

Second edition of bills of lading guide published

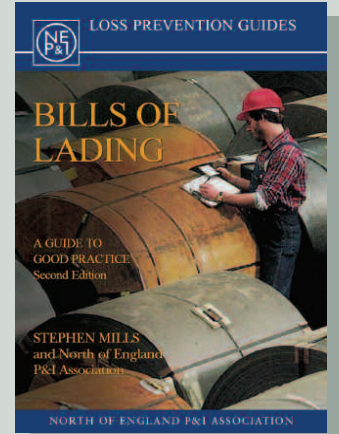
The second edition of North of England's popular and comprehensive loss prevention guide on bills of lading, written by leading maritime and international trade lawyer Stephen Mills, has been published this month.

The 144 page, easy-to-follow book has been considerably updated to include recent changes in the law and new sections about sea waybills, 'straight' and 'switch' bills of

lading. It also includes advice to masters on common problems encountered when signing bills.

A copy of the new edition is being sent to all Members and entered vessels with this issue of *Signals*.

Members wishing to purchase additional copies at the special Members' price of £10 should contact Denise Huddleston in the risk management department.



DRI by another name

Most ship operators are well aware of precautions that must be taken to ensure the safe carriage of direct reduced iron (DRI).

However, a number of shippers have been offering a material for bulk shipment that is clearly a DRI product but claimed to be safe to carry without the usual precautions.

An article in this issue explains the range of DRI cargoes and some of the ways its identity is concealed by unscrupulous shippers.

See page 3 for full story

Stevedores and performance guarantees

This issue looks at two issues of concern to Members – one an almost everyday problem, the other less common but potentially more serious.

The frequent difficulties associated with claims involving stevedore damage are discussed and guidance is offered on how such incidents should be approached.

Guarantees given to cover the performance of charterers are then explained along with the steps that should be taken to ensure they are effective and enforceable.

See page 5 for full story

Medical treatment dilemmas

Seafarers receiving medical treatment ashore expect proper treatment for their injuries or illness. However, this is not always the case and the problem of doctors who sometimes take advantage of seafarers by either over-charging or over-servicing is looked at in this issue.

Another worrying trend is the tendency for seafarers to be criminalized in some countries often with no regard to fault or liability. This growing problem was discussed at a recent seminar and a summary of the opinions expressed is also given in this issue.

See page 4 for full stories

How stable is your ship?

Ensuring that a ship will have sufficient stability throughout a voyage is a fundamental requirement of voyage planning.

This issue reports on a recent case in which a vessel became unstable after loading a cargo of scrap and was prevented from sailing.

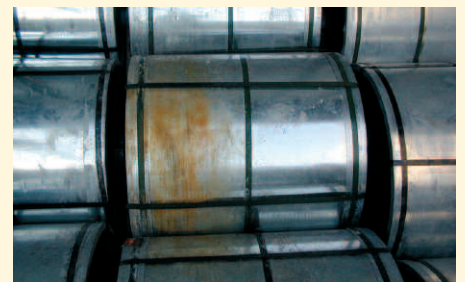
It serves as a reminder that it is essential to ensure sufficient information is given about a cargo to calculate the ship's stability properly before loading.

See page 2 for full story

Hatch cover supplement

Hatch covers cause larger and more frequent cargo claims than any other item of shipboard equipment. A special pull-out supplement in this issue aims to remind Members they can make improvements to their hatch covers without incurring huge costs, thereby avoiding expensive claims.

See centre pages.



Damaged steel coils



Getting stability right

Members with small vessels are recommended to take particular care when loading non-homogenous cargoes to ensure the crew receive sufficient information from shippers to calculate the stability of the vessel properly.



Angle of loll

In a recent case, a cargo of mixed scrap was loaded in a small vessel with a single box-shaped hold. The harbour authorities prevented the vessel sailing because the vessel developed an angle of loll. When an inclining test was carried out, the vessel was found to have inadequate stability due to the centre of gravity of the cargo being approximately one metre higher than allowed for in the stability calculations. The situation was made worse by the free surface effect of slack ballast tanks.

Members are advised to ensure that sufficient information is provided about the nature of the cargo and its effect on the stability of the vessel so that appropriate calculations can be made to ensure adequate stability at all times. The information should be provided in sufficient time to carry out the calculations and for any necessary ballasting operations to be completed. They should also ensure that any free surface effect is taken into account, and ballast tanks are either completely empty or pressed up if necessary.

Members can find safety alerts, including the one referred to in the article, on the MCA website: www.mcga.gov.uk/c4mca/mcga-safety_information/mcga-safety_alerts.htm

Phase-out of single hull tankers

Members are reminded that it is a condition of P&I entry to comply with all statutory requirements for a ship's construction. This is particularly important for single-hull tankers now that they are being phased out.

Members with single-hull tankers entered in the Association are reminded to ensure that they comply with both Flag State regulations and any national regulations which might prohibit the operation of their vessels world-wide or in specific parts of the world.

Members requiring up to date guidance about regulations should visit the Intertanko website: www.intertanko.com

Exploding scrap trade

The dangers of unexploded shells and other military explosives in cargoes of scrap have been covered in previous issues of *Signals*. With the recent increase in steel prices, demand for scrap has increased greatly and seems to have encouraged unscrupulous scrap dealers to pay less attention to the sort of steel products they ship out.

Indian police investigating scrap imports after 10 workers died in an explosion in a foundry near New Delhi came across enough military explosives to 'start a little war', according to a police spokesman. The Indian authorities have now ruled that scrap can only be freely imported in shredded or compacted form – all other metal waste will be

subject to full inspection at major ports before being allowed to enter.

The ordnance which exploded in India was imported by sea and could just have easily exploded on board, endangering the crew and the ship. Even if there is no explosion, the discovery of military explosives in scrap cargoes will inevitably delay the ship and lead to high costs in dealing with the cargo, which the owner may not be able to recover from the charterer and/or shipper.

Masters are therefore reminded to keep a close watch on the content of scrap cargoes and, if they see anything that gives them any cause for concern, immediately call in the assistance of the Association's local correspondent.

Dangers of inadequate packaging

The Association has recently experienced a spate of serious cargo claims involving inadequate packaging, particularly cargoes carried in drums.

One case involved drums of a strong weed killer – one of the key ingredients of 'Agent Orange' used during the Vietnamese war – which was shipped in a container from China. Though it was properly declared as an IMDG cargo, the drums were not only insufficient for safe carriage but were also insufficiently secured inside the container.

On arrival at the transshipment port, it was found that the weed killer was leaking from the container. The ship and the wharf had to be decontaminated and the cargo transferred into new drums, resulting in considerable expense and delay for the shipowner. The owner now has the difficult task of recovering these costs from the shipper.



Leaking bitumen drums

Two-month delay for hold cleaning

On another recent occasion, drums carrying bitumen leaked extensively in a ship's hold. The ship was delayed for 60 days while the hold was cleaned.

These were also both potentially dangerous incidents. Not only can bitumen release vapours which could have exploded but the weed killer could have poisoned any crew member who entered the hold where the container was stowed.

Masters are reminded they have the power to reject any cargo which they believe to be insufficiently packaged and can even demand that containers are opened for inspection before loading on board. If any master or crewmember has concerns about a cargo they are carrying, they should immediately contact the Association's local correspondent for assistance.

Reminder: IMDG Code is mandatory

The International Maritime Dangerous Goods (IMDG) Code is a uniform international code for the transport of dangerous goods by sea. It is now over a year since amendments to SOLAS chapter VII (Carriage of Dangerous Goods) made the IMDG Code mandatory on 1 January 2004. Members should therefore ensure that all dangerous goods are stowed and segregated according to the provisions of the Code.

DRI by any other name is just as dangerous

Operators of bulk fleets will be aware of Direct Reduced Iron (DRI) and of the precautions that must be taken to ensure its safe carriage by sea. However, the Association is aware of a number of shippers who are offering a material for bulk shipment that is clearly a DRI product, but is claimed to be safe for bulk carriage by sea without the usual precautions. In the past year two explosions and a potential explosion, have occurred on vessels carrying this cargo. This article by Alan Mitcheson of Burgoyne's highlights some of the problems with the carriage of DRI.

DRI is produced by passing hot reducing gases such as hydrogen, methane and carbon monoxide over iron ore (oxide), which is usually in the form of pellets or lumps. Although the process is conducted at high temperature, this is still substantially below the melting point of iron. This means that the lumps and pellets retain their original shape, but are considerably lighter owing to the removal of oxygen from the ore. Therefore, the pellets and lumps have a very porous structure, which makes the material extremely reactive and prone to re-oxidation on contact with air and/or moisture.

Create explosive hydrogen on contact with moisture

Oxidation reactions of DRI cargoes result in self-heating of the stow. Moreover, contact with moisture evolves hydrogen, and several explosions have occurred in ships' holds following its ignition: in one recent tragic casualty, a vessel was lost completely together with its master and five crewmembers.

DRI is classified as a 'material that is hazardous only when in bulk' (MHB) and is included in the IMO *Code of Safe Practice for Solid Bulk Cargoes* (the BC Code) as BC015. The normal precautions for the safe transport of DRI require that an inert atmosphere be maintained within the hold for the entire voyage. In practice, and especially for long voyages, this is virtually impossible without carrying portable supplies of nitrogen on deck. Under no circumstances should DRI be loaded wet or allowed to become wet, especially by seawater.

Briquettes may be less hazardous

Alternatively, the pellets and lumps can be compressed at temperatures exceeding 650°C to form briquettes. These are commonly referred to as hot briquetted iron (HBI) or hot moulded briquettes and, although still classified as MHB, they pose a lesser hazard than DRI and have a separate entry in the BC Code (BC016). Significantly it is not required to maintain an inert atmosphere within the hold.

"Fines" similar to DRI but often not described as such

The process of importing iron ore into a plant, storing and transporting it, then conveying it to and through various screens and furnaces, through the briquetting facility and then to final product storage, generates copious quantities of dust or 'fines'. This has considerable nuisance value within the factory and so it is captured and separated from the air in a dust-collection facility. It also has considerable commercial value for steel making and so there is a market for shipping it.

Fines are not normally compressed into large cohesive briquettes and remain porous like DRI. Consequently they can exhibit self-heating and possibly auto-oxidation. They will also generate hydrogen in sufficient quantities to form explosive atmospheres, even in holds that have been subject to natural ventilation through conventional cargo hold vents. There can be no doubt that fines have properties close to DRI and they do not merit the relaxation in carriage precautions afforded to HBI.

It is not surprising then that shippers have sought to avoid using the term 'DRI' to describe fines. Indeed there seem to be no bounds on the ingenuity and unscrupulousness employed. The most common device is to call the dust 'HBI Fines' or 'Metallic HBI Fines' and thereby claim the relaxation in precautions afforded to HBI. Fines have also been described as 'Iron Remet Fines', the term 'remet' probably being a shortening of the word 'remetalised', signifying it is metallic rather than the ore.

Fatal consequences of misleading description

The Association is aware of one manufacturer that stockpiled the material in the open in the expectation it would re-oxidise and lose its hazardous properties. Despite being exposed to the elements in a humid, stormy climate for up to two years, severe explosions occurred mid-voyage in two holds of a vessel carrying it to Europe. Two crewmembers died and a third was severely burnt and paralysed.

The cargo was initially described as 'iron ore in bulk' in the charterparty and 'iron oxide fines' in the bill of lading. Later, it was referred to as 're-oxidised fines', 're-oxidised DRI fines', and also 'clarifier fines'. An analysis from 142 samples taken during discharge showed that almost half of the cargo was fresh DRI.

Not all 'DRI' cargoes hazardous

Despite the foregoing, not all cargoes with 'DRI' in the description are hazardous. For example, Members have been offered cargoes described as 'Direct Reduced Iron Ore'. By referring to the typical material composition supplied by the shippers, it could be seen that this was indeed iron ore that was destined for the direct reduction process, and therefore a cargo that posed no special hazards. This serves to illustrate the adage, 'if in doubt, ask'.

The Association is very grateful to Dr Alan Mitcheson, Principal Member, Burgoyne's, for writing this article.

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DRI cargo on fire



Criminalisation of seafarers – the debate continues

In November 2004 the North East Branch of Nautical Institute in the UK held a seminar to discuss the issues and recent developments regarding criminalisation of seafarers. A wide cross-section of opinions were presented from around the world, including speakers from The International Chamber of Shipping, the International Transport Workers Federation, The Mission to Seafarers, *Lloyds List* and the UK Maritime and Coastguard Agency.

It is a subject on which there is increasing concern and debate is lively and ongoing. It had been hoped that the road towards safer ships and cleaner seas would be the International Safety Management (ISM) Code, which strives to rid the shipping industry of the 'blame culture' and encourage ship operators and seafarers to work together towards loss prevention.

The following is a summary of some of the views expressed at the seminar.

Threats instead of encouragement

The apparent trend towards criminalisation of seafarers replaces the hoped-for culture of encouragement with one of threat. If an accident occurs there will be possibly severe punishment, perhaps without any reference to fault or liability.

But the criminalisation of mariners is nothing new. In many parts of the world, serious incidents have resulted in the imprisonment of a ship's officer before the investigation into its cause rather than afterwards. It is unclear how effective a deterrent this has been in persuading seafarers, and more

importantly ship owners, that these incidents cannot be allowed to happen.

Over-riding environmental and security issues

The reason for the increasing discussion on criminalisation is not because it is a new development but due to the fact it appears to be happening with increasing regularity and apparently supported by many international authorities. As the world becomes more environmentally aware, tolerance of pollution declines and – even when innocent – few defend those accused of such violations. This has already been well documented in the United States but it is also true of many other countries – even the European Union is now calling for criminal sanctions against those who spill oil.

Pollution is unfortunately not the only concern. National security is another issue taken extremely seriously in today's world by the majority of governments. Unfortunately it would seem that the resulting International Ship and Port Facility Security (ISPS) Code is open to misinterpretation. Over-zealous implementation means that seafarers are often viewed as potential terrorists rather than potential victims of terrorism or allies in the fight against it.

Imprisonment for rescuing persons at sea

Perhaps the most recent development, and the biggest cause of increasing concern, relates to persons in distress. Mariners have always



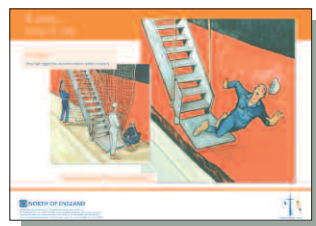
Nautical Institute seminar

respected the work of search and rescue and often cooperate with regional search-and-rescue coordinators. There have been a number of recent reported incidents where ship's officers have been detained after picking up persons in distress who later turned out to be illegal migrants. It is very difficult to understand why governments feel it appropriate to imprison seafarers who assist in such rescues to ensure the safety of life at sea.

The debate surrounding the criminalisation of seafarers is an important one and greater clarity is called for in international law and perhaps within the ISM Code itself. In the meantime, on a day-to-day basis, we can only strongly encourage ship owners to continue in their compliance with ISM and in all efforts towards loss prevention through a company-wide safety culture.

New safety poster on accommodation ladders

North of England's 'If only...' safety poster campaign continues with a look at the potentially fatal accidents that can be caused by poorly rigged accommodation ladders.



The fourth poster in this new hard-hitting series depicts a person falling from an accommodation ladder that has been left suspended between the ship's side and the quay, leaving a gap that has to be crossed when boarding or disembarking – and made worse when movement causes the ladder to swing.

If only the ship's crew who rigged the accommodation ladder had understood the hazards and rigged it properly, with the lower platform safely on the quayside and a suitable safety net in place, the accident and its potentially tragic consequences could have been avoided.

Before any shipboard task is performed, you must ask the question: 'How can it be carried out properly?' Do not end up saying 'If only...'

A copy of the new 'If only...' poster accompanies this issue of Signals.

Keeping doctors in check

The Association has previously advised Members to instruct local correspondents when crew need to be hospitalised ashore.

The Club is frequently advised of instances where local agents direct injured or ill crewmembers to a medical facility with which they have a relationship but which may not be appropriate.

Clearly this does not happen all the time but, if the Club is notified of the likely hospitalisation of a crewmember and the port or country involved, it can advise whether local correspondents should be involved and to what extent.

In addition to commenting on the best medical units to be used, local correspondents can also audit the hospital invoices on a Member's behalf. It is not uncommon for doctors to charge some patients for services they did not provide (over billing) or give others more services such as x-rays than actually necessary (over servicing).

A medical facility which treated a crewmember in South Africa was recently successfully prosecuted for such practices. This was done with the assistance of local correspondent ARM International, which audited the facility's accounts on a P&I matter and subsequently reported the relevant doctors to the responsible governing body.

Though rare, this experience shows that in certain ports the involvement of correspondents can reduce a hospital's overall invoice, often substantially. It is far easier to achieve this however if the Association is advised in advance of a crewmember being disembarked.



Stevedore damage claims

A recent incident has highlighted the difficulties which are faced by Members following an incident of stevedore damage.

In the incident a vessel sustained damage whilst discharging a cargo of scrap. It was alleged that the vessel's tank top was ripped open and dented by pieces of falling scrap metal when the stevedores, who were operating the vessel's crane and grab at the time of the incident, dropped a significant quantity of scrap onto the vessel's tank top. Although the stevedore company responsible for the damage initially accepted liability, they later refused to arrange for repairs to be carried out, ostensibly because the materials required for the repairs were unavailable locally.

When Member's local lawyers threatened to report the stevedore company to the local port police on account of their failure to undertake or arrange suitable repairs, a suggestion was made to the master that a pollution incident "might occur" if the matter was taken any further. It is not clear who made the threat to the master, however, given the wider consequences of a spurious pollution claim the matter was not taken any further and the damage was subsequently repaired at a later port of call.

Voyage charters may leave owners liable

Incidents of stevedore damage present significant difficulties for both mutual and chartered Members. Where, for example, an owned vessel is voyage chartered out, Members are sometimes precluded from making a recovery under the charterparty from their voyage charterers and therefore bear the risk of any stevedore damage themselves. On the other hand, if the vessel is time chartered out, owners may be entitled to pursue a claim against their time charterers, who are often made responsible for stevedore damage under the terms of the time charter. Where Members have a right of recovery against their charterers under the terms of the charterparty, it is important that any notice requirements stipulated in the charterparty are properly complied with. In particular, where the charterparty provides that notice of the damage should be given in a prescribed form, within a certain time period to a particular party those requirements should be carefully followed.

Contemporaneous evidence is vital

In both cases it is vitally important that Members notify the Association of a stevedore damage incident immediately in order that the Club can make arrangements to gather as much contemporaneous evidence as possible concerning the cause, nature and extent of the stevedore damage in question.

Contemporaneous evidence is particularly critical in instances of crane damage and crane wire failure as good evidence is often very difficult to collect days or months after the event.

Although the master of the vessel will often attempt to obtain a written acknowledgement of liability from the stevedores whilst they are still working the vessel, it is highly likely that the stevedores will refuse to acknowledge liability for the damage and may even become openly hostile or threaten the ship's crew as happened in the case referred to above. In those circumstances the master should leave the collection of evidence and any further investigation to the Club's local correspondents and lawyers.

Difficulties of making recoveries from stevedores

Where Members have no right of recourse against their charterers for the stevedore damage they may be faced with the difficult task of attempting to make a recovery directly from the stevedore company in the jurisdiction where the incident occurred. Making a recovery from a stevedore company in a foreign jurisdiction presents a number of difficulties. Apart from the fact that litigation in foreign jurisdictions can be both expensive and time consuming, in most cases it is difficult, if not impossible, to obtain security from the stevedore company for the claim. If the company subsequently ceases trading or goes insolvent it may be impossible for Members to enforce an otherwise valid award or judgment.

It is therefore desirable, if circumstances permit, to have the stevedores make arrangements to repair the vessel before she sails. Where repairs at the port are simply not possible, the evidence collected must be assessed and legal advice should be taken from local lawyers concerning Members prospects of making a recovery from the stevedore company in question.

Time costs can outweigh repair costs

Finally, with freight rates reaching record highs in recent months, loss of time claims arising as a consequence of stevedore damage incidents are becoming an increasingly important issue. Whereas before, Members' primary concern may have been the repair costs, current hire and freight rates often result in the value of any time lost significantly outweighing the actual cost of repair. Therefore, if the stevedore damage cannot be repaired without significant loss of time, Members should consider whether it may be more cost effective to complete the repairs at the vessel's next port of call or dry-docking.

Performance guarantees

If chartering to a newly formed company, Members are nearly always going to be best advised to insist that an established third party known to them guarantees their charterers' obligations. In such circumstances, Members need to be aware of an ancient English Act of Parliament called the Statute of Frauds dating from 1677 which requires guarantees to be signed by the guarantor or someone lawfully authorised by him. The consequences of not getting the requisite signature are serious. Put simply (in nearly all cases) it renders the guarantor's obligations unenforceable! Thus leaving Members with no practical redress in the event their charterer defaults.

Making a consideration or payment

Guarantees are complicated legal beasts and present other pitfalls to the unwary. The consideration (payment) for the guarantee can present problems. Usually it will be the promise of the recipient of the guarantee to enter into the charterparty. However past consideration is not

good consideration as a matter of English law and therefore it is necessary for the guarantee to be given before the charterparty comes into existence. Alternatively the guarantee should be supported by some other consideration even if nominal, for example "*in consideration of the payment of the sum of US\$1, the receipt and sufficiency of which we hereby acknowledge*".

Keeping the guarantor informed

The guarantor may also avoid his obligations under the guarantee where he can show that there has been a material variation to the charterparty after the time at which the guarantee was given without his consent, unless the guarantee expressly provides otherwise. Likewise the guarantor will also be able to avoid his obligations where the whole contract (for example addenda, side letters, novation agreements etc) has not been brought to his attention at the time he executed the guarantee. To overcome this, any addendums etc should be specifically referred to in the body of the guarantee.

Recommended steps to take

The following points summarise the loss prevention steps to take when obtaining a performance guarantee:

1. Try to ensure that the guarantor signs the guarantee before the final fixture details are lifted.
2. Always ensure that the guarantor has seen the final terms of the charter (save for minor subjects) before signing.
3. If there are any addenda etc make sure these are drawn to the guarantor's attention and if possible, make express reference to them in the guarantee.
4. Should addenda or novations be required after the guarantee is signed, ensure that the guarantor agrees expressly in writing to same.

If in any doubt, Members should always consult the Association's FD&D team.



MORE HELP FOR PERSONS RESCUED AT SEA



The International Maritime Organisation (IMO) is co-ordinating development of a guide for masters and ship operators on disembarking persons rescued at sea. As well as setting out masters' and owners' responsibilities, the guide will give details of organizations to contact and other general advice.

Much of the guidance will be provided by agencies such as the United Nations High Commissioner for Refugees (UNHCR) with the aim of enabling persons in distress to be delivered to a place of safety within a reasonable time.

NEW AIR POLLUTION AND BUNKER RULES

The new annex to the International Convention for the Prevention of Pollution from Ships (MARPOL) entitled *Regulations for the Prevention of Air Pollution from Ships* comes into force on 19 May 2005. The new Annex VI regulates emission into the atmosphere of specified pollutants from ships.

All fuels sold to ships after 19 May 2005 will need to comply with the new regulations, which will require changes to bunkering procedures. Intertanko has thus produced a guide called *A Guide to Bunkering of Ships for the Purposes of Annex VI to MARPOL* to help ship operators develop procedures for taking delivery of MARPOL-compliant bunkers.

Details of the guide can be found on the Intertanko website: www.intertanko.com

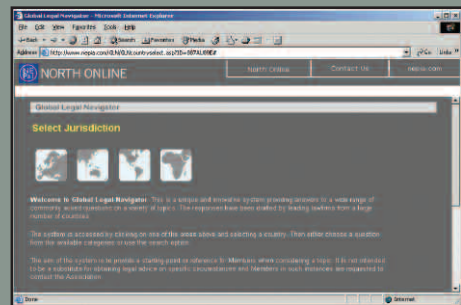
VISIT: WWW.NEPIA.COM

Global Legal Navigator

Members who have registered for North Online are reminded about *Global Legal Navigator* (GLN). This is a unique and innovative system which was launched by the Association as part of the new *North Online* extranet service. GLN provides online answers to a wide range of commonly asked questions on a variety of topics in different jurisdictions. The responses have been drafted by leading law firms from a large number of countries.

To access GLN, click on 'Members log-in' and log onto North Online, then click on 'Other Services' and then 'Global Legal Navigator'.

Members who wish to register for North Online should contact the Association's underwriting department.



NewsNet

The NewsNet page of the Association's website provides information about a wide variety of industry news. Members' staff are encouraged to visit it regularly to help keep up to date.

To access NewsNet, click on 'News' and then 'Industry News'.

LATEST NEWS FROM THE IMO

IMO – Maritime Safety Committee

The IMO Maritime Safety Committee met for its 79th session (MSC 79) at the beginning of December 2004 and discussed a wide range of topics, including the following.

New ship construction

Work to develop "goal-based" standards for the construction of new ships will continue. Standards will be introduced as a measure against which ship safety will be assessed and verified during design and construction as well as during their operation.

Maritime security

A number of new MSC Circulars relating to maritime security were approved and will be published. These include MSC/Circ 1130 and 1132

that will provide guidance on submitting security information to ports and implementing the ISPS Code respectively.

Passenger ship safety

Work is also continuing on passenger ship safety with more emphasis in the future to be put on preventing casualties and improving the survivability of ships so that persons can remain safely on board.

Bulk carrier safety

Amendments to SOLAS Chapter XII (Additional safety measures for bulk carriers) were adopted that will come into force on 1 July 2006. They include restrictions on sailing with cargo holds empty and optional requirements for double-side construction as an alternative to single-side construction for new bulk carriers of 150m in

length and over, carrying solid bulk cargoes having a density of 1,000 kg/m³ and above.

Other amendments to SOLAS, Chapter III (Life-saving appliances and arrangements), make the carriage of free-fall lifeboats on bulk carriers mandatory.

Ship reporting in European waters

A new ship-reporting scheme known as WTREP will become compulsory in the Western European Waters PSSA (Particularly Sensitive Sea Area) on 1 July 2005.

Voyage Data Recorders

Amendments to Chapter V of SOLAS (Safety of navigation) were adopted that will phase in a requirement for cargo ships to be fitted with voyage data recorders (VDR) or simplified voyage data recorders (S-VDR).

World-wide loss prevention

Since the last issue of *Signals* was published, staff from the Association's risk-management and P&I claims departments have visited Members and participated in seminars in China, Germany, Greece, India, Norway and the United Kingdom. One of the larger events was a seminar for Members at the Marine Club in Piraeus last November, where Tony Allen and Helen Yiacoumis from the Association's Greek office and Tony Baker from the UK gave presentations to around 70 people on switching bills of lading, redelivery under a charterparty and maritime security.

Nautical Institute seminar

North of England was also one of the sponsors of the Nautical Institute's 14th Mariner and Maritime Law seminar that was held in Gateshead, UK last year. The title was Criminalisation of the seafarer and a large audience from all over the world attended, including many North of England Members. The Association's head of risk management Phil Anderson gave the introductory address in his role as President of the Nautical Institute and a day of interesting presentations and discussions followed. A summary of some of the issues raised can be found on page 4 of this issue of *Signals*.

Hatch cover testing course

David Hastings, the Association's survey coordinator, is the second member of the risk management department to qualify as a certified operator of ultrasonic testing equipment – Paul Andrew had previously completed the same course. This significantly enhances the department's ability to provide advice about hatch cover maintenance and weathertightness testing.



Pictures:

- 1 Phil Anderson with Denise Huddleston & Adele Lathan from the Risk Management department.
- 2 Inmateseco/Pacific Basin Shipping, Dalian, China
- 3 David Hastings
- 4 OMCI cricket match, Mumbai, India
- 5 Piraeus, Greece

P&I Residential course 2005

North of England's annual residential course in P&I insurance and loss prevention will take place from 26 June to 1 July this year at Lumley Castle in the UK. The course is run in conjunction with South Tyneside College and always proves very popular. A brochure containing full details and an application form are enclosed with this issue of *Signals*, but be sure to book early as the number of places are limited.



Electronic *Signals*

Future issues of *Signals* can also be sent to Members electronically. If you wish to receive your copy of *Signals* by email, please check that the details given on the carrier sheet accompanying this issue are correct, make any amendments if necessary then fax the sheet to the risk management department on:

+44 191 261 0540



Changes in Risk Management

It is with regret that we announce the departure of Dr Phil Anderson from the team at North of England on the 31 December 2004. As Members will be aware, Phil headed the Risk Management Department of the Club and was the original driving force that developed North of England's loss prevention programme of publications, training and advice for Members as an effective way of helping to reduce the number and scale of claims.

Phil has decided that after nearly 25 working in P&I, 17 with North of England, the time has come to spend more time pursuing his pet project – the ISM Code. He has established his own consultancy company – ConsultISM Ltd – which will provide a focused service to shipping, marine insurance industries and the legal profession, on interpreting the ISM Code, understanding whether a failure in the Safety Management System

may have contributed to an incident and identifying what might need to be done to implement corrective action. He will be undertaking expert witness work relating to ISM issues in the courts and arbitration tribunals as well. The change will also enable him to devote more time to his role as President of the Nautical Institute.

However, Phil will not be losing touch with the Association, which has retained exclusive call upon his services in the field of P&I loss prevention, and he will be involved in a number of projects during the coming year and, hopefully, for many years to come. Phil's contribution to the success of the Association during recent years has been immense and we all wish him well with his new venture.

*Phil Anderson can be contacted at ConsultISM Ltd.
Email: philanderson@consultism.co.uk
Website: www.consultism.co.uk*



Phil Anderson



Tony Baker

The role as head of the Risk Management Department has been taken over by Tony Baker who is already well known to many Members. Although his job encompasses many aspects of P&I work, he takes a particular interest in persons in distress, safety of navigation, and stowage and securing of cargo.

The department will continue to take loss prevention activities forward into new and exciting areas for the benefit of Members and the Association.

Signals Search 2 ?

Find the answers to the questions in the wordsearch below. We have found the first one for you. GOOD LUCK!

Questions

- Who might cause damage to the ship during cargo operations?
- What is the deep groove in a hatch cover rubber called?
- Where can the Global Legal Navigator be found?
- Which UN agency is assisting the IMO to write a guide on persons rescued at sea?
- What is the name of the angle an unstable vessel might develop?
- Which IMO Code became mandatory on 1 January 2004?
- What is the name given to the requirement for hatch covers to keep out water?
- Where was the 2004 Nautical Institute seminar on criminalisation held?
- What type of ladders are featured in the Association's latest safety poster?
- What name is given to direct reduced iron (DRI) dust?



- Signals Search is open to all readers of Signals.
- Send a photocopy of your completed search, along with your name and, if appropriate, name of ship, position on board, company and address to the Editor of Signals at the Association.

- All correct entries received by the closing date will be entered in a prize draw.
- Closing date Friday 25th March 2005.

The first correct entry drawn will receive a 'Winners Plate' along with a limited edition statuette of our

quiz master "Bosun Bo". The next 5 correct entries drawn will each receive a statuette.

Details of the winner and runners-up will appear in the next edition of *Signals*.

Your copy of Signals

Copies of this Signals should contain the following enclosures:

- "If Only" poster – Accommodation ladders
- Loss Prevention Guide – Bills of Lading Second edition (Members and Entered ships only)
- Lumley Castle 2005 residential course brochure
- Signals Index – issues 55 to 58

Signals Search Quiz No.1

Winner: Namik Akyondem – Vitsan, Istanbul

Runners-up: Captain AG Bischiniotis – Seacrest Shipping, London
Katji Makedanz – Hubertus Clausius, Germany
Captain Aumer Ihsan Saad – United Arab Shipping, Pakistan
Malcolm Iggesden – RFIB Marine, London
Frans Dieleman – Post & Co, Rotterdam

Answers: Philip Ramsey • USCG • AWWNS • Lifeboat • Titanic
Clean • Alcohol • Newsnet • Restricted • Mitropoulos

• 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 Association's FD&D dept. for legal advice on particular matters.

• The purpose of the Association's loss prevention facility is to provide a source of 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 that information are expected to satisfy themselves that the information is relevant and suitable for the purposes to which it is applied. In no circumstances whatsoever shall the Association be liable to any person whatsoever for any loss or damage whatsoever or howsoever arising out of or in connection with the supply (including negligent supply) or use of information (as described above).

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