



SIGNALS

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COLLISIONS: WHAT THE COURTS SAY

Taking action to avoid collision

ELECTROCUTION: SHOCK TACTICS

How to work in a safe, shock free environment

WHAT IS "FORCE MAJEURE"?

Exploring what force majeure means for different parties

PREVENTING REPUTATION LOSS: THE HUMAN FACTOR

Managing the communications narrative in a crisis situation

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LOOKING ASTERN AND AHEAD

AS USUAL, 2017 PROVED TO BE AN INTERESTING YEAR FOR SHIPPING. SOME OF THE MORE NEWSWORTHY ISSUES FOR THE YEAR INCLUDED UNPRECEDENTED CONSOLIDATION, THE ENTRY INTO FORCE OF BALLAST WATER MANAGEMENT REGULATIONS, AUTONOMOUS SHIPPING AND CYBER-ATTACKS.



Colin Gillespie, Deputy Director (Loss Prevention)

CONSOLIDATION

Consolidation continues apace throughout the industry, most notably in the container sector. Forecasters expect industry consolidation to continue over the next few years as companies seek to gain from increased market share and economies of scale.

BALLAST WATER

The Ballast Water Management Convention finally entered into force in September 2017. We also saw the US authorities starting to type approve treatment systems, a welcome development. System installation should be before the first IOPP certificate renewal after 1st September 2018. The USCG may continue to issue exemptions after this date but as more systems are approved, exemptions are less likely. Visit our online *Insights* area to find out more.

AUTONOMOUS SHIPS

A lot has been written about autonomous vessels during 2017 and trials have demonstrated that the technology exists to operate ships autonomously. Smaller autonomous vessels are already being operated locally and there are a number of projects underway to build larger autonomous vessels. The IMO has responded by setting up a regulatory scoping exercise that begins in May 2018 and is expected to report by 2020. If you are just starting your career in seafaring - don't panic. Many observers are of the opinion that large numbers of autonomous vessels are still decades away. Traditional seafaring skills will be needed for a very long time.

CYBER THREATS - FROM AWARENESS TO ACTION

2017 can perhaps be said to be the year of cyber awakening for the industry. The high profile Notpetya ransomware outbreak which

severely affected Maersk got everyone's attention. The IMO decided that cyber risks should be managed under the ISM Code by 2021 and cyber risks are now expected to be managed under TMSA 3 from 2018. No doubt during 2018 many shipping companies will be working on managing the threat. Visit our online *Insights* area to find out more.

WHAT FUEL WILL YOUR SHIP BURN?

Perhaps the single biggest issue for the coming years is the global cap on sulphur in fuel. The limit reduces to 0.5% on 1st January 2020. At present, it appears that this may turn out to be a hard deadline. There are numerous issues for owners to consider. In the short term, a changeover to gas oil seems likely to be the choice for most ships but this is costly. Over the long term, there are likely to be fundamental changes to vessel design and operation. Orders are already being placed for 'dual fuel' ready vessels that burn MGO and LNG. Vessels are being ordered or retrofitted with scrubbers and there is considerable research into alternative fuel systems such as battery technology, hydrogen fuel cells and even wind power. The costs associated with the changeover may also lead to extensive scrapping of inefficient older vessels.

CO2

Sulphur is not the only emission likely to affect operations. The European Union MRV Regulation requires shipowners and operators to monitor, report and verify CO2 emissions from their vessels (≥ 5000GT) calling at EU and EEA ports. Emissions monitoring and recording commences on 1 January 2018. The IMO DCS (Data Collection System for fuel oil consumption) is similar to the EU MRV, and vessels (≥ 5000GT) will be required to monitor and record the required data from January 2019.

DON'T TAKE YOUR EYE OFF THE BALL

Lots of attention and resources will be directed to equipment and regulations over the next few years. But the main focus should remain on the fundamentals of safe and successful ship operations: employing the right crew, giving them sensible systems to work within and encouraging safe and efficient behaviours on board.

We are confident that the industry and our members will respond to these developments, whether technological or regulatory, in its usual resilient and resourceful way. Members can be confident that North will be there to support them in their efforts to meet these challenges.

FIND OUT MORE

For further information contact our loss prevention team at loss.prevention@nepia.com or visit www.nepia.com/loss-prevention or visit our *Insights* Area www.nepia.com/insights/

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HOW HAVE WE DONE

Let us know what you think of the latest edition. Contact us at signals@nepia.com

INSIGHT ARTICLES AND BACK ISSUES

Current articles from *Signals* can be found online at www.nepia.com/insights and back issues of *Signals* are available online at www.nepia.com/signals

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COLLISIONS: WHAT THE COURTS SAY - PART II

FIND OUT MORE

For further information on Collisions, please refer to our Loss Prevention Guide: **Collisions - How to Avoid Them** which provides further guidance on the COLREGS.



IN THE SECOND OF THIS SERIES OF ARTICLES, HARRY HIRST OF INCE & CO CONSIDERS HOW VARIOUS COURT CASES INVOLVING COLLISIONS HAVE PROVIDED PRACTICAL GUIDANCE TO DUTY OFFICERS (OOW) AND MASTERS ON TAKING ACTION TO AVOID COLLISION. A COMMON THEME IS THE USE OF TIME BY THE OOW.

TAKING AVOIDING ACTION

Rule 8 of the COLREGS provides – "(a) Any action to avoid collision shall... if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship."

POSITIVE ACTION

Avoiding action invariably begins with an alteration of course, and as the COLREGS acknowledge - "If there is sufficient sea-room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation." [Rule 8(c)]

What constitutes a "substantial" alteration of course will depend upon the circumstances, but it needs to "be large enough to be readily apparent to another vessel observing visually or by radar..." [Rule 8(b)].

Reported cases suggest that where a close-quarters situation is developing in conditions of restricted visibility it should be at least 30°, and preferably 40° to 60°; *The Roseline* [1981] 2 Lloyd's Rep.411; *The Oden* [1989] 1 Lloyd's Rep. 280; *The Maloja II* [1993] 1 Lloyd's Rep. 48; *The Hakki Deval* [2006] EWHC 2809. Smaller alterations might be more readily apparent visually when the two vessels are in sight of one another, and today with the use of ARPA they can be detected more readily on the radar, but OOWs would do well to apply these same criteria.

TAKING ACTION - TIMING IS KEY

Distance is often a criteria that OOWs apply when taking action however avoiding action should always be about timing and not about distance. Avoiding action is frequently taken too late, with OOWs waiting until the other vessel is about 2 or 3 miles away before altering course.

Consider, for example, two container ships both proceeding at 20 knots on broadly reciprocal courses. Their combined speed of approach is 40 knots; and at 40 knots, the OOW who waits until the two vessels are about 2 to 3 miles apart before altering course is leaving himself only 3 to 5 minutes to avoid collision.

Reported cases suggest that "ample time" insofar as the give-way vessel is concerned when the two vessels are in sight of one another, and for both vessels when navigating in restricted visibility, is at least 12 minutes before the two vessels would otherwise collide; that is, by latest C-12.

ACTION BY STAND ON VESSEL

For example, in *The Samco Europe* [2011] 2 Lloyd's Rep.579, a collision in good visibility, the nautical assessors advised Mr Justice Teare that *MSC Prestige*, as the give-way vessel in a crossing situation, should have altered her course to starboard at about C-12 when *Samco Europe* was at a range of 8.1 miles. Furthermore, in the *Rickmers Genoa* [2010] EWHC 1949, a collision in restricted visibility, Mr Justice Steel was advised by his nautical assessor that both vessels should have altered course substantially to starboard by C-12.

For the stand-on vessel in a crossing situation, the reported cases suggest that the obligation to take action under Rule 17(b) is unlikely to arise before C-5. In *The Hanjin Madras* [2001] 2 Lloyd's Rep.419 the Court of Appeal noted it was common ground that Rule 17(b) would not apply "until after C-5

and probably not until C-4 or later"; whilst in *The Topaz* [2003] 2 Lloyd's Rep. 18 Mr Justice Gross accepted the advice of his nautical assessors and found that Rule 17(b) required the *Topaz* to take action at about C-5.

The stand-on vessel may of course, take avoiding action earlier under Rule 17(a) (ii), and will often be required to do so as a matter of good seamanship. Prior to taking action under this Rule however, the OOW should first alert the give-way vessel by sounding the signal prescribed in Rule 34(d), and then allow the give-way vessel a reasonable time in which to respond. A reasonable time would be in the order of 3 minutes or so, which suggests the stand-on vessel should be taking action under Rule 17(a)(ii) some time between C-9 and C-5; and this is consistent with the reported cases.

For example, in *The Hanjin Madras* [2001] 2 Lloyd's Rep.419, the Court of Appeal found that the *Mineral Dampier* should have taken action under Rule 17(a)(ii) sometime after C-9 and at or before C-5; whilst in *The Topaz* [2003] 2 Lloyd's Rep. 18 Mr Justice Gross found that the *Topaz* should have taken action under this Rule by the time when the vessels were about 3 miles apart, at about C-10 to C-8. More recently, in *The Samco Europe* [2011] 2 Lloyd's Rep. 579 Mr Justice Teare accepted that the *Samco Europe* was entitled to take action under this Rule at C-7.5.

SUGGESTED GUIDELINES

There can be no hard and fast rules dictating when and how the OOW should take action to avoid collision, but the following suggested guidelines may help reduce the number of collisions at sea. There is nothing new in these guidelines; they reiterate the teaching given to all deck cadet officers during the training.

ACTION TO AVOID COLLISION SHOULD BE POSITIVE

+ BE POSITIVE
+ BE BOLD
+ BE EARLY

ALTERATIONS OF COURSE SHOULD BE AT LEAST



ACTION TO AVOID COLLISION SHOULD BE MADE IN AMPLE TIME

WHEN GIVING WAY, BY LATEST C-12

WHEN STANDING ON, BY LATEST BETWEEN C-9 AND C5

PART 1

The first article discussed the importance of early detection and situation appraisal can be accessed at: www.nepia.com/insights/signals-online/ships/collisions/collision-at-sea-what-the-courts-say

By Harry Hirst
Partner & Master Mariner, Singapore

SIMPLIFYING SAFETY MANAGEMENT SYSTEMS



SIMPLICITY IS KEY
65% = 70%
 REDUCTION IN WORD COUNT IMPROVEMENT IN PERCEIVED USABILITY

HAVE YOU EVER JOINED A SHIPPING COMPANY, LOOKED AT THE SMS AND WONDERED HOW LONG IT WOULD TAKE TO READ ALL OF THIS?

Captain Terje Lovoy looks at some of the questions raised when making ourselves familiar with safety management systems and how we can make SMS easier to read and more logical to follow without losing the key information.

We are sometimes asked to make ourselves familiar with these systems in quite a short period of time. However it is hard to read and digest all of the information quickly.

How many times have you opened a marine accident report or root cause analysis and found that the procedures or safety management system (SMS) was not followed correctly?

Did you find the SMS in your company or a previous company was too big and complicated in structure?

For more than 20 years I, Capt. Terje Lovoy, the founder of Lovoy AS, searched for a method to help companies simplify their SMS using their own people. We spotted problems with lengthy airline procedures years ago. This article shares how the marine industry used our method to improve and simplify many SMS.

In an effort to update and improve SMS shipowners and managers have added information over time without removing anything. New procedures may be added because of findings from safety audits or incidents which took place. They may be added because of new legislation or design changes to the ship or for many other reasons.

In addition to the size and layout it could be argued that, in general the important material does not jump out because it's surrounded by waffle and double-talk.

HOW TO SIMPLIFY AND WHY?

Every person adding to an SMS may not have a standard strategy and this may be one of the reasons for complication.

We noted the order in which tasks were done was not in line with the way procedures were written.

This result is like a tangled spaghetti structure. To untangle and organise the spaghetti structure we must look at effective grouping. Let's try a similar approach with the structure of a SMS.

CHECKLISTS AND PROCEDURES

Checklists and procedures have different purposes. Checklists are like the tip of an iceberg and they cannot contain the complete SMS. They are small documents designed to be used to confirm that a series of tasks have been completed. An example of this may be a pre-departure checklist.

A selection process is used to choose which items to enter into checklists based on risk.

Using the iceberg analogy, we need to go below the surface to look at the detailed procedures behind a checklist item. Procedures have more details for training and in-depth explanations. You may look at these if you are uncertain about something.

We discovered that there was little or no link between the checklists and procedures in a lot of the examples we looked at. This is a relatively easy fix because workflow-based procedures could be written in the same order as checklists.

OPERATIONAL GROUPING

Earlier, we used the tangled spaghetti analogy. Now let's cut the spaghetti into chunks.

The old procedures we reviewed were chunked by academic topics without thinking about when we do the tasks. We therefore made new rules to help writers organise actions into workflows based on when we do them.

FROM PROSE TO WORKFLOWS

Prose text is a form of language that has no formal metrical structure. Normal everyday speech is spoken in prose and this is how most people write.

We found that the SMS used too much prose text and lacked operational workflow structure. It had too many regular sentences. We need the right balance between prose and imperative steps.



A more simplified approach

PLAIN LANGUAGE DICTIONARY

Text is like mathematics, why write $\frac{12}{18}$ when we can write $\frac{2}{3}$?

Why write commence when we can write start? We made a new plain language dictionary available at www.lovoy.info

COMPLEX	CLEAR
Give consideration to	Consider
During the period when	During
A number of	Some
Give the recognition to	Recognise
Is concerned with	Concerns
Because of the fact that	Since
22 words	6 words
72% REDUCTION	

Lovoy Plain Language Dictionary

PASSIVE TEXT

An example of passive text: "the ball was thrown by the child"

We could make this active: "the child threw the ball"

Can you see how the second example is shorter, clearer and gets the same message across? Passive sentences are often so long that we must read them several times. Passive text is therefore another problem.

SMS should be proactive and we suggest keeping passive text below 5%. This and other methods supported by proactive Key Performance Indicators (KPI's) can reduce the word count by more than 50% without losing facts.

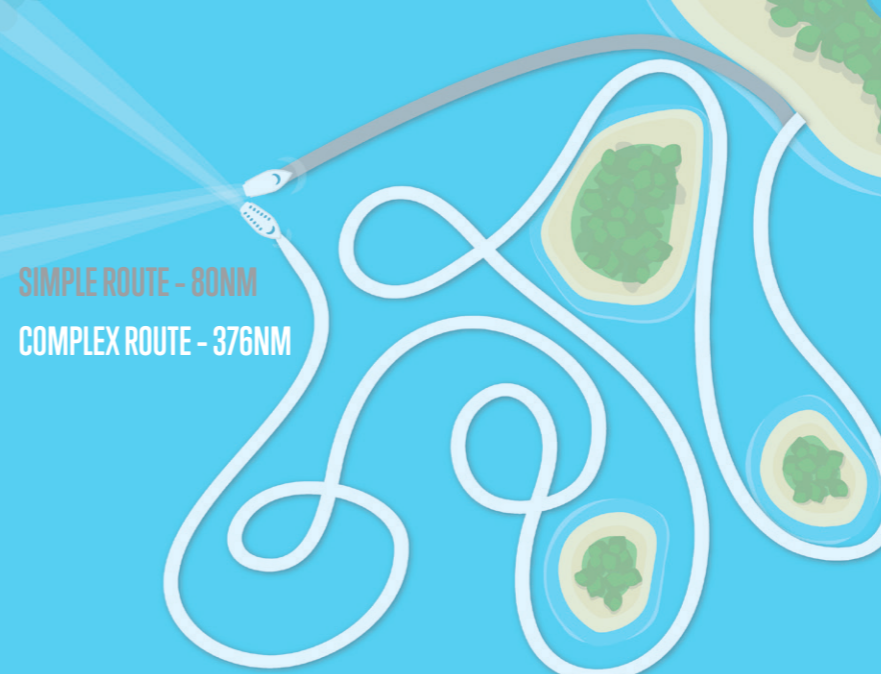
LAYOUT

Huge blocks of condensed text do not make easy reading. This is why we made an easy to use template inspired by NASA research. It has a clear visual graphic layout with notes, cautions and operational styles.

INDUSTRY RESULTS

In 2014, Teekay's navigation procedures had nearly 49,000 words. Teekay simplified it down by 65% to about 17,000 words. The main goal was to be concise. Nearly 200 Teekay vessels are using the improved procedures. Bernard Schulte Ship Management (BSM), V. Ships and many other large and small companies achieved similar results.

SIMPLE ROUTE - 80NM
COMPLEX ROUTE - 376NM



TMSA 3

Tanker management and self-assessment 3 (TMSA 3) goes into effect in 2018. The plain language recommendations are updated with more details and tanker companies are working hard to meet the new recommendations.

TMSA 3 PLAIN LANGUAGE KEY WORDS	
Identifiable Steps	Accessible
Logic Manner	Simplify and Clarify
Sufficient Details	Specialist Resources
Benchmarking	Graphic Presentation

By Terje Lovoy
 Captain and founder of Lovoy AS

USER FEEDBACK

Feedback from the end users showed a 70% improvement in perceived usability.

KEEPING IT CLEAR HAS REWARDS

Stopping the addition of complex text is just as important as doing a quick fix of the old SMS. This is a continuous process, but with high rewards. We believe a user-friendly

SMS is good for safety, efficiency, operational uptime and cost.

Most will agree that simplification is a good thing, but it does not happen by itself – it must be designed. To do this you need good tools. Good tools are only half the job, knowing how to use them is the other half. This requires training. Our solutions are low tech and low risk but you must put a value on simplicity and invest in training your own people.

FIND OUT MORE

We use various methods of training which empower your staff to simplify. More information is available from Lovoy AS terje@lovoy.info, +47 41374000 www.lovoy.info

GENERAL DATA PROTECTION REGULATION (GDPR)

By Simon MacLeod
 Loss Prevention Executive

GDPR



The GDPR which comes into force on 25 May 2018 is intended to update and enhance current data protection legislation to require businesses who deal with EU citizens, including employees, to be transparent about how they use their data.

The GDPR covers the collection, storage and handling of personal and special category data:

Personal data is any information relating to a person who can be identified by an identifier such as a name, identification number, location data, online identifier or through specific factors relating to their biological or social identity.

Special category personal data is data revealing racial or ethnic origins, political opinions, religious or philosophical beliefs, genetic, medical information or orientation. There are additional restrictions when processing these types of data.

Organisations which the GDPR applies to will be subject to the oversight of the data protection authority situated in the EU Member State where the majority of their operations are situated or take place.

FIND OUT MORE

Further information on GDPR visit, www.nepia.com/insights/gdpr



By Peter Scott
 Senior Executive (Claims)

BEWARE THE BEANS!



THE NEW SEASON FOR SOUTH AMERICAN SOYA BEANS WILL BE STARTING SHORTLY.

In 2017 a number of our Members suffered claims for damaged soya beans which, on investigation, turned out to be more likely caused by inherent vice rather than any fault of the ship but, because of the jurisdictions in which the claims were brought, the Owner and North had to settle rather than fight.

The problem is almost inevitably self-heating due to excessive moisture content. The usual sales specification is that average moisture content should not exceed 14%. This raises two problems: individual parcels

could contain more than 14% and, in any event, soya beans are not 'stable' even at 14% and may begin to self-heat during the voyage. If the voyage proceeds normally, it is more likely that the cargo will not suffer damage as a result of the heating but if there is any sort of delay, the likelihood of damage increases.

FIND OUT MORE

Any Member thinking of loading or fixing to load South American soya beans should refer to the Club's Loss Prevention materials, www.nepia.com/LP-Briefings and www.nepia.com/insights/signals-online/cargo

BAGGED CARGO VENTILATION CHANNELS - DO THEY WORK?

CHARTERERS OR SHIPPERS OFTEN REQUEST THAT VENTILATION CHANNELS ARE BUILT INTO THE STOW OF BAGGED CARGOES - BUT EXPERTS HAVE ADVISED NORTH THAT THEIR EFFECTIVENESS IS UNPROVEN.

A recent dispute arose between a vessel and stevedores over what was the "correct" way to construct ventilation channels within the stow of bagged agricultural cargoes. This article considers the conflicting advice currently out there and called on experts to give their opinions on the effectiveness of these ventilation channels.

Agricultural cargoes such as grains and rice are traded globally and regularly shipped in bags. These cargoes are hygroscopic.

It is common for the vessel to be given specific stowage and ventilation requirements. One common requirement is for ventilation channels to be built into the stow and has been a longstanding practice.

LIMITED EFFECT

CWA International explain that the idea behind ventilation channels is to allow hot, moisture laden air to rise up through the channels and be removed by the air flow generated by ventilators aligned with the channels. Therefore, the main purpose of the channels is to increase the surface area of the stow to allow warm air to rise and then be removed during ventilation.

However, most bulk vessels carrying bagged agricultural cargoes can only facilitate natural ventilation during a voyage and this is less effective than mechanical ventilation.

Experts have advised North that the effectiveness of these channels is unproven. There are no specific studies which compare whether a bagged cargo stow built with

ventilation channels improves the cargo condition at outturn compared with a bagged stow built without.

CWA stated that they have seen numerous cases where the ventilation channels were not constructed properly and collapsed during the voyage.

FOCUS ON SWEAT

Going further, other leading experts advised that there is no advantage in getting airflow into a channel within a block stow of bags. They informed that neither rice nor wheat in bags actually needs a supply of air and the only significance of ventilation is in the context of condensation/sweat.

Ship's sweat is the condensation that is generated when warm moist air in the cargo hold comes into contact with the cold steelwork of the vessel. This effect is greatest when loading cargo in warm humid climates and the vessel then transits a cooler area.

The moisture that forms on the exposed steelwork then drips onto the bagged cargo and can lead to mould growth. Effective airflow is therefore most needed at the sides of the hold where the risk of sweat damage is greatest and across the stow surface.

VESSEL ACTION

It should be stressed that these doubts on the efficacy of ventilation channels does not mean that a master should refuse them to be built into the stow. In fact, guidance on bagged rice cargoes in Thomas' Stowage

specifically refers to ventilation channels. But the master and crew should be aware of the potentially limited effectiveness of ventilation channels and the risk of collapse if they are not constructed properly.

Most bagged agricultural cargo claims involve freshwater staining – therefore the main risk of wet damage relates to ship's sweat. Efforts must be concentrated on reducing sweat and using appropriate dunnage to prevent direct contact between the cargo and the vessel's steelwork.

Furthermore, the carrier has an obligation to care for the cargo and this includes ventilation. Maintaining proper records to show ventilation was carried out in accordance with either the three-degree rule or the dew-point rule will act as valuable evidence when defending a claim of wet damage.

FIND OUT MORE

For more information, please read North's Loss Prevention Briefing on agricultural cargoes www.nepia.com/LP-Briefings or visit our Members' Area and look at our ventilation guide on www.nepia.com

Alvin Forster
Loss Prevention Executive



REEFER CONTAINERS - AVOID CLAIMS BY CROSS CHECKING

John Southam
Loss Prevention Executive



MISSING OR INCORRECT REEFER DATA CAN FIND ITS WAY ONTO A BAPLIE FILE. CREW SHOULD MAKE SURE THEY ALWAYS CROSS CHECK THE BAPLIE FILE WITH THE REEFER MANIFEST OR SPECIALS LIST.

Missing or incorrect reefer data can find its way onto a BAPLIE file. Crew should make sure they always cross check the BAPLIE file with the reefer manifests or specials list.

When refrigerated containers (reefers) are carried on board, the crew should take extra care to ensure that they are stowed correctly.

Sometimes cargo damage in reefer containers is caused by errors in the cargo plan data. Errors can occur at any time in the planning process, in particular during transshipment between different vessels and operators. It can be difficult to spot these errors by the planners during transshipment as the reefers will appear on the discharge and load lists for the separate vessels and operators.

BAPLIE FILES AND REEFERS

A BAPLIE file or bay plan / stowage plan occupied and empty locations message, is a simple internationally adopted electronic format for sharing information.

Reefers are listed on the vessel's cargo plan when it's received from the planner. The cargo plan is usually received via a BAPLIE file.

To show that a reefer is required to be plugged in on loading, the planner will input a temperature for that reefer container into the BAPLIE file data. If there is no temperature input, then the reefer will appear to be an empty or dry reefer as shown here:

0380282 TPPWVB 8432408 28.4 -45R1 -20.0 CEL	0380082 TPPWVB 8857399 28.4 -45R1 -20.0 CEL	0380182 TPPWVB 3015369 28.4 -45R1 -20.0 CEL	0380282 TPPWVB 8432408 28.4 -45R1 Dry reefer	0380082 TPPWVB 8857399 28.4 -45R1 -20.0 CEL	0380182 TPPWVB 3015369 28.4 -45R1 -20.0 CEL
---	---	---	--	---	---

Above: BAPLIE file bay plan for the same container with and without a temperature input.

Sometimes the wrong temperature or no temperature appears on the BAPLIE file. If the temperature is missing from the BAPLIE file, it will not show as a live reefer to the new vessel's crew and risks remaining unplugged.

CROSS CHECK TO AVOID PROBLEMS

To avoid this issue the BAPLIE file data should always be cross checked against the reefer manifests or specials list that are also delivered to the vessel. These documents give the crew the most accurate information about the reefers; this includes temperature set point, contents and vent position.

Any discrepancies in the number of reefers to be carried or temperature set points should be fully investigated before the reefers are loaded on board.

Make sure it is cross checked before signing for receipt of the manifests or specials list. Signing first and cross checking later can lead to problems if a mistake becomes apparent.

TEAM WORK COUNTS

Mistakes can happen when dealing with large amounts of information. With good communications between the parties involved in the planning, loading and carriage of the containers, any issues can be spotted and rectified.

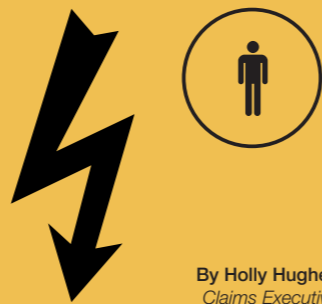
FIND OUT MORE

For further information contact our loss prevention team at loss.prevention@nepia.com or visit www.nepia.com/loss-prevention

REMEMBER:
CROSS CHECK ALL
THE AVAILABLE
INFORMATION TO
AVOID ERRORS



ELECTROCUTION: SHOCK TACTICS TO STAY SAFE



By Holly Hughes
Claims Executive

AN ELECTRIC SHOCK CAN LEAD TO SERIOUS LIFE-CHANGING INJURIES AND IN EXTREME CASES CAN KILL. IT CAN RESULT IN CARDIAC ARREST, MULTIPLE ORGAN FAILURE, SEVERE BURNS OR CAUSE A FALL FROM HEIGHT.

As electrical systems on modern vessels increasingly operate on high voltages, the severity of the consequences from an electric shock increases.

COMMON SHOCK FACTORS

Injury claims resulting from electrocution on board vessels continue to occur. The circumstances and the severity of the outcomes may vary, but there are two common factors:

- ⚠️ A failure to properly plan the task.
- ⚠️ Using defective or unsuitable equipment.

A notable proportion of the electrocution claims reported to North involve either engineer officers or dedicated electrical officers. All too often the incident occurs when they are working on a live electrical system.

A number of injuries concern refrigerated containers (reefers). Electrical faults and damaged cabling have resulted in the electrocution of crew and stevedores. The use of electrical power tools and welding equipment in wet and humid conditions is another repeat finding.

SAFE SHOCK-FREE WORKING

Persons working on electrical systems must be trained and competent. But as many of the electrocution incidents reported to North show, this is no guarantee of safety. The safety precautions are well-known but they need to be followed every time and properly enforced.

It is abundantly clear that the safest condition for working on electrical systems is when it is dead. A simple set of guidelines for ensuring this include:

- ⚠️ Assess the risks and plan the work.
- ⚠️ Identify the correct isolation point. This might be the local breaker, starter panel or substation. Make sure the right one is identified!
- ⚠️ Shut down and isolate the circuit.
- ⚠️ Confirm the circuit is dead – usually by means of a multimeter
- ⚠️ Lock out (padlock) the breaker and tag out (post notices) to prevent accidental reconnection.
- ⚠️ Record the isolation.

In some cases a formal permit to work will be appropriate in order to bring a higher level of control over the task.

On high voltage (HV) systems - where voltages are greater than 1,000kV (and up to 12kV on some vessels) - working must be strictly controlled. Extra precautions will be necessary, such as a more robust isolation method, earthing and discharging residual energy.

It will of course be necessary sometimes to work on live low-voltage systems, where the voltage may be 440V or has been transformed down to 220V or 110V. This work should be subject to a risk assessment and the necessary precautions taken. Avoid working alone and take extra care to prevent accidental contact with live circuits by the person carrying out the work or by others in the vicinity. This can consist of positioning barriers to restrict access, wearing the right clothing (and removing jewellery) and taking care with tools. Avoid leaving live circuitry exposed when unattended.

To prevent shocks from defective or unsuitable electrical equipment, these simple steps can help:

- ⚠️ Check that the tool, machine or equipment is suitable for the intended use and the conditions it will be exposed to.
- ⚠️ Carry out a visual check on the equipment before every use, paying particular attention to:
 - the plug or connector is free from damage
 - the cable is in good condition and has not been repaired with tape, with no exposed internal wires and glands are in place
 - free from tell-tale signs of overheating or sparking such as burn marks or stains
- ⚠️ If a defect is found, don't just put it back in the locker. Report it and remove the equipment from use.
- ⚠️ Be vigilant when handling reefer power cables. If you have concerns on their condition, don't touch them until the power is dead.

Repairs should only be carried out by a competent person (someone who has the necessary skills, knowledge and experience to carry out the work safely).

ARE FRIENDS ELECTRIC? HOW TO REACT IF A FELLOW CREW MEMBER IS ELECTROCUTED



If they're still attached to the source of electricity, DO NOT TOUCH THEM.



TURN OFF the source of power.



If you are unable to switch off the power and the crew member is still attached to the electricity source, stand on something non-conductive and MOVE THEM AWAY USING A WOODEN POLE or a similar non-metallic item.



If they are in contact with a high voltage system (> 1kV), DO NOT TOUCH THEM. Even if the power has been isolated, high voltage systems store energy.



Raise the alarm and seek urgent medical attention.



Apply first aid.

FIND OUT MORE

Further information can be found in Chapter 20 of the *UK Code of Safe Working Practices for Merchant Seafarers* which can be downloaded for free from the UK Maritime and Coastguard Agency www.gov.uk/government/organisations/maritime-and-coastguard-agency

THE IMPORTANCE OF KEEPING HYDRATED

WATER MAKES UP NEARLY TWO-THIRDS OF OUR BODY AND IS ESSENTIAL FOR US TO FUNCTION PROPERLY, WE CAN'T SURVIVE WITHOUT IT!

Water has a wide range of benefits for the body, it cleanses the body of toxins and waste products through urine, lubricates the joints, keeps your skin healthy, aids digestion, regulates temperature, boosts energy and it is believed that good hydration may also prevent the formation of kidney stones and lower the risk of heart attacks.

As a basic guide, most people need about 1.5 to 2 litres of fluid each day, which is about 8 to 10 glasses. You can get this from water and other drinks, such as milk and fruit juice. Water in food also counts, fruit and vegetables contain lots of water. Cucumber and lettuce have the highest water content of any food. Tomatoes are also packed with water. Just adding some salad to a meal can top your hydration levels up.

AVOIDING DEHYDRATION

It is very important to keep your body's water content topped up, to avoid dehydration, which is a lack of water in your body. This can happen when you lose more water than usual. If you have a bout of vomiting or diarrhoea, large amounts of water will be lost. Other ways you can get dehydrated include sweating a lot and drinking too much alcohol. If you have diabetes, you're at risk of becoming dehydrated because you have high levels of glucose in your bloodstream. Your kidneys will try to get rid of the glucose by creating more urine, so your body becomes dehydrated from going to the toilet more frequently.

If you feel thirsty, chances are your body's telling you that you need to drink more.

But the best indicators to establish if you are suffering from dehydration are the number of times you go to the toilet and the colour of your urine, it should be pale yellow. If you don't need to go often, you only pass a little urine each time and it's dark in colour, it's likely that you're dehydrated. Dehydration can be really serious. If you have severe dehydration, your body stops getting rid of waste products and you may develop kidney failure.

TREATING DEHYDRATION

If you think that you may be dehydrated, you need to rehydrate your body by drinking fluid. For mild dehydration, the best way to hydrate is by drinking water. That may be all you need. It's better to drink little and often rather than trying to drink a lot all in one go because this may make you vomit.

If you have more serious dehydration that's caused by diarrhoea or vomiting, you'll also be losing important salts and sugars from your body. A good way to replace these is with rehydration sachets, which you add to water.

If you have more severe dehydration in addition to the above mentioned signs you may also notice a weak or rapid pulse, low levels of consciousness and seizures. If there are signs of severe dehydration immediate medical advice must be sought.

So start your day with a glass of water and continue to drink water throughout the day to ensure that you consume the recommended amounts daily.

By Lucy Dreyer
Senior Executive (Claims)

OTHER SIGNS OF DEHYDRATION INCLUDE:

1. Headache
2. Feeling weak and dizzy
3. Tiredness
4. Dry mouth, lips & eyes
5. Feeling confused
6. Cramps

FIND OUT MORE

For further information on hydration please visit www.nhs.uk

HYPERTENSION & DIABETES - TAKE YOUR MEDICINE

The importance of controlling medication on board

STROKE. HEART ATTACK. SUDDEN LOSS OF VISION

These are just some of the potential complications of uncontrolled hypertension and uncontrolled diabetes mellitus.

Both hypertension and diabetes are common amongst seafarers.

Seafarers are allowed to take medication to control these conditions when on board.

This means that in many cases serious complications can be avoided.

COMPLIANCE RATES

You would expect that given the potentially very serious consequences that patients would be highly compliant with medical advice. But you would be wrong.

For example US studies have shown that the compliance rate with oral medication for type 2 diabetes may be as low as 65%. And even more surprising in one US Study, compliance medication for hypertension averaged only 49%.

Simply put, patients just do not seem to want to take their pills. This is dangerous on land but even more so when on board a ship.

Prescribed drugs MUST be taken in the right dose, the right frequency, and at the right time.

A common trap that people fall into is the belief that a return to normal levels of blood pressure or blood sugar mean that you can stop taking the drugs. This is wrong. Medication should only stop when medical advice tells you to stop.

PLANNED MAINTENANCE

The planned maintenance system on board is designed to make sure the ship runs smoothly over the long term. Taking medication for hypertension and diabetes can ensure your body runs smoothly over the long term.

Most medications stays in the blood for only a few hours to a day. Missed medication may mean inadequate protection for the following day. An unfortunate rise in blood pressure on a missed medication day can mean a sudden stroke, heart attack or sudden loss of vision. Drug levels have to be steady and sustained to prevent urgent medical issues.

Make sure you carry out planned maintenance on yourself. Take your medicine!

Maria Gracia K. Gutay,
M.D., FPAO SHIPHEALTH INC

POST ACCIDENT - WHAT DO WE DO WHEN AT SEA?

IN THIS ARTICLE KOSTAS KATSOULIERIS DISCUSSES THE STEPS TO TAKE ON BOARD WHEN THERE IS A SERIOUS MEDICAL INCIDENT WHILST AT SEA.

By Kostas Katsoulieris
Senior Executive (Claims) P&I

FIRST AID

When a medical emergency occurs the first priority will be to ensure that the ill or injured person gets medical attention.

First aid should be provided on board under the guidance of the Ship's Medical Officer and with reference to the Ship's Medical Guide.

DIAGNOSIS AND TREATMENT

Help from Ashore

A call should be made to the relevant International Red Cross or CIRM Radio Medico in Rome for advice who will assist with both diagnosis and treatment. If the Red Cross or CIRM cannot be contacted Members should immediately contact the Club. We will speak with medical consultants who may be able to assist with advice.

Telemedicine

Some ships have telemedicine kits installed and these can help with diagnoses allowing doctors ashore to advise on the treatment required. When using telemedicine kits crew should ensure: 1) the equipment has been properly calibrated, 2) they have proper technical support in case of any malfunction, 3) the operators have been properly trained and certified in the use of the equipment.

Correspondents

Once the immediate emergency is under control Club correspondents should also be informed to observe and report on medical care once the seafarer is ashore.

SECURING AND RETAINING EVIDENCE

If a serious injury occurs, the Master should ensure that the cause, nature and extent of injuries are recorded. Additionally any treatment provided on board should also be noted (including actions taken, first aid and any medicine provided).

Statements from eyewitnesses as to the circumstances surrounding the incident should be obtained and a sketch map drawn or photographs taken of the area of incident. Secure evidence by retaining any damaged equipment (including tools, safety clothing and machinery) that played a role in the cause or nature of the injury sustained.

The ship should also consider if the voyage data recorder on board may have captured any relevant evidence for example where ship action / ship interaction has contributed to any injury. Please also refer to our Loss Prevention Guide - *The Mariner's Role in Collecting Evidence* for guidance, which can be accessed through our Members' Area on www.nepia.com

In serious cases the seafarer's cabin should be checked to see if he has any medication that he has been taking and has not told the crew or owners about.

TREATMENT ASHORE

Shore medical staff should be advised of the initial symptoms, diagnosis, any treatment provided and any medication that the seafarer was taking. In addition if the seafarer has any known allergies or is diabetic, the shore medical team should also be advised of this at the earliest convenience. The Club has experienced various cases over the years where an allergy to certain medication has led to a worsening of the situation and sadly in a few cases even death.

If bad things DO happen, be safe in the knowledge that the Club is here to help our Members and their crews through every step of the process.

FIND OUT MORE

Please contact Kostas Katsoulieris on +30 210 4283038 should you wish to discuss any of the issues raised in this article.

WHAT IS "FORCE MAJEURE"?



Recent hurricanes such as Harvey, Irma and Maria caused terrible devastation in their path. Possibly the devastation caused by say a hurricane might render a party's obligations impossible to perform. But sometimes it only interrupts performance. This article considers whether – for example - severe weather is in fact always a "force majeure event" excusing a party's performance under a Charterparty.

WHAT IS FORCE MAJEURE?

Commercial parties typically use the term "force majeure" to describe a situation or event over which they have no control and for which they believe they should have no liability. Under English Law, however, the phrase "force majeure" has no legal definition. Similarly, there is no common law "force majeure" concept. Consequently, as a matter of English law, "force majeure" is purely a contractual term and it must have been expressly included by the parties in the contract. The scope of its operation is defined and dictated solely by what has been included within the contract.

A force majeure clause will typically excuse one or both of the parties from performance of the contract following the occurrence of a specified event or events beyond the control of the parties. Such events will often include an act of nature (particularly relevant in the wake of hurricanes Harvey, Irma and Maria), riot, rebellion and the outbreak of war.

In the absence of a force majeure clause, the only other alternative under English law to excuse performance when outside events affect a party's ability to perform is to rely on the doctrine of frustration. Frustration will only occur in narrow circumstances where performance becomes impossible or something completely different from that contemplated by the contract. Consequently, a force majeure clause offers greater flexibility to the parties.

CHARTERPARTY: FORCE MAJEURE CLAUSE

Δ A force majeure clause must be very clearly drafted or it will run the risk of being void for uncertainty. Generally, a force majeure clause will include a list of

specific events which are defined as force majeure such as weather, strikes, or war. The clause may also include a general provision intended to cover other events which are not named in the specific list (for example, inclusion of the phrase "... or any other causes beyond [a party's] control...").

Most charterparties define what "force majeure" means but if the term "force majeure" is used in the clause – i.e. "...the occurrence of a force majeure event..." – without being defined, the meaning of force majeure in that case must be determined by reference to the types of situations listed in the clause or found elsewhere in the contract itself. Typically, the English Law courts construe force majeure clauses narrowly against the party seeking to rely upon it.

Δ What the remedy (or remedies) will be if one of those events occurs (typically the clause may allow for extension, suspension, variation or termination of the contract).

NB If a force majeure clause specifically allows for a force majeure event to interrupt the running of laytime and/or demurrage, charterers cannot rely upon it to cancel the contract; termination would have to be expressly included as another remedial option in order for the charterers to rely upon it.

Δ An obligation to report the event. This provision may detail to whom the report should be made, the form of the report and the timescale in which it is to be submitted. When invoking a force majeure clause, it is important to carefully follow any such provision.

EFFECT UPON PERFORMANCE AND PROVING FORCE MAJEURE

A force majeure clause will usually set out that in order to operate, performance must be either "prevented", "hindered" or "delayed" by the force majeure event. Where performance is to be "prevented", the party relying on the clause must prove that performance

was legally or physically impossible (and not just difficult or unprofitable). "Hindered" or "delayed" are lower tests with a wider scope, where generally the relevant party will need to prove that performance was substantially more difficult (although financial hardship alone would probably not be enough). However, it should be noted that a force majeure clause will not be interpreted to cover events brought about by a party's negligence or wilful default, even if they come within the definition of a "force majeure" event under the contract.

A party wishing to rely upon a force majeure clause must prove the facts bringing the situation within the protection of the clause. He must, therefore, prove:

- the occurrence of one of the events referred to in the clause;
- that he has been prevented, hindered or delayed (as required by the clause) from performing the contract by reason of that event;
- that his non-performance of the contract was due to circumstances beyond his control; and
- there were no reasonable steps he could have taken to avoid or mitigate the event or its consequences.

Given these significant limitations upon the use of a force majeure clause or argument, the collection of evidence is crucial when seeking to prove force majeure. Such evidence will include, amongst other things, internal and external correspondence, notices, publications such as newspaper reports and government warnings, surveyor's reports, and agent/port authority communications. As set out above, when invoking a force majeure clause it is also important to carefully follow any reporting obligations included within the clause.

FIND OUT MORE

If Members have any claims or queries relating to force majeure, then we recommend that they contact their usual **FD&D claims handler**.

By Sarah McCann
Professional Support Lawyer (FD&D)

PREVENTING REPUTATION LOSS: THE HUMAN FACTOR



By Dustin Eno
COO & Crisis Response Manager
at Navigate Response

THINK OF YOUR REPUTATION AS WHAT PEOPLE SAY ABOUT YOU WHEN YOU'RE NOT IN THE ROOM - IT'S A SORT OF GOSSIP ABOUT YOU, AND THE MOST POWERFUL GOSSIP IS ALWAYS ABOUT PEOPLE.



Dustin Eno, COO & Crisis Response Manager at Navigate Response

Crisis communications is about managing the narrative of a situation – influencing what people will remember.

Reputation is sometimes left out of the loss prevention equation, because reputation losses rarely appear on a balance sheet – although the impacts of such losses almost always do. The reputation and brand values of large companies are studied and quantified. For example, the media company Forbes estimates that the American corporation Caterpillar's brand is worth \$7.5 billion and generates \$38.5 billion a year in revenue. Such data is rarely calculated for smaller companies, but that doesn't mean it is any less important.

For shipping companies, reputations directly affect their ability to attract and retain the best employees, win business with blue chip charterers, attract finance and even keep their employees out of prison by reducing interference from over-zealous prosecutors.

So, since reputation is about the human factor, how do you prevent losses? Perhaps obviously, you start by employing good people. But people make mistakes, misspeak, or fail to understand how their actions (or inactions) might be perceived by others – every news outlet has stories of such failings every day.

Reputations are vulnerable to the smallest rumour, the simplest mistake, or the most inconsequential social media post by a seafarer, but with a little care a company can build and maintain a strong and enduring reputation, by managing the human factors.

Reputations are not created by having the newest ships, the highest profits or even the best safety record: they're defined by the human part of your company's story. These are the stories that people remember.

Think of it this way, which is more memorable? A financial loss or a CFO who swears at a journalist who is asking about that loss? Or on the positive side, a tanker company that cleans up a spill in record time or the Fleet Director who rolls up his sleeves and patiently answers the questions of concerned parents at a community meeting? Human actions (good and bad) will have a permanent impact on a company's reputation.

Reputations are not created by having the newest ships, the highest profits or even the best safety record: they're defined by the human part of your company's story. These are the stories that people remember.

STEPS TO MANAGING THE HUMAN FACTOR:

1. Provide communications awareness training to your staff (sea and shore) – this is more than just media training. Everyone is the face of your company, so make sure that they understand their responsibilities and how to communicate effectively.
2. Evaluate any events at your company which attract increased attention for potential misunderstandings or perception issues – the optics.
3. Add human factors to your checklists. Not just, "is the vessel safe?", but also, who could "feel" impacted by the situation? And how can they be reassured?
4. Find a trusted and objective external party (communications expert) who will help you to understand how your actions or inactions will be perceived by third parties.
5. Commit resources as part of any incident response team to dealing with people, especially journalists, politicians, family members and activists.
6. Following any incident which attracted attention, analyse your reputation for any damage and develop a plan to repair it – if you're working with a media consultant, this should be provided as standard.

Reputations are vulnerable to the smallest rumour, the simplest mistake, or the most inconsequential social media post by a seafarer, but with a little care a company can build and maintain a strong and enduring reputation, by managing the human factors.

FIND OUT MORE

North's Members receive a 20% discount on crisis communications and media management with Navigate Response. Please contact your Underwriter at the Club for more information.



MANUAL HANDLING – A WEIGHTY PROBLEM



MANUAL HANDLING INJURIES ACCOUNT FOR ALMOST 20% OF ALL NORTH CREW INJURY CLAIMS. MOST OF THESE COULD BE AVOIDED IF CREW EMPLOY THE CORRECT LIFTING TECHNIQUES. WHEN CARRYING OUT A MANUAL HANDLING TASK – **THINK SHACKLE!**



STOP AND THINK!

- Read any vessel procedures for manual handling.
- Can the lift be avoided?
- Is the vessel's motion suitable for carrying loads?
- How far are you moving the load?



HOW WILL YOU LIFT?

- Can mechanical lifting aids be used?
- If so, where are the lifting points?
- Do you need push / pull assistance e.g. a trolley or palette jack?



ASSESS THE LOAD

- What is the weight of the object?
- What are the load's dimensions?
- Where is its centre of gravity?
- Can the load be split into smaller packages?
- Is a multi-person lift required?
- Can it be grasped and carried securely?
- Can you see over the load while carrying it?



CLEAR THE ROUTE

- Is there enough space to conduct the lift?
- Remove any trip hazards.
- Are there any steps or stairs involved in the lift?
- Is there enough lighting in the space?
- Is the landing area prepared?



KNOWLEDGE

- Are the crew trained in manual handling techniques?
- If mechanical lifting equipment is to be used, do the crew understand its safe use?
- Are crew suitably experienced? Do they need supervision?



LIFT

- Does everyone involved understand the task to be completed?
- Conduct the lift using the correct techniques to avoid injury.



EVALUATE

- Did the task go as planned?
- Do you need to discuss and record any lessons learnt?

We have produced a new Hot-Spot and a Poster to help you remember 'SHACKLE'. These are available at www.nepia.com/insights/publications/loss-prevention-publications The poster is included with

this copy of Signals for all Members and ships which have requested hard copies of loss prevention publications. Additional copies are available, email loss.prevention@nepia.com



George Cuthbert

IN MEMORIAM

It is with deep regret and sadness that we report the passing of our friend and colleague George Cuthbert after a short illness.

Following the reorganisation of OSG in 2014, George joined North's loss prevention team. We greatly benefitted from his superb insight, knowledge, work ethic and sense of humour in both our Newcastle and Singapore offices.

Amongst the many achievements during George's 45 year career in shipping are his promotion to Master in 1990, his move to a shore based role in 1995 that, after a number of promotions, led to his being appointed managing director of OSG Ship Management (UK) Ltd.

Our thoughts and prayers are with George's family at this difficult time. George will be fondly remembered by all who knew him.

RESIDENTIAL TRAINING COURSE 2018

Registration for North's industry renowned annual residential training course in P&I insurance is now open.

Running for over 25 years, this unique course offers specialist training in all aspects of P&I insurance. Part I of the course will be hosted at our head office on the banks of the River Tyne before relocating to the nearby historic Lumley Castle for Part II.

The course will run from 8-15 June 2018 at Lumley Castle please contact Rod MacLennan in the UK office rod.maclennan@nepia.com

For more information on course topics and to download a brochure, visit www.nepia.com/RTC



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Disclaimer

In this publication all references to the masculine gender are for convenience only and are also intended as a reference to the female gender. Unless the contrary is indicated, all articles are written with reference to English Law. However it should be noted that the content of this publication does not constitute legal advice and should not be construed as such. Members with appropriate cover should contact the North's FD&D department for legal advice on particular matters.

The purpose of this publication is to provide information which is additional to that available to the maritime industry from regulatory, advisory, and consultative organisations. Whilst care is taken to ensure the accuracy of any information made available (whether orally or in writing and whether in the nature of guidance, advice, or direction) no warranty of accuracy is given and users of the information contained herein are expected to satisfy themselves that it is relevant and suitable for the purposes to which it is applied or intended to be applied. No responsibility is accepted by North or by any person, firm, corporation or organisation who or which has been in any way concerned with the furnishing of data, the development, compilation or publication thereof, for the accuracy of any information or advice given herein or for any omission herefrom, or for any consequences whatsoever resulting directly or indirectly from, reliance upon or adoption of guidance contained herein.