that the body should be confined to the deep-freeze. But this may not necessarily provide the best assistance to the pathologist responsible for any subsequent examination of the body, because it may take about 48 hours for a deep-frozen body to thaw sufficiently to undergo an autopsy. And that delay may in turn affect the ship, in cases where the authorities require the autopsy to be completed and the coroner satisfied as to the cause of death, before permitting the ship to sail.

Accordingly, planning for the handling of a dead body while at sea should take into account the circumstances of each case and the ship's position.

Where, for example, the next port of call is up to ten days away, and if an appropriate facility is available on board, the best plan is likely to be for the body to be kept at 2 to 4 degrees celsius and sealed from insect infestation, rather than deep-frozen. However, where the ship is more than ten days away from the next port of call, the need to avoid decomposition of the corpse is likely to require the freezing of the body at minus 20 degrees celsius or less.

(Medical Rescue International Ltd)

Dammam notice alert

THE authorities at Dammam, Saudi Arabia, now require four days' prior notice of arrival for vessels carrying dangerous/hazardous cargoes, particularly cargoes of ammonium nitrate.

Members should check with their agent well in advance regarding this requirement.

(Kanoo Shipping Agency, Dubai)

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