



THE LONDON CLUB

StopLoss Bulletin

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Brazil in health crackdown

VESSELS calling at Brazilian ports whose voyages originate from areas suffering from mosquito infestation are being detained on the orders of the Brazilian health authorities while stringent checks are made on ships and crews.

The crackdown has been prompted by an outbreak of dengue, which is transmitted by the mosquito *Aedes Aegypti*. The Brazilian authorities have accordingly tightened up on the checking of vaccination cards of officers and crew arriving on vessels from Angola, Benin, Cameroon, Gabon, Guinea, Ghana, Liberia, Nigeria, Sierra Leone, Sudan, Zaire, Colombia, Peru and Ecuador.

These vessels must anchor at the outer roads at Brazilian ports, observing a minimum distance of 400 metres from the shore. Once vessels have arrived, their agents have to request a health authority visit. Vessels are then inspected and fumigated, and all vaccination cards are inspected.

Anyone on board without a card has then to be vaccinated, and the vessel is quarantined for a period of between six and ten days, at the discretion of the authorities.

Plugging the gaps

BUNKER spills have been around for almost as long as ships have used bunkers. And, in many cases, the causes of spills are avoidable. The Club is concerned that their incidence is kept to a minimum.

Many companies have good written bunkering procedures in place which, if followed correctly, should prevent most oil spills. And there is no substitute for good, common-sense procedures.

For example, the validity of hose test certificates should be checked, and a visual examination carried out to ensure that hoses have no obvious defects. It should be ascertained that flange faces, gasket and nuts and bolts are in good condition. All bolt holes should be used when making connections, and all bolts should be tightened

correctly. All unused bunker connections should be securely blanked using all bolt holes, and alignment checks made to ensure that bunkers only go to designated tanks.



Quantities and pumping rates should be agreed with the bunker supplier, and rates should be monitored throughout the operation.

If the worst still happens,

there are a number of ways to try to minimise loss. Deck scuppers should be plugged, and a crew member should be posted on deck to watch for leaks or overflows. Oil absorption material and spill dispersant should be made readily available, although members should be aware that there may be local restrictions applying to use of the latter.

Members should be aware of local emergency services and port authority arrangements, and should be able to rapidly deploy a crew well-drilled in oil spill response procedures.

The cost of stowing away

SEAFARING is a very singular way of life. Major decisions have to be taken every day on board ships. But shipping is also about small decisions. We should never forget that the industry is about people, and living in harmony in a confined space.

What do you do, for example, if somebody on board the ship complains that his breakfast is late, and that he doesn't want the fish you have given him for dinner but wants a steak instead? What's more, what do you do when that same person is a stowaway?

This was a problem which one Club member had to grapple with recently. Another member had to contend with a master being attacked by a stowaway refused permission to land at a port of call, and then had to employ security personnel to guard a group of stowaways enroute to the next port.

The problem of stowaways is serious, and is getting worse. During the 1996/7 Club year, members reported 174 incidents involving stowaways. The cost of removing those stowaways from members' vessels was \$511,666. So

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A London Club questionnaire for stowaways. This one in Swahili.

far this year, 86 stowaways have been reported, and the anticipated cost is \$305,000.

More countries are closing their doors to stowaways seeking repatriation and are bringing in legislation to fine those vessels which, however unwittingly, are involved. Members can take steps to prevent stowaways from boarding. The following measures are recommended:

- Accommodation doors should be locked or guarded while the vessel is in port.
- A crew member should be on gangway duty, tallying all boardings/disembarkations.
- Properly instructed watchmen should be vigilant for boarders, especially during the night.
- Proper records should be kept of the size of stevedore

gangs, who should be allowed gangway access only.

- The vessel should be searched thoroughly before departure, with particular attention to dark, unlikely and seemingly locked places. A checklist should be drawn up for this purpose.
- There should be no slackening of vigilance on containerships. Containers provided for loading without seals should be opened and inspected as far as possible and then sealed prior to loading.

When stowaways are found, the master should search the area for concealed documents. Name and nationality, address, date and place of birth, port of embarkation, and details of documents held should be ascertained and immediately conveyed to the Club member. The Club can provide suitable forms of questionnaires, in a variety of languages, to record such information.

Thereafter, stowaways should be kept secure at all times. Once the Club is notified it can contact the correspondent at the vessel's next port of call.

The really determined stowaway can always find somewhere to hide on a ship. But members who follow the Club's advice in this regard will at least be helping to minimise the risks, both financial and moral.

Beware the NYPE 1981 charter

PRACTICAL people like shipowners and P&I club managers might think that the term "errors of navigation" means the same as "neglect in navigation". The courts, however, have said otherwise.

The consequence of this is that the owner of a vessel operating under an amended 1981 version of the New York Produce Exchange charter party could lose an important defence upon which its P&I cover depends.

All versions of the NYPE charter party exclude owner's

liability for errors of navigation, but in 1983 the English courts decided, in the *Emmanuel C*, that there were two different types of error - negligent and non-negligent.

It was further decided that the exclusion of liability in the charter party only applied to non-negligent errors. Thus, where the master of the vessel, or even the pilot, were negligent in the navigation, there would be no defence to liability for, for example, a cargo claim. The danger would not just be limited to claims under the charter party because the charterers might

WATCHING BRIEF

THE Club's Claims Review Body continues to monitor all live claims where the total estimated cost has altered by more than \$100,000 during the period under review.

have issued bills of lading on terms reflecting those of the charter party.

P&I cover in respect of contractual liability to cargo is conditional upon the contract of carriage being subject to the Hague Rules or the Hague-Visby Rules. Fortunately, the forms of NYPE charter party, other than the 1981 version, also incorporate Clause Paramount which give effect to the rules, which in turn extend the owner's defences to include negligent errors of navigation.

But the printed version of the 1981 NYPE form contains no such clause. In order to avoid prejudicing their P&I cover, Club members are urged to take the following precautions:

- When using the 1981 NYPE form, ensure that a suitable Clause Paramount is added.
- When using any other NYPE form, ensure that the printed Clause Paramount has not been deleted or, if it has, ensure that a suitable replacement is incorporated.

Tally oh

THE CLUB has been advised by legal representatives in the United States of problems in connection with shipments of bagged cocoa beans into the port of Philadelphia.

Investigations into claims arising out of these shipments have revealed a number of cases where local stevedores have not provided tallying services at the ship's side.

The lack of a proper count as the bags came off the vessels has substantially increased the difficulty of defending the subsequent shortage claims.

Members are advised to ensure that proper tallying services are carried out or, alternatively, to contact the Club if they are in any doubt



A proper count is vital to help defend shortage claims

about their position in such cases.

Prevention better than cure

THE London Club has always prided itself on its response to settling claims, but it believes that preventing them in the first place is better still. Its recent appointment of Nigel Hartley as loss prevention manager confirms that philosophy. Nigel has joined the Club from P&O Tankships, where he was marine director. His brief is:

- To review/revise existing survey arrangements.
- To review and make suggestions for broadening the system of surveys and to develop contact with ships and members.
- To enhance, where necessary, the Club's response

to its own claims experience, and to obtain the benefit of the broader claims experience of the whole shipping industry and apply it to the Club.



Nigel Hartley - not dictatorial

Nigel Hartley has already established that the present survey system is "very good", and is keen to exploit to a much greater extent the

information which the Club already has for the overall benefit of the membership.

He says he will be looking at ways of more effectively targeting surveys, and of assessing the condition of ships. That information will in turn be used to help maintain standards throughout the Club, and to provide vital feedback to the underwriting and claims departments, as well as the members themselves.

"This is not a dictatorial thing," explains Nigel. "It is providing consultancy as part of the service to Club members. I want people to bounce ideas off me, and to use my industry knowledge and experience." Prevention is better than cure.

When hull is cargo

WHEN does a damaged hull constitute a cargo claim? Answer: When the hull is carried as cargo. In a recent incident involving a member's ship, a small tug boat was being carried



as cargo from Japan to Myanmar. It fell into the

sea during loading in heavy weather at Yokohama and was then recovered with the help of a mobile crane. Surveyors later concluded that all relevant parties, including the vessel's crew, had made every possible effort to avoid the casualty.

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