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Proving proper planned maintenance

Well-maintained equipment can fail. It is essential for a shipowner to have the evidence to prove it was properly looked after.

Mind Matters: Focus on Isolation

As the COVID-19 pandemic continues to impact everyone's lives, what does 'isolation' mean for crew and what can be done to combat it?

Making sure your EGCS scrubs up well

Dockspec Marine share their experiences in scrubber installations, with some top tips.

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Signals

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WELCOME

We are approaching the end of 2020 still very much in the grip of the COVID-19 pandemic, with much of the world struggling to contain a second wave of infection cases. Like every other industry, the shipping industry continues to battle against the impact of Coronavirus, and there is an increasing acceptance that we are in for the long haul. The industry continues to adapt to provide the goods, materials and services required by the affected nations. Seafarers continue to prove their indispensable value as the efforts to persuade all countries to recognise their key worker status is ongoing.

In this issue, we tackle a variety of subjects as we get used to the new normal of living with COVID-19. This includes discussing a couple of UK court judgments, some expert advice on scrubbers and stressing the importance of planned maintenance.

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Judgment finds shipowner entitled to damages on top of demurrage



The UK Court has decided that a shipowner is entitled to recover damages in addition to demurrage where a ship exceeds laytime.

The facts

The *Eternal Bliss* loaded soya bean cargo at Tubarao, Brazil and discharged at Longkou, China. It was kept waiting at an anchorage at Longkou for 31 days due to port congestion and lack of storage space.

On discharge in China, the cargo was found to exhibit moulding and caking throughout the stow in most of the cargo holds. Owners put up security for US\$6m and later settled the cargo claim for US\$1.1m. They sought to recover that exposure as damages from voyage charterers.

Judgment

The parties agreed the High Court should answer the following legal question: where a voyage-chartered vessel is detained at a discharge port beyond the laytime, and the delay causes cargo to deteriorate, is the owner entitled to damages in addition to demurrage? The judge's answer to that question was 'yes'.

Many lawyers thought the question had been resolved in 1990 after the High Court in *The Bonde* decided that a shipowner needed to show a separate breach before recovering damages resulting from delay

where the contract contains a demurrage clause. The judge in *The Eternal Bliss* thought *The Bonde* was wrongly decided and came to the opposite conclusion.

Recent cases like *The Tai Prize* have decided a shipowner cannot usually rely on an implied indemnity under a voyage charter to obtain damages for shipping inherently unstable cargo. In that case, the shipowner's alternative argument that the voyage charterer impliedly warranted that the cargo was in apparent good order and condition also failed.

In *The Eternal Bliss*, owners have finally found one way to get an indemnity from voyage charterers where cargo damage occurs due to a prolonged stay at a port. The decision is also likely to have a wider impact outside the area of cargo claims.

By David Richards
Director (Claims)

FIND OUT MORE

Read our article on the Tai Prize judgment here: www.nepia.com/articles/eyes-on-the-tai-prize



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Post Repatriation Medical Scheme for Filipino Seafarers

For further details regarding our PRM programmes please contact Lucy Dixon or Abbie Rudd. Email: PRM@nepia.com

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Make clear any transfer of contractual responsibility for cargo operations



A recent decision of the UK High Court is a reminder of the importance of making it clear in any charter or bill of lading any transfer of contractual responsibility for cargo operations to a charterer or receiver.



The Sea Master was delayed for months in discharging its cargo of corn and soya. After voyage charterers went bankrupt, the shipowner looked to the cargo receivers to recover damages for delay. To achieve this, the shipowner argued that it was an implied term of the contract of carriage that the receiver would take all necessary steps to enable cargo to be discharged and delivered within a reasonable time.

The Court started by looking at the express terms of the voyage charter (which had been incorporated into the bill of lading contract). Owners argued that two provisions in the recap – “cargo is to be discharged free of expense to the Vessel” and “stevedores at discharging ports are to be appointed and paid for by the Charterers/Receivers” – had the effect of allocating contractual responsibility for discharge of cargo to charterers and receivers.

The Judge looked back at the previous decision of the House of Lords in *The Jordan II* where it was decided that responsibility for discharge operations had been transferred away from the shipowner, and so the owner had no obligation under the Hague Rules to discharge cargo “properly and carefully”.

The general rule is that responsibility for cargo discharge rests with the owner in the absence of a clear contractual provision to the contrary.

The lesson for shipowners is that if you want charterers or receivers to be responsible for the negligence of their stevedores, then you need to make that plain in the bill of lading or voyage charter

There are three parts to any cargo operation: who pays for it, who physically carries it out and who is liable if it is not done properly and carefully. Where the terms of the bill of lading only deal with who was to pay for discharge, the natural inference is that responsibility for cargo operations remains with the shipowner.

The Judge concluded that the terms of the bill of lading in the present case were clear:

“cargo was to be discharged free of expense to the owner but the responsibility for doing so had not been delegated to the receiver or charterer. The Judge was reinforced in his conclusion by the existence of a stevedore damage clause in the voyage charter/ bill of lading contract, and another provision saying that “stevedores shall be deemed to be the servants of the Owners and shall work under the supervision of the Master”.

The lesson for shipowners is that if you want charterers or receivers to be responsible for the negligence of their stevedores, then you need to make that plain in the bill of lading or voyage charter.

The Judge then went on to conclude there was no implied term under the bill of lading contract requiring receivers to ensure the cargo was discharged or delivered within a reasonable time. Where a bill of lading holder does not claim delivery within a reasonable time, the Master is entitled to land the cargo and charge the cargo owner with the costs, but the owner is not usually entitled to damages.

By David Richards
Director (Claims)

Fumigants: out with the old



The removal of spent fumigants from a cargo hold has its risks, which is why it is usually carried out by specialist companies. But COVID-19 restrictions are affecting their ability to carry out this task.

Before discharging a cargo that has been fumigated on passage, the old retrievable fumigant parcels (sleeves, sachets or blankets for example) should be removed from the cargo.

Typically, this work takes place at the discharge port and is carried out by a representative of the designated fumigation company. This should ensure that handling of the waste product is done by someone trained to carry out the job correctly and safely.

COVID-19 strikes again

In recent months there have been reported instances in some countries' ports where the fumigation company representative cannot board the vessel to remove the fumigant waste due to COVID-19 restrictions.

Instead vessels are being instructed by charterers to call at an intermediate port to remove the fumigant waste product prior to arriving at the discharge port.

Early removal of the fumigant can lead to infestation of the cargo, so care must be taken if you are instructed to do this.

Protecting your interests

In order to avoid problems, consider the following:

- Check that the minimum fumigation exposure period has been met before removal
- Check that the fumigation instructions from the load port do not require full voyage fumigation

- Make sure you have received written instructions from the charterer
- Contact the Club and arrange for a surveyor to attend the vessel to witness the task and report on their findings
- Make sure that the charterer provides a qualified reputable fumigation company to remove the waste - it should not be carried out by the crew
- The attending fumigation company should measure gas levels in the hold prior to opening hatch covers
- The fumigation company should check the gas levels in the holds prior to entry and throughout entry to confirm a safe atmosphere exists
- Break the hatch cover seals with your surveyor present – taking photographs that identify the hold, the old seal number and the new seal number which is placed upon completion
- Make sure that the hatches are not open for long periods of time, try and keep cargo exposure down to 30 minutes or less to prevent allegations of re-infestation
- Take photographic or video evidence of the entire operation

If you are in any doubt, ask your usual contact at North for assistance.

By John Southam
Loss Prevention Executive

FIND OUT MORE

Read our briefing on fumigation here: www.nepia.com/publications/fumigation-briefings
With thanks to CWA International for their assistance with this article: www.cwa.international

New cargo transfer vessels allow offshore loading for all



To allow conventional tankers to load bulk liquid cargoes directly from FPSOs in Brazil, the Cargo Transfer Vessel (CTV) has been developed.



Offshore loading operations from Floating Production Storage Offloading vessels (FPSOs) in Brazil are usually carried out by dedicated dynamically positioned (DP) shuttle tankers. The shuttle tanker's bow loading system connects to the FPSO's offload hose and its dynamic positioning system is used to position the shuttle tanker during the loading operation.

It has not been possible for conventional tankers to load directly from the FPSOs in Brazilian waters, which is in contrast with West Africa where such operations are common. This is because:

- Brazilian waters typically feature strong and shifting currents
- the offload hoses are not long enough to reach a midships manifold
- the offload hoses have a specialised hose end valve which is not compatible with a standard manifold

But now, the development of the Cargo Transfer Vessel (CTV) allows conventional tankers to load directly from the FPSO.

Introducing the CTV

This is a dynamically positioned vessel that has the ability to deploy a mooring hawser and an offload hose to connect to a conventional tanker and then connect to the FPSO's offload hose.

The initial connection process is very similar to a tanker connecting to a single buoy mooring and is co-ordinated by a mooring master onboard the CTV. The CTV deploys a hawser for the tanker to moor and a hold-back tug is used to keep the tanker in position. The hose is then deployed from the CTV and connected on the tanker's midship manifold. With the

hawser and hose connected, the CTV tows the tanker and tug towards the FPSO and takes up a position in the offloading sector of the FPSO.

At this point, the CTV performs the same role as a shuttle tanker and maintains position within the FPSO's offloading sector. The offloading hose is passed from the FPSO to the CTV and it is connected.

The cargo is then pumped to the tanker via the CTV which uses booster pumps to supplement the flow rate. The specialised DP software on the CTV tracks and follows the movements of the tanker while keeping the CTV in the offloading sector of the FPSO.

This new approach allows larger parcels to be exported directly to tankers rather than a shuttle tanker performing the offshore loading operation and then transferring the cargo via an STS.



The risks

Introducing a CTV into a loading operation introduces different risks when compared to a vessel loading directly from an FPSO.

While the CTV will be able to perform an emergency disconnection from the FPSO in the same way a dedicated shuttle tanker can, any disconnection between the CTV and tanker will be required to be performed manually. As a safety feature, the offload hose between the CTV and tanker is fitted with a dry break coupling. This will operate in the event of any excessive strain to the offloading hose.

As the tanker is mooring to a dynamically positioned vessel, it will be relying on the station-keeping ability of the CTV rather than a secure mooring directly to the FPSO. Any excessive loads from the hold-back tug or environmental forces could result in the

CTV not maintaining position and being forced to perform an emergency disconnection from the FPSO.

Additional vessels in the operation brings with it a greater risk of miscommunication amongst the vessels. This could lead to incorrect or misunderstood instructions or delays in stopping cargo operations.

Safe operations

To ensure the operation is carried out safely, the detailed field specific offload procedures should be strictly followed by all parties.

This will include testing communications, applying weather limitations for the connection and loading operation and making contingency plans. Masters on tankers undertaking this operation should be familiar with these procedures. Address any concerns with the mooring master prior to commencing the connection process.

Lars Einar Rosenhaug Bjørset of Kongsberg Maritime, the designers and providers of the CTV's dynamic positioning software and systems, explains "The personnel performing this operation should be well trained. The operation is a new way of thinking, not like any other operations before. There are new DP software functions to be learned together with the external forces from the VLCC and the tug.

Training in simulators will help in crew training for this new scenario: "As the operation is so new to everyone involved, the CTV crew should practise whole scenarios in full scale bridge simulators taking all the vessels into account. This will provide personnel with a situational awareness of the operation, real-time communication protocols and an opportunity to follow procedures during normal operation and emergency situations."

By David Patterson

Loss Prevention Executive

Mind Matters: Focus on Isolation



As the COVID-19 pandemic continues to impact everyone's lives, what does 'isolation' mean for crew and what can be done to combat it?

Isolation is the state of being or feeling alone, without anyone to talk to or discuss things. This can lead to feelings of anxiety and being unable to talk to anyone about your concerns.

Being alone at times is not necessarily bad for us, but when this isolation continues for long periods of time it can become problematic.

The restrictions imposed by ports and countries to combat the spread of COVID-19 can increase the sense of isolation, such as:

- spending long periods of time away from friends and family due to lengthy and extended contracts
- having to stay socially distanced from colleagues whilst on board vessels to reduce the risk of infection
- lack of shore leave due to COVID-19 restrictions

The effects of isolation on seafarers

As human beings we are typically social creatures. Isolation can negatively affect anybody, of any age, and it can really test even the most resilient of us. Living in isolation for prolonged periods of time can have a serious impact on health, not just mental but physical also.

Some research has shown that even short periods of isolation can lead to increased levels of anxiety, stress and depression. It can also cause disrupted sleep and focus.

Whilst working at sea can be very rewarding it can also be very isolating, and it is important that crew take active steps to avoid becoming isolated and the negative effects on their health that this can have.

Combating isolation

Isolation affects people in different ways but interacting with others and discussing our problems and concerns can help get us through these periods. Some hints on helping seafarers include:

- Make time to try and interact with each other on board. Movie nights, karaoke,

group exercise and time spent together at meals can be a great way to do this

- Keep in touch with family and friends at home
- Look after your general health – eat well and exercise

It is likely that we will all experience isolation in our lives at some point and such feelings are often temporary.

Mind Call

Sometimes it can feel that there is no one to talk to or that no one will understand your concerns. Other times, you may feel more comfortable talking to someone independent.

To help seafarers who might be suffering, North launched Mind Call, a confidential helpline.

By Alex Farrier and Holly Hughes
Claims Executives

FIND OUT MORE

Mind Call (provided in association with ISWAN) is a confidential* helpline available 24/7, 7 days a week and 365 days a year. The helpline operators speak several languages including Tagalog, Chinese and Russian.

Mind Call can be contacted via:

Tel: +44 191 235 3917

Email: contact@mindcall.org

WhatsApp: +44 7464 327451

Live Chat via the website

www.mindcall.org

*please see our website regarding confidentiality.



Debriefing: Two minutes well spent



After completing a task, how many times has a good idea popped into your head that would help the next time, and thought "I'll mention that later", but you forget to do so?

If you don't raise these suggestions or concerns while they are fresh in your mind, they could be lost and the opportunity to improve the process or make something safer is passed.

This is where the value of the debrief becomes apparent. Learn to do more of what went well and avoid repeating what didn't go quite so well.

Anticipating the cry from seafarers of "not another procedure or report to write", debriefs do not need to be formal, lengthy or intrusive. Taking no more than two minutes to informally discuss the task or operation you and your team have just carried out, could prove to be time well spent.

Debriefing Principles

Debriefing is an important part of reviewing and improving performance. However, if it is done badly, it will become a box-ticking exercise which becomes another administrative burden.

The scope of a debrief and how it is conducted depends on the task. Routine tasks might only require a quick and informal debrief - as simple as "did that

seem to go OK?" when having a tea break afterwards. The completion of a large project will require a somewhat more comprehensive and formal debrief.

Some points to consider when leading your debriefing sessions:

- Encourage open and constructive discussion - it's good to talk as it helps build the team and people generally welcome the opportunity to be involved
- Don't dominate the session - this should be a discussion, not a lecture
- Do not use debriefs to blame an individual(s)
- Acknowledge good performance
- Don't forget to reflect on your own performance
- Try to get everyone in a circle - a 'round table' format helps give everyone an equal voice and feel equal worth
- Try to encourage those who naturally shy away from speaking up in front of others
- Don't openly ridicule a suggestion - it will discourage people from making suggestions in the future

Act on it

If there is useful feedback, act on it and record it. Just as importantly, let them know what action is being taken. It can be demoralising for someone who makes a suggestion and then later feel that it was a waste of their time. They will be much less likely to suggest anything again.

Good ideas and safety improvements should be spread - share the findings across the fleet.

By Alvin Forster

Loss Prevention Executive

FIND OUT MORE

Thanks to the maritime consultancy Green-Jakobsen. Find out more at their website at <https://green-jakobsen.com>

Read more about North's Safety Management 2.0 initiative at www.nepia.com/topics/safety-management-2-0

Here are some useful pointers to help you get the discussion going:



Was communication clear?



Is the work procedure or risk assessment for the task relevant / workable?



Did everyone understand their roles and responsibilities?



Was workload distribution fair?



Did anyone ask for help and did they get it?



What should improve?



Did anybody have a 'what-if' moment?



Did everyone have the tools and resources they needed?

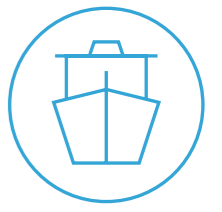


What went well?



Were any errors made or avoided? Any identified hazardous acts or conditions?

Making sure your EGCS scrubs up well

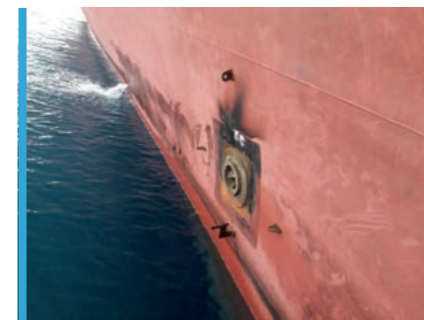


Before the introduction of the 0.50% maximum sulphur cap at the start of 2020, the anticipation of cheap high-sulphur fuel oils made a scrubber, otherwise known as an exhaust gas cleaning system (EGCS), a very attractive proposition.

Events of the last year have been largely unprecedented and one of the consequences is that the price differential between the high-sulphur residuals and compliant products, whether distillates (e.g. MGO) or VLSFOs has become rather slender.

Of course, there may be other financial or operational reasons why a shipowner is planning to fit a scrubber, so it's important to get it right.

Glen Jones from Dockspec Marine shares his experiences in scrubber installations, with some top tips on selection criteria, planning, material specification and some of the operational problems seen by shipowners.



DOCKSPEC MARINE

Dockspec Marine's top tips on scrubber installation

Selection criteria and planning

- Decide on the type of scrubber for your vessel - wet systems include open-loop, closed loop, and hybrid or opt for a dry system
- Agree on an installation period that is suitable for the owner, charterers, equipment makers and shipyard
- Include the ship's staff in the selection process - their knowledge of potential maintenance issues and access to equipment can prove valuable
- Assess the available space on board - can access platforms and auxiliary equipment be fitted with ease?
- Are there limitations on the vessel's available power generation and water flow?

- Anticipate changes in exhaust back pressure for main and auxiliary engines
- Choose an experienced project manager to control the shipyard, integration process, logistics and suppliers
- Select a shipyard with a reputation of good control over their sub-contractors
- If you can't find a shipyard with previous experience of fitting your type of scrubber, then review their integration strategy to ensure they can meet their contractual requirements
- Allowing the shipyard to provide a turn-key package will assist with the ever-changing work-scope and shifts the responsibility to the yard
- Too many parties involved in the installation process can cause confusion and lead to errors such as placing obstructions in way of sensors
- Arrange for equipment to be forwarded to the shipyard in advance
- Update the shipyard about any changes in plans so that resources can be arranged and reduce incurring costs

Materials, design and equipment selection

- Avoid lower specification materials - it may save money at installation, but it could lead to premature failure
- Glass reinforced epoxy (GRE) piping systems have been shown to give longer service and less chance of failure than coated, high schedule black steel pipes
- Proper overboard hull coating is essential to avoid steel wastage
- Overboard discharges and diffusers need to be of suitable material specification to prevent wastage
- Choose quality sensors - reliability is important to prevent early failure
- Ensure easy accessibility to the sensors for maintenance
- Select acid-resistant gasket material - make sure it does not react with the type of stainless-steel being used
- Valve material specification is essential to prevent early failure of valve flaps, springs and bodies
- Carry out a stress analysis of the piping bracket system to reduce the risk of pipe failure in service

- Pipes need to be designed so that sharp bends and u-bends are avoided to prevent blockage - rodding access points and shorter pipe runs between flanges helps with un-blocking

Maintenance, repair and spares

- Crew training in the operation and maintenance of the scrubber is key
- Planned maintenance should include a robust inspection program in accordance with Class and statutory requirements as well as the manufacturer's recommendations
- Consider arranging the periodical attendance of a specialist to provide refresher operational training, calibration of equipment and integrity audits
- Remote system access is useful for troubleshooting and travel restrictions caused by COVID has highlighted the benefits of such systems
- Onboard critical spares should include scrubber spares with items such as:
 - Scrubbing, cooling and other pump spares including bearings and mechanical seals
 - Spare gaskets and other parts for heat exchangers
 - Spare sensors - bear in mind that critical sensors to monitor regulatory compliance may have an expiry date

By Mark Smith

Loss Prevention Executive

FIND OUT MORE

For more information of the sulphur cap, visit our special expertise 2020 Vision at: www.nepia.com/topics/2020-vision

Our 'Preparing for the big switch' briefing that focuses on EGCS can be downloaded here: www.nepia.com/publications/preparing-for-the-big-switch-exhaust-gas-cleaning-systems-3

Proving proper planned maintenance



Well-maintained equipment can and does fail, and if that failure leads to commercial disputes and cargo claims, it is essential for a shipowner to have the evidence to prove it was properly looked after.

The key evidence for a shipowner defending such a claim, or a charterer pursuing a claim, comes from the vessel's planned maintenance system (PMS).

Planned Maintenance Systems (PMS)

A good PMS is essential for the safe and efficient operation of a vessel. The ISM Code requires the ship operator makes sure that the ship runs without causing harm to people and the environment. This means ensuring all safety critical equipment, cargo equipment and machinery are inspected and maintained to regulatory requirements and the manufacturer's recommendations. As well as being a valuable tool for making sure maintenance is carried out in a proper manner at the right time, a properly executed planned maintenance system, with full and detailed entries on both maintenance tasks and unplanned repairs, provides vital evidence when defending or pursuing a claim.

Owner's obligations on maintenance

Time Charters

It is common for an owner to agree in a time charterparty to maintain the vessel on an ongoing basis during currency of the fixture. By way of example, Clause 1 of the NYPE 1946, provides that Owners are under an obligation to "keep the vessel in a thoroughly efficient state in hull, machinery and equipment for and during the service". The Owners' obligation to maintain the ship has two aspects:

- an obligation to keep up a prudent programme of inspections and surveys, replacements and renewals (preventive maintenance); and
- if the ship, its machinery or equipment becomes inefficient during the charter period, an obligation to take reasonable steps within a reasonable time to effect repairs (remedial maintenance).

Voyage Charters

Voyage charterparties may not have the same provision on maintenance, but there is warranty of seaworthiness. For example, Clause 2 of GENCON 94 provides that an owner will be liable for the damage or loss of the cargo if "caused by personal want of due diligence on the part of the Owners or their Manager to make the Vessel in all

respects seaworthy and to secure that she is properly manned, equipped and supplied, or by the personal act or default of the Owners or their Manager."

Contract of Carriage (Bill of Lading)

If the cargo carried under the bill of lading is lost or damaged whilst under the carrier's (usually the shipowner) period of liability, a claimant might allege that the vessel failed to exercise due diligence to make the vessel seaworthy at the commencement of the voyage (Article III Rule 1 of the Hague-Visby Rules).

At some point during the claim process, the owner may then need to provide evidence that due diligence was exercised – namely, show equipment was properly maintained.

PMS records as evidence

We regularly see disputes in which one party alleges that poor maintenance was the cause of an incident.

A typical scenario is where a cargo crane on a vessel is being operated by local stevedores and then suffers damage during cargo operations. The owner is likely to allege rough handling by the stevedores, whereas this is countered by an allegation that the ship operator failed to maintain the equipment made available for use by the stevedores.

Similarly, where there is wet damage to a bulk cargo, it may be alleged that the damage was due to water ingress through the vessel's hatch covers which were not properly maintained.

To help rebut such allegations, a ship operator needs to show that there was a good maintenance regime in place on board at the time of the incident. A comprehensive and complete PMS, i.e. one which includes supporting documents such as test reports, work orders, spare part orders, work schedules, manuals and drawings, checklists and inspection reports, etc., can form an invaluable piece of evidence.

Stevedore damage

In London Arbitration 12/04, a derrick collapsed during discharge operations. The charterer alleged poor condition of the derricks and their rigging. The owner counterclaimed in respect of damage repairs to the vessel caused by the

collapsed derrick. They blamed the alleged negligence of the stevedores.

It was held that the collapse of the derrick was caused by stevedore negligence. The history of the vessel's trading during the previous months covering three separate discharges of bulk rice gave no hint of defective or poorly maintained derricks. The charterers had failed to show a history of defects and problems.

What was most damaging to the charterer's case was the vessel's annual cargo gear survey which, by coincidence, had been held immediately after the vessel's arrival at the discharge port to discharge the cargo of rice. It was asked how it was that if, at that time, the cargo gear was in such a condition as the stevedores later said it had been, how the Class Surveyor would have passed the equipment as being in sound and satisfactory condition.

Wet damage

In *Toledo Carrier* (Ceroilfood Shandong Cereals and Oils Jose A Y Gerardo E Zuluaga Limited v. Toledo Shipping Corporation), a consignment of garlic was found wet.

The cargo interests alleged water entered the cargo hold either by way of a backflow through the bilge system or via corroded vent heads on deck, highlighting the absence of a documentary record of either the non-return valves or the deck vent heads ever having been opened for inspection. They also alleged the hatch covers were poorly maintained and brought attention to a temporary cement box repair on a seawater line. The ship operator's expert observed no evidence of incompetent or inappropriate operation or management of the vessel and rejected the cargo interests' analysis of the maintenance records. As he saw it, it was common practice to effect temporary repairs to leaks on sea waterlines until they can be permanently repaired and saw nothing untoward in temporary repairs to the bilge and ballast systems.

The Court preferred ship operator's evidence and the cargo interests' claim was dismissed.

In *Kefalonia Wind* (Empresa Cubana Importadora de Alimentos v. Octavia Shipping Co.), the vessel carried a cargo of maize. According to the vessel's log she ran

into stormy weather and seawater leaked through the hatch covers wetting some of the cargo. A surveyor was appointed and found that all the hatch covers were in poor condition and that the rust had been present for a long time. The ship operator failed to present any evidence showing that the hatch covers had been properly maintained and the Court concluded that the hatch covers were "old and poorly maintained" and found in favour of the cargo interests.

Setting up your PMS

A ship's PMS must be set up properly to be effective. Too often, important tasks on important pieces of equipment are omitted.

Check the equipment manufacturer's manual for recommendations on maintenance and any statutory and Class requirements. Ensure that the correct tasks are included in the regime, at the correct interval with a detailed job description. Entering all of the ship's equipment into the system can be a long job, but it is worth the time and effort.

A system should allow the crew to be able to report "unscheduled maintenance". This means crew can properly record any repairs and all maintenance regardless if it is due or not.

Recording work

When reviewing maintenance records that aim to prove that inspections and work was carried out, a common finding is that very little detail is provided. Sometimes an entry of a date and statement of "work carried out as per job description" is all that is entered into the PMS. Sometimes just a date.

Records that show that an inspection, maintenance or a repair has been carried out should show more than this. To increase its value as evidence, a record could include details on:

- Who did the job and who was responsible?
- How long did the job take?
- What condition was the item, system or equipment found in?
- Describe the work actually done
- Is follow up work needed?
- List the spare parts used
- Running hours for machinery
- Anything else of interest for those conducting the task in the future

Not only will comprehensive records help in identifying any trends or specific concerns on condition, they will act as vital evidence that the vessel is operated and maintained to a high standard.

By Alexianna Kalafati
FD&D Advisor

John Southam
Loss Prevention Executive



Crisis Media Response Service for North's members

Crisis communication is an essential component of good incident response and can help deal effectively with unexpected disasters, emergencies or other unusual events to:

- Enhance and defend relationships with charterers and other stakeholders.
- Limit third-party interference.
- Reduce incident response costs.
- Protect share price and access to capital.
- Safeguard reputations.

North has agreed an exclusive partnership agreement with Navigate Response that offers Members a 20% discount on the first year of their Crisis Media Response service which includes the following:

- Planning & Preparation
- Incident Response
- Media Training



Members should contact Navigate Response directly.

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E: enquiries@navigateresponse.com
www.navigateresponse.com

Giving you more

FOR MORE INFO SCAN HERE:



New year, new rules on ship recycling and cyber security

Two new important regulations will take effect in the new year which require shipowners to act.

Cyber Security

The International Maritime Organization (IMO) states that cyber security should be included in safety management systems (SMS) from January 2021.

Compliance with Resolution MSC.428 (98) Maritime Cyber Risk Management Systems is an important part of being prepared for cyber risks. Accidents, financial loss, business disruption and damage to a company's reputation can all happen as a result of digital or electronic systems failing or being attacked.

The Resolution states that a vessel's safety management system should take into account cyber risk management in accordance with the ISM Code and it encourages Flag States to ensure that cyber risks are appropriately addressed no later than the first annual verification of the company's Document of Compliance after 1 January 2021.

FIND OUT MORE

For more information on cyber security, go to our special area on our website at www.nepia.com/topics/cyber-security

Ship Recycling

From 31 December 2020, all vessels of 500 GT or over calling at an EU port or anchorage will require to have on board an Inventory of Hazardous Materials (IHM) which is approved by their Flag State.

This is a requirement under Regulation (EU) No. 1257/2013 on Ship Recycling Regulation (EU SRR), and will apply to all vessels, regardless of flag.

The inventory is a list of hazardous materials that form part of the ship's structure and equipment, operationally generated hazardous wastes and stores on board.

Non-EU flagged vessels can also be certified against EU SRR by complying with the requirements of the Hong Kong Convention (HKC) for the Safe and Environmentally Sound Recycling of Ships, which has yet to be ratified.

By Alvin Forster
Loss Prevention Executive

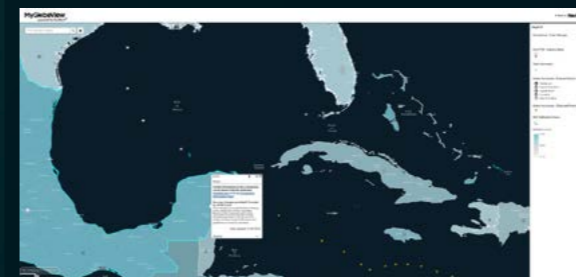
FIND OUT MORE

Read more about the challenges of meeting the requirements of the EU SSR in our previous Signals article Ship Scrapping: Material Matters at www.nepia.com/articles/ship-scrapping-material-matters

MyGlobeView

powered by Geollect

Accessed through your MyNorth account, **MyGlobeView** is an advanced interactive geographical information portal exclusively for North's Members and correspondents.



Additional layers recently added include:

- ✓ Country-specific crew change information
- ✓ Tidal patterns
- ✓ IMO ratifications
- ✓ Industry news
- ✓ ITOPF reports

Plus you can access all of the data sources from GlobeView such as port index information, sanctions updates, selected weather reports and maritime threats and incidents.

COMING SOON - ROUTE RISK ADVICE

The Route Risk Advice tool is a new feature on MyGlobeView and is specifically designed to increase awareness of the potential risks on a voyage whether in port or at sea.

Route Risk Advice allows MyGlobeView users to input a vessel's route and receive a report on the likely risks along the route which allows assessment and, where necessary, management of these risks.

HOW TO REGISTER:

MyNorth has many benefits, including the ability to create your own personal publications library, address books and tailored news feeds. You also get access to premium content and articles from our in-house experts.

Registering for your MyNorth account is easy. www.nepia.com/mynorth



North wins the Safety4Sea Technology Award



North's COVID-19 online tracker has won the prestigious 2020 Safety4Sea Technology Award.

The tracker was added to GlobeView, our interactive 3D globe developed with our technology partner Geollect, in February this year in response to the growing need for information on how Coronavirus was impacting countries and their ports around the world.

Thanks to the fantastic contributions from our network of correspondents, we soon collected and shared information from over a hundred countries on how the COVID-19 pandemic affected port operations, crew changes and the status of commercial courts.

To help share this information with the widest possible audience at a time of deep uncertainty, the tracking tool was quickly shared with our partner Clubs within the International Group.

The pandemic shows no sign of abating, so we continue to keep this information up to date and we encourage you all to keep using the online tracker. Stay safe.

Sign up for MyGlobeView

GlobeView is freely available to all at www.globeview.nepia.com, but remember, North Members get free access to our enhanced MyGlobeView platform.

The COVID-19 tracker is only one of the many tools available for our Members on MyGlobeView. It also provides real-time access to over forty varied alerts and reports including industry news, port information, trading and commercial updates, sanctions, travel advice and weather.

Explore MyGlobeView at www.nepia.com/members-area/globeview

By Colin Gillespie
Director (Loss Prevention)

Drill Bits: Enclosed Space Entry (Part Two)



In the last edition of Signals, the Drill Bits series continued with suggested training exercises based around conducting a rescue from an enclosed space. Once again, we combine all the 'drill bits' for a full scenario-based enclosed space rescue POWER DRILL!

This full drill will allow you to pull together the various techniques practiced last time; use of self-contained breathing apparatus (SCBA), rescue techniques, equipment testing, checking contingency plans and first aid

Emergency: RESCUE FROM ENCLOSED SPACE



Scenario

The Chief Officer has been conducting an internal inspection of a space and the responsible person at the entrance has lost communication with them.



Preparation

Agree a time for the drill, preferably different to the last one and discuss the scenario. Take time to properly plan the drill and think about the following:

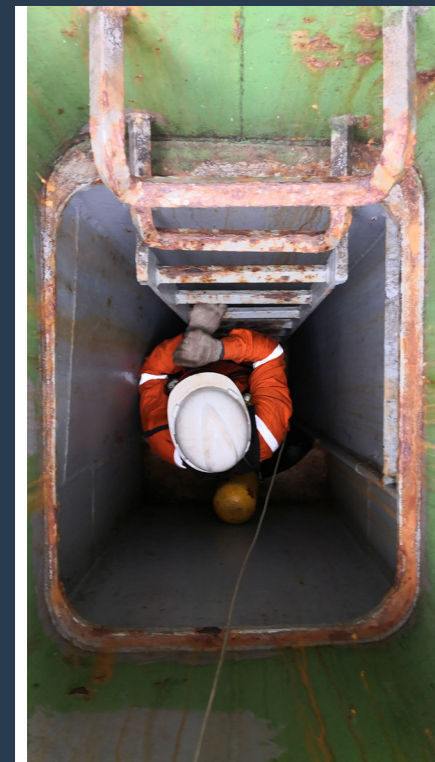
- What were the lessons learned from the earlier training exercises and previous drills? Can any of these help with this scenario?
- Identify a suitable location for an 'enclosed space'. Always try to simulate an enclosed space rather than use an actual enclosed space, perhaps in an open cargo hold or machinery space. Remember, if using an actual enclosed space, don't forget to revisit your risk assessment and permit-to-work.
- Prepare the areas where exercises will take place:
 - If you have a dummy then place it in the space, just stuff an old boiler suit with some rags!
 - Would there normally be obstructions or restrictions in access? If so, leave these in place to make the rescue as realistic as possible.
- To make the drill more realistic, choose a casualty that would be most likely to be in that particular enclosed space. In this example, it is the Chief Officer. This not only makes the situation more realistic; it tests the response of the emergency team as the Chief Officer is often in charge (1 I/C) on scene and therefore someone will need to deputise. Remember, deputising of key persons should be outlined on the muster list.

- Decide how the drill will be initiated and by who. In this case it is most likely by the responsible person at the entrance of the enclosed space reporting to the bridge by radio of a loss in communications with the person who entered the space.
- When someone is unconscious in an enclosed space, time is of the essence. Therefore, record how long it takes from raising the alarm to retrieving the casualty from the space.



Raising the alarm

- Bridge team announce "Alarms will be sounded for drill purposes"
- The responsible person at the entrance of the enclosed space informs the bridge of loss of communication with the Chief Officer
- Activate the general alarm
- Crew proceed to their muster stations - except for the Chief Officer
- Bridge team announce - "For drill purposes there is a report of a person missing in an enclosed space at (location). This is a drill."



Running the drill

At the muster stations: Check all persons on board are present and correct and report to the bridge. In this instance, the Chief Officer has failed to show up, last seen entering an enclosed space on board.

On scene command: The new officer in charge (1 I/C) - in this case will be the 2nd Engineer - establishes the forward control point, where the rescue teams will reposition - typically the enclosed space entry point.



Team roles and goals

Bridge Team:

- Execute the relevant contingency plan. Check that the contingency plan is available and correct. Note any potential improvements that could be made to report back to the DPA.
- Make sure the bridge team know how to contact the telemedical services and have the contact details ready to use should they be needed.
- Ensure that the whole bridge team know how to operate the GMDSS equipment. Send a GMDSS test call and log this in the GMDSS logbook.
- Search for the nearest suitable port in case the vessel needs to divert for medical assistance.
- Maintain accurate records of the event.

Forward Control Team:

- SCBA control board set up at the entry point.
- Check all communication channels between all involved parties
- Collect and transfer the casualty removal equipment to the entry point, such as the Neil Robertson stretcher, pulley and lifting tripod if there is a vertical lift involved.
- Clear a space outside the enclosed space for the first aid team.
- If there is a breathing apparatus airline trolley unit on board, rig this up for the SCBA team to relieve the time pressure whilst they are in the space.
- Record entry of the SCBA team into the space and use the board to monitor the time the team are on air. Maintain effective communications with on-scene commander.

Engine Room Team:

- Maintain services with minimum safe personnel.
- If required, man the emergency SCBA bottle compressor to refill bottles.

SCBA Team 1:

- SCBA team to don full SCBA (or airline trolley unit) and conduct all pre-entry tests - it must be assumed that the atmosphere in the enclosed space is dangerous.
- Consider rigging an additional mask from the SCBA system Y piece - if the casualty is found breathing you can give them a mask in the space. If this equipment is not available, consider taking in a rescue set (such as an ELSA) that can be given to the casualty. IMPORTANT: Rescue sets should never be used by the rescuer to enter a dangerous space - they are for emergency evacuation only
- Take the stretcher into the space if required.
- SCBA team to pass through SCBA control and enter the space. They should immediately test communications from inside the space and commence a search for the missing person.
- Upon locating the casualty within the space, assess their condition. If the casualty is not breathing, immediately extract from the space for CPR. If the casualty is breathing and can be provided with a safe air supply, employ a safe recovery method for the circumstances. The team should carry out an air-check prior to attempting to extract the casualty from the space. In this instance, assume the casualty is not breathing and is not conscious.
- Strap the casualty into the stretcher for safe removal from the space.

SCBA Team 2:

- The backup SCBA team dons full SCBA and conduct all pre-entry tests in preparation to enter the space if required - for example if the primary team run low on air.

First Aid Team:

- Collect first aid equipment, including any mobile oxygen and CPR equipment, such as masks and guedel airways.
- On extraction, assess the casualty's condition and commence CPR. Remember CPR can be done in teams as it is very tiring for those conducting it.

Hospital Team:

- Prepare the hospital for the arrival of the casualty, ready the oxygen unit and bed.



The debrief:

After the drill, everyone should help clear up, don't leave this to one crew member.

The debrief should involve everyone. Discuss:

- Did everyone know their role and responsibilities and did everyone do what was expected of them?
- Did everyone know who deputises key roles as per the muster list?
- What was the time taken from the alarm being raised to casualty evacuation and administering medical treatment.
- What went well?
- What problems were encountered and how can these be addressed?
- Were any equipment or procedural defects noted?
- Reinforce key safety messages, such as not racing in unprotected to try and save your shipmate

If there are any lessons learned, don't waste them. Make sure they are recorded and put into practice.

By John Southam

Loss Prevention Executive

FIND OUT MORE

You can find the first part of this Drill Bits on enclosed space entry rescue training here: www.nepia.com/articles/drill-bits-enclosed-space-entry

Read our briefing on enclosed spaces here: www.nepia.com/publications/enclosed-spaces and our QuickFacts here: www.nepia.com/publications/entry-into-enclosed-space-ees-poster



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SureNav Member Benefit

To assist Members with their bridge team management, North P&I Club has partnered with SureNav to offer Members a 45% discount on a package of five remote navigational audits.

Benefits of Remote Navigation Audits include:

- Five remote navigation audits, all conducted by experienced master mariners. Remote navigation audits use both the VDR data alongside supporting evidence such as copies of the charts used, checklists, log entries and voyage plans.
- Evaluation of compliance with procedures in the vessel's safety management system.
- The audits can be used at any time or on any of their vessels.
- A full report will be issued for each audit, complete with and any support material (video or sound files).

North's Members can sign up for the SureNav discounted package by contacting support@surenav.com



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