



## The importance of regular soundings



*The consequences of failure to conduct regular soundings can be far-reaching*

**T**HE sounding of ships' compartments may appear, on the face of it, to be a mundane task. But it can mean the difference between life and death for those on board. Its importance was illustrated in a recent incident involving a member's vessel.

There, the diligence of the ship's staff in carrying out daily soundings ensured that the master was given early warning of increasing water levels in one cargo hold. In this way it was possible to contain the situation by pumping the bilges until suitable temporary repairs could be effected. Delay and damage were thereby kept to a minimum.

In this case, the close attention of the crew to the vessel's onboard systems, along with the prompt action of the Club member, averted a potentially far more serious incident. It also served to demonstrate that routine tasks are every bit as important as the more glamorous ones - a point to be borne particularly in mind in the context of the carriage of bulk concentrates. Such cargoes are especially notorious for reaching a state where they can move due to moisture migration in layers within a hold. This can cause both trimmed and untrimmed cargo to shift, with potentially catastrophic consequences for the vessel, from structural damage, through progressive flooding, to capsize.

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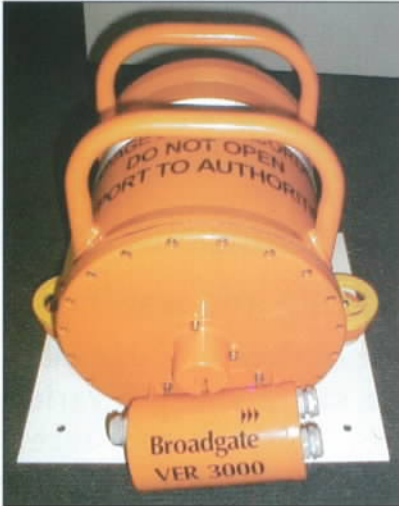
### Waxing and waning

THE carriage of crude oil by sea can present a variety of problems, and recent reports suggest that the potential for claims is increasing with an expansion of the range of products being carried.

Problems are reportedly arising with Nile blend crude oil, a new cargo from Sudan with a high wax content. As with all such cargoes, there is a high probability of wax precipitation when the cargo cools. And it is very unlikely that reheating the cargo can solve the problem.

Owners are advised to seek detailed advice from charterers, but it is suggested that the "wax appearance" temperature (cloud point) be ascertained prior to loading, and aim to keep the temperature of the blend about twelve degrees centigrade higher for the entire time that the cargo is on board.

## IMO to mandate black boxes



*It's neither black nor a box, but IMO rules say it will be required on designated categories of vessel*

THE International Maritime Organisation is treating as a matter of some urgency the entry into force of regulations governing voyage data recorders (VDRs) or, as they are more commonly known, black boxes.

## Indictment of ISM Code "responsible person"

IT has been reported from the United States that a federal grand jury in Baltimore has indicted four men on charges that they made false official statements to the United States Coast Guard.

As part of IMO's revision of Chapter V of the Safety of Life at Sea (SOLAS) Convention, VDRs must be fitted to all passenger-ships built on or after July 1, 2002.

In addition, VDRs must be fitted to:

- Ro-ro passengerships built before July 1, 2002, by not later than the first annual survey after July 1, 2002.
- Passengerhips, other than ro-ro passenger-ships, built before July 1, 2002, by not later than January 1, 2004; and
- All ships other than passengerhips of 3,000 gross tons and upwards, built on or after July 1, 2002.

The matter involved a vessel detained by the United States Coast Guard following a determination that an onboard deficiency was serious, and that it was intentionally not reported in the advance notice of arrival.

The four men indicted were the master, the chief engineer, and two supervisors

All VDRs have to meet prescribed performance standards which are not inferior to those adopted by IMO.

Administrations may exempt ships, other than ro-ro passengerhips, built before July 1, 2002 from being fitted with a VDR where it can be shown that interfacing a VDR with the existing equipment on the ship is both unreasonable and impracticable.

VDRs and associated equipment will be subject to various tests, including an annual performance test by an approved agency. In addition, a copy of a dated and authenticated compliance certificate will be required to be retained on board.

**(Broadgate Ltd)**

of the ship's operator. One of those supervisors was the company's "responsible person" under the ISM Code.

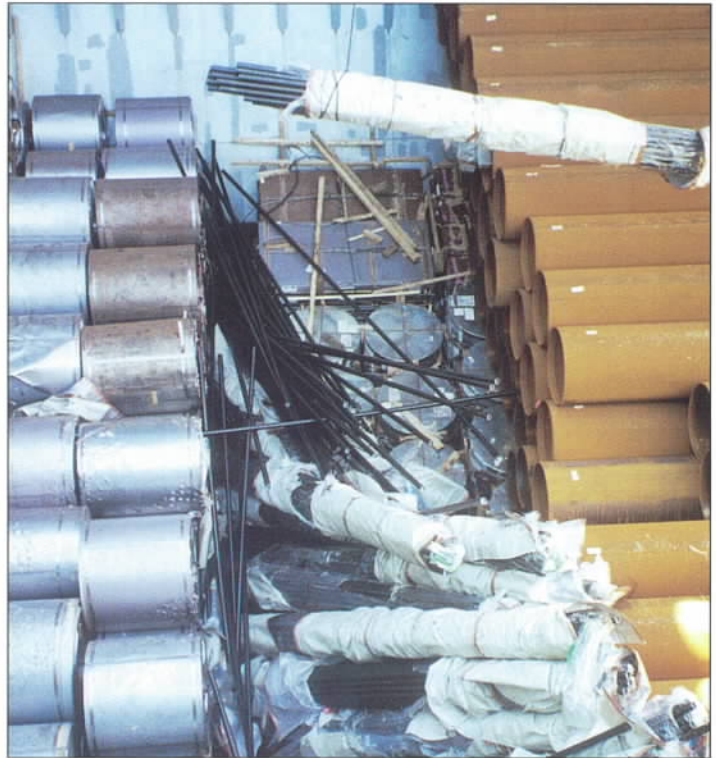
This is apparently the first time a "responsible person" under the ISM Code has been formally charged for a criminal act in the United States.

### Paris MoU targets cargo securing

**N**EXT year, the Paris Memorandum of Understanding on Port State Control will focus its attention on the securing of cargo.

It is expected that about 3,500 ships which are normally targeted for a PSC inspection will be assessed under a concentrated inspection programme for compliance with cargo securing requirements.

The importance of ensuring that cargo is secured correctly, with properly tested lashings and lashing points, cannot be over-estimated, as can be seen from the photograph (right).



### Due diligence and seaworthiness

A case recently before the Court of Appeal in London dealt with the extent of a shipowner's obligation to exercise due diligence to make a vessel seaworthy.

The *Fjord Wind* was voyage-chartered on terms which contained both an absolute obligation to make the vessel seaworthy and a separate obligation requiring no more than the exercise of due diligence to make the vessel seaworthy.

Having completed loading, the *Fjord Wind* suffered an

engine failure. It had suffered a number of similar problems previously, and the matter had been referred to the engine manufacturer, MAN.

The cause of the problem, though, had never been identified.

Although the Court of Appeal construed the charter party to require no more than the exercise of due diligence, it went on to consider the scope of that obligation.

In particular, the court held that the obligation was non-delegable. The court decided that the due diligence obligation on

owners was to satisfy themselves that no line of enquiry that competent experts should have pursued had been overlooked.

It was not enough for the owners merely to refer the recurring crankpin problem to the engine manufacturer and leave it in their hands, however high their reputation.

*A summary of this, and other recent maritime law cases of interest, can be found on the Club's website at [www.lso.com](http://www.lso.com)*

## Strengthening loss prevention initiatives

**T**HE Club has recently strengthened its loss prevention department with the appointment of Nigel Smith as Loss Prevention Officer.

Nigel joined the Bilbroughs loss prevention team in September, to work alongside Nigel Hartley and James Croall. A marine engineer, he gained fifteen years' sea-going experience, rising to senior rank with a major UK shipping line before moving ashore to pursue a ten-year career as a superintendent. Following a three-year stint as a ship manager, he then undertook a degree course and managed a small survey company for two years prior to joining Bilbroughs.

Nigel joins an established team which includes Lia Butler and Maria Milonas, who has recently rejoined Bilbroughs.

The London Club has always placed a high priority on loss prevention. The wide



*Nigel Smith, seen here with Maria Milonas (left) and Lia Butler, is the latest recruit to Bilbrough's dedicated loss prevention team*

range of activities it undertakes in this regard includes the review of inspection arrangements, and the development of contact with both ships and members.

Nigel Hartley, the Club's Loss Prevention Manager, explains, "The information and experience we glean is used to help maintain high standards throughout the Club, and to provide feedback not only to our underwriters and claims handlers, but to our members as well. We will continue to look for ways to enhance the service we offer to our members across a whole range of loss prevention issues."

## Keeping full records

THE Club has recently become aware of cases where ships have carried out structural repairs at sea which have not been notified to the relevant classification society. But according to class rules they should have been completed under class supervision, or with prior class approval. Failure to comply with these requirements means that the ship's records will be incomplete.

In one case a Port State Control inspection noted new repairs on a vessel that were not mentioned in the ship's maintenance or class records. Although no serious ship defects were found, the classification society was called in to investigate any unrecorded repairs. Port State Control then ordered a full ISM audit. Lengthy delays and considerable costs were incurred as a result.

Members should ensure that all staff are informed of the repercussions that this type of incident can have, no matter how good the repair work or how commendable the initiative in organising necessary repairs.

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