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# SIGNALS NEWSLETTER

The Loss Prevention newsletter for North of England Members

## New look for Signals

North of England's Signals newsletter has a new visual identity from this issue. The graphic is taken from the Millennium Bridge over the River Tyne outside the Association's offices in Newcastle, UK, and will in the future also provide an easily identified symbol on the Association's other loss prevention publications such as Signals Specials, Signals Experiences, and Loss Prevention Guides.



## Electronic information services

As part of its strategy to provide Members with good quality information to assist with their risk management, legal and insurance programmes, North of England has continued to develop its electronic information services.

*Industry News* is a proactive loss-prevention service offered to Members via the Association's website. Information from a wide variety of sources, such as the Association's correspondents, lawyers, government agencies and other industry organisations, is gathered and items researched and selected to provide the latest advice. *Industry News* does not provide a complete one-stop information service, but it does provide Members with a comprehensive summary of essential information and direction to further resources.

For busy shore and sea staff who do not have time to browse the Internet, or may not have regular access to it, *ENews* is distributed by email and provides a monthly digest of *Industry News* items, club circulars and press releases.

Additional information is also available from *North Online*, North of England's intranet service for Members. Members can keep track of their vessels' insurance arrangements, including up-to-date information about claims, and access *Global Legal Navigator* for instant free legal advice.

See page 6 for a full guide to the Association's electronic loss prevention information services.

## More screening clinics

North of England has been able to extend its successful medical screening programme for would-be Filipino crew members. Following comprehensive audits, five clinics in the Philippines now comply with the scheme's exacting standards and requirements.

See page 2 for full story.

## New Signals Experiences

North of England is continuing to publish *Signals Experiences* case studies. Now in a new format, these are based on real incidents and claims and are designed to help Members learn from other peoples' experiences. The latest two case studies are both about personal injuries occurring during shipboard operations.

See page 7 for full story.

## Disputes under English law

Two legal articles in this issue of *Signals* deal with aspects of jurisdiction and security. One examines the issue of jurisdiction and the use of anti-suit injunctions from the English courts to restrain a party from starting proceedings in a foreign court. The other looks at the novel possibility of attaching non-maritime assets of a Chinese respondent for proceedings in London arbitration.

See page 4 for full story

## Bulk cargo information

Problems occasionally occur during the loading of bulk cargoes when there is a dispute between a ship's master and the cargo shippers over the safety of the cargo. Many of the problems and resultant delays and costs could be avoided if shippers provided masters with proper information about the cargo before loading started, and if masters were more aware of their rights and obligations. This issue explains those rights and obligations and highlights some of the precautions that should be taken before loading a bulk cargo.

See page 3 for full story.

## Special look at wires

Wires are widely used on ships, with functions ranging from mooring to lifts in the accommodation. These wires are constructed for their intended purpose and subject to different maintenance and inspection regimes. The *Signals Special* that accompanies this issue of *Signals* attempts to assist those responsible for maintaining ship's wires by identifying symptoms of potential damage and outlining appropriate action to care for and maintain their condition.

See page 5 for full story

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# Five Philippines clinics make the grade

North of England has always believed that a healthy and competent crew is one of the best loss-prevention measures a shipowner can subscribe to. The Association strongly endorses the need for enhanced pre-employment medical screening and has now been able to extend its scheme in relation to Filipino crews still further.

Whereas there are a number of clinics in the Philippines that offer a reliable service, the Club can now recommend five that are able to comply with and maintain the Association's minimum standards and specific requirements, including costs.

The following clinics have met all the criteria and been certified until 31 December 2007:

- Halcyon Marine Health Care Systems
- Maritime Clinic for International Services Inc (MCIS)
- Maritime Medical and Laboratory Clinic

- SM Lazo Medical Clinic Inc
- Supercare Medical Services Inc.

The clinics will continue to be comprehensively audited every year by both the Association and a specialist UK-based doctor.

*Members requiring further details of North of England's pre-employment medical scheme or details of recommended clinics in the Philippines should contact the personal injury department at the Association.*



## Myth or truth?

### Onions make you cry

It is true that cutting an onion can lead to tears?

Cutting an onion releases an enzyme that then reacts with amino acids in the onion, converting them to sulfenic acids. The sulfenic acids are released into the air and, when this chemical reaches the eyes and touches nerve fibres on the cornea, the tear glands are activated.

Many scientists have tried to create a 'non-crying' onion, but so far with little success. In the meantime solutions to avoid the problem of onion-induced tears include heating the onions before chopping, cutting them under a steady stream of water or wearing goggles.

Alternatively, get someone else to do the job.



*Pictures:*

1. Dr Chua, MCIS
2. Dr Canlas and her team, Halcyon Marine
3. Dr Gutay, Supercare
4. Mrs SM Lazo, Dr Bacungan and Mrs Baltazar, SM Lazo
5. Drs De Guzman, Maritime Medical & Laboratory Clinic

## Feeling sleepy?

Concern about fatigue amongst seafarers is not new but that does not mean that the problem has gone away. Reduced manpower, less time in port, increased administrative requirements and tight deadlines can all contribute to fatigue.

Without enough good quality sleep we are unable to function efficiently which can have a serious impact on all aspects of work on board. Our quality of judgement can be affected, our ability to communicate clearly is compromised and we are more likely to become irritable, withdrawn and susceptible to illness.

### Take a nap

It is not always possible for crewmembers to obtain the recommended 7-8 hours of uninterrupted sleep per day and a daytime nap of up to 90 minutes is

advisable. It is easier to have good quality sleep in a dark atmosphere and efforts should be made to prevent sunlight and bright artificial light from penetrating the sleeping quarters.

It is beneficial to try to sleep and wake at the same times each day or night and ideally avoid work schedules that impose frequent changes from daytime to night duty.

The United States Coast Guard (USCG) has published guidelines intended to help ship operators identify factors affecting crew endurance, including fatigue, in normal operations and to manage crew performance and safety.

*Further details about the USCG Crew Endurance Management guidelines can be found at the USCG website: [www.uscg.mil/hq/g-m/cems/](http://www.uscg.mil/hq/g-m/cems/)*



## New poster on working in heavy weather

The latest poster in North of England's *If only...* series is published with this edition of *Signals*. It continues the hard-edged format by showing the potentially fatal consequences of not taking routine precautions for heavy weather.

The Association occasionally deals with incidents where crew members have been severely injured when working on deck during bad weather. Ship operators should have suitable procedures in place designed to minimise the risk and be the basis of training the crew to raise awareness. As part of these procedures a proper risk assessment should always be carried out before such tasks are considered. If crew do have to venture on deck, suitable precautions such as using safety lines and harnesses should be taken.

However, in some cases crew members have been injured, particularly at the forward end of a ship, performing tasks that should have been carried out before the ship entered the heavy weather.

### Securing before the voyage

Senior officers, usually the chief officer, should always ensure that a ship is properly secured at the beginning of a voyage. Even on a relatively short voyage, the ship should be fully secured at the outset if there is any possibility of heavy weather being encountered. This should routinely include the stowing of loose equipment and mooring ropes, placing extra lashings on anchor cables if necessary, and closing ventilators in exposed positions.

The poster depicts crew members securing the ship for sea while leaving port, along with another image showing a seafarer injured while carrying out the same tasks in heavy weather. *If only* proper seamanlike precautions had been taken at the beginning of the voyage, this would not have happened.

Procedures for preparing for sea and working on deck in rough weather will be under particular scrutiny in Australia during April and May 2007 when a Port State focussed inspection campaign (FIC) examines crew awareness of the associated dangers.

A copy of the new 'If only...' poster accompanies this issue of *Signals* for all Members and entered ships.



## Get the low-down before loading

Problems arising when loading bulk cargoes continue to cause delay and extra cost. Quite often this is due to arguments between the shippers and the master as to whether the cargo is safe to carry.

A common cause of such arguments is the shipper's or charterer's failure to provide – and the master's failure to insist upon – proper information about the bulk cargo before loading commences.

Sometimes masters are not sure of their legal standing and what they are entitled to insist upon. The basic position is that the master is obliged by law to comply with the laws of the ship's Flag State. No charterer or shipper can insist that the master breaches Flag State requirements.

### Get proper written information

Almost all Flag States are signatories to the IMO International Convention for the Safety of Life at Sea (SOLAS). SOLAS requires in chapter VI that the shipper shall provide appropriate written information for the proper stowage and safe carriage of the cargo prior to loading. The IMO has issued a suitable form for shippers to use when providing the information. Masters are thus entitled to refuse to start loading a bulk cargo until proper written information is provided to them.

The proper information depends on the cargo but in respect of bulk cargoes, the information required includes:

- the stowage factor
- any required trimming procedures
- the likelihood of the cargo shifting – including the angle of repose, if applicable
- the moisture content and transportable moisture limit, in the case of concentrates
- information about the chemical properties of the cargo, if applicable.

### Develop a loading plan

SOLAS goes on to require that once the information is given to masters, they and the terminal representative (or the person controlling the loading of the cargo for the shippers) will develop a plan that ensures the permissible forces and stresses on the ship are not exceeded during loading. The plan should include the sequence, quantity and rate of loading, the number of pours and the de-ballasting capability of the ship.

Terminals sometimes have their own required loading plans, but masters are not required to comply with these if they reasonably believe that to do so would endanger their ships. There is a further requirement that the loading plan, and any amendments to it, is lodged with the Port State authorities.

### Check the BC Code

SOLAS also requires that Flag States provide information on some bulk cargoes to all ships flying that flag. The IMO, as the relevant inter-governmental body, has published various codes to assist Flag States to do this. One of these is the Code

of Safe Practice for Solid Bulk Cargoes (BC Code). All relevant ships should have a copy of this on board and the latest version is the 2004 edition.

It is useful to remember that:

- shippers must provide cargo information even if the cargo is listed in the BC Code
- the BC Code is not exhaustive – a cargo can be dangerous in certain circumstances even if it is not listed.

Once masters have received the cargo information, they should check whether the cargo is listed in the BC Code. They should also immediately develop a loading plan with the terminal representative (or loading supervisor) using the information provided. If the cargo is not listed in the BC Code, masters should, as a precaution, check with the ship operator as to whether anything is known about it.

### Check during loading

Masters should carry out rudimentary checks on the specifications of the cargo when loading commences, such as the stowage factor, angle of repose and, if the cargo is a concentrate, the 'can test'. All of these tests are explained in the BC Code.

Thereafter masters should monitor drafts and trims after each pour or, if that is not possible, check ullages. This is to ensure that the cargo is being stowed as expected. If it is not, masters should amend the loading plan and, if they are at all concerned about the state of the cargo at any time or the way it is stowing, they should call in the Association's local representatives.

SOLAS also requires that holds are to be trimmed reasonably level so as to minimise the risk of shifting and to ensure that adequate stability will be maintained throughout the voyage.

### Summary

Whenever masters are coming under pressure from shippers or charterers when loading bulk cargoes, they should remember that the SOLAS convention has been developed to define their rights and obligations and the rights and obligations of shippers and charterers.

Masters are obliged by the Flag State to comply with the SOLAS requirements and they have every right to refuse to breach these.





## Securing claims in China

Getting security for a claim is often an important consideration for shipowners before they embark on potentially time-consuming and costly litigation or arbitration.

In China the Special Maritime Procedure Law allows claimants to attach maritime assets – such as a vessel, cargo or bunkers – for the purposes of securing certain types of maritime claims as defined by the relevant statutory provisions.

### Attaching non-maritime assets

However, the PRC Civil Procedure Law contains provisions often used by domestic claimants to secure their claims by attaching the non-maritime property of a respondent. Such claims are often subject to domestic Chinese arbitration and where such proceedings have been commenced the application for attachment is made by the arbitral body itself rather than the claimant.

Statute also dictates that the claimant must bring proceedings within 30 days of the attachment, and that the proceedings are to be brought before the relevant court unless the parties have agreed to arbitrate the dispute.

Whereas the position is not entirely clear, it appears that the Civil Procedure Law may be used by a foreign claimant to attach Chinese non-maritime assets of a respondent for proceedings in London arbitration. Property subject to such an application could include, for example, office equipment, land and other fixed or non-fixed chattels.

### An option to consider

However, Chinese lawyers recommend making the application for property preservation before starting arbitration proceedings, and accompanying it with appropriate countersecurity to the court and documents providing evidence of the claim. Proceedings must then start within the 30-day deadline, failing which the attachment will become invalid.

The application of the procedure to claims in London arbitration is not yet clear – particularly as the Civil Procedure Laws are older than the more recent Maritime Code – and any such attachment could be contested on the basis that it should only apply to domestic claims within China. It also appears that the Chinese judiciary has differing views on the application of the procedure to claims in foreign arbitration.

It is nevertheless an option to bear in mind when pursuing claims against respondents that have significant non-maritime assets in China.

*Members requiring further guidance or information should contact Paul Watson at the Association's FD&D Department.*

## Wiping out dirty-bottom claims

There has been an increase in the number of performance claims received by the Association over the last few years, some of which relate to delays and costs associated with bottom fouling.

It is worth remembering the Commercial Court decision in the *Kitsa* case in [2005] 1 Lloyd's Rep 432. The gearless vessel, which was time-chartered for 7–9 months, was delayed at a discharge port in India for 22 days solely due to port operational reasons.

The hull became fouled with barnacles so the owner arranged for it to be cleaned in England during the charter at a cost of US\$180,000. The owner claimed this from the charterer, on the basis of a right to an implied indemnity for following the charterer's orders, and also claimed for the cleaning time.

### Foreseeable risk

However, the three London arbitrators found in favour of the charterer. An appeal was heard by Mr Justice Aikens and he agreed with the tribunal on the following main grounds:

- The charterer was entitled to order the vessel to a warm-water port to discharge.
- The risk of fouling after 22 days was foreseeable, as was the need for cleaning, so the owner had agreed to accept this risk.
- The cleaning costs were ordinary expenses of the owner in trading the vessel.
- It did not fall within the scope of any implied indemnity under the NYPE charterparty.

### Prolonged stay clause

Members should therefore seek to insert a clause in their charterparties stating they are not responsible for performance claims resulting from bottom fouling after a prolonged stay in port. The clause should also hold the charterer responsible for the time and costs of an underwater survey to investigate any hull problems, and for the time and costs of bottom-cleaning.

The actual number of days used to define a prolonged stay will require careful consideration.

## Keeping cargo claims where you want them

With many cargo claims – particularly when a security demand is made by the cargo interests – shipowners should raise the issue of jurisdiction at an early stage to avoid the outcome being worse than it needs to be.

There may be more than one jurisdiction available under the Hague Visby Rules, but it is important for carriers to protect their interests by identifying the contractual jurisdiction clause in the bill of lading. If the bill incorporates a law and jurisdiction clause from a charterparty, it is essential to get a copy of that charterparty as soon as possible and attempt to bind the cargo interests to follow the contractual terms.

A common problem however is that the laws of many countries will not recognise the contractual jurisdiction provisions and rule that their own laws apply to the dispute, which provide for more onerous liabilities.

### English anti-suit injunctions

Where the charterparty clause refers to English law and London arbitration, one remedy is to obtain an anti-suit injunction from the English courts, restraining a party from commencing or pursuing proceedings in a foreign court. The injunction is a discretionary remedy, directed against the company or individuals concerned, rather than the foreign court.

Nevertheless, if the injunction is granted, the English court can impose fines and custodial sentences and allow contempt-of-court proceedings to be brought if the order is not followed. These are powerful deterrents.

It should be noted however that where the relevant law and jurisdiction clause refer to an English court

rather than London arbitration, applying for an anti-suit injunction is more complex and separate advice should be obtained from the Association.

### Maintaining English time bar

When a cargo claim is subject to English law and time-barred in England but proceedings have been started in a foreign court by the cargo interests, there is still judicial discretion to grant an anti-suit injunction and maintain the time bar.

Some may assume that, in the interests of equity, a judge may grant an injunction but waive the carrier's time-bar defence. However, English case law suggests that where a party has acted unreasonably in failing to protect the English time bar, then the time bar will also be upheld.

The question arises as to what is considered unreasonable behaviour. This largely depends on the facts of the case, but examples of unreasonable behaviour are:

- being deliberately aware of the time limit but choosing to ignore it, as opponents disagree about its application
- that it is too expensive to litigate in England compared to where proceedings are already taking place.

Much emphasis will be placed on the strength of the explanation that cargo interests can offer the court. However, the burden would appear to be high to explain why a protective writ had not been issued in England, even if the merits were not pursued in England. A simple mistake as to which law applies may not be adequate reason to waive a time bar.

Members are advised to contact the Association for assistance and advice when dealing with anti-suit injunctions and time bars.



## Is your pilot really a pilot?

A recent incident involving a drug smuggler passing himself off as a pilot serves to remind Members of the importance of constantly reviewing their ship security plans and procedures.

Last year a Member's vessel was boarded in Venezuela by a person arriving on a launch marked 'Pilot'. His identification was checked and he was signed in and escorted to the bridge, where he confidently introduced himself as the sea pilot and said the berthing pilot would be arriving shortly.

When the real pilot came onboard, he spoke in Spanish to the 'sea pilot', who apparently then claimed he was the owners' superintendent and retreated to the far side of the bridge. At some time, perhaps during the busy berthing procedure, the bogus pilot hid the contents of one of his backpacks in a cabin near the bridge door, which turned out to be envelopes containing cocaine. Fortunately he was stopped when leaving the terminal area, the police were called to the vessel and the drugs were found by police dogs.

### Identify all hazards before arrival

The incident serves to remind all Members to keep their Ship Security Plans under constant review by the Company Security Officer (CSO) and to carry out a risk assessment of the possible security hazards at each port before arrival. The Ship Security Officer (SSO), officers and crew should also be fully aware of the importance of the requirements of the Ship Security Plan.

Best practice should involve obtaining from the agent the names of anyone coming onboard and to check their identity – although in some ports this may be difficult to implement. The provisions in the Ship Security Plan for searching persons and bags should be monitored, as should the physical security of restricted areas and the importance of escorting visitors when they move about the vessel.

Checks by the Company Security Officer of the vessel's security paperwork should be undertaken regularly to ensure that the required procedures are being carried out onboard.



## Signals Special on wires and their uses

Despite developments in synthetic fibre rope design, wires are still essential to many shipboard applications. Cargo wires, mooring wires and lifeboat fall wires are some of the uses discussed in the *Signals Special* entitled 'Wires and Their Uses' that accompanies this issue of *Signals*.

### Avoiding fatigue damage

In market conditions when vessels are being worked harder, operating cycles for cargo and mooring wires increase accordingly. Planned maintenance, and the time that it demands, becomes increasingly important and any attempts to forgo wire inspections and lubrication procedures have to be resisted. In fact quite the opposite is required – increases in cyclical operation of wires such as crane wires demand more frequent inspection and maintenance if wire fatigue is to be avoided.

Crews, in addition to maintaining the safe operation of the vessel, have to manage the increase in workload. This will include more onerous maintenance regimes for vessel equipment that is susceptible to progressive fatigue damage. Operational and maintenance procedures, along with detailed record keeping, provide an increasingly important reference for ships' officers that assists them to monitor the working condition of equipment and associated maintenance demands.

Time, that all-too-elusive commodity in ship operation, is essential for those responsible to record inspection results and implement corrective action. Detailed records are fundamental to running any planned maintenance programme. They also provide an essential reference for the fatigue analysis of wire ropes when assessing the rate of

occurrence of broken strands as part of the discard criteria for particular wire-rope applications.

### Catastrophic consequences

A recent investigation published by the Danish Maritime Authority on accidents that occurred during mooring operations recorded 273 accidents in a nine-year period for Danish flagged vessels alone. Causative factors included poor maintenance of mooring equipment, rope and wire failure and a lack of situational awareness demonstrated by crew members.

The enclosed Signal Experience entitled 'Tug and Tow Fatality' identifies with many of the contributory factors that recurred throughout the Danish investigation.

Wires used on board ship are often subject to large loads and stresses during potentially hazardous activities. This is certainly the case for mooring operations where crew may work in close proximity to mooring wires under significant load.

The condition of the wires will be entirely dependent on the planned maintenance and inspection programmes adopted onboard the ship. Any wire failure can have catastrophic consequences.

### Symptoms and actions

The *Signals Special* is designed to assist those responsible for maintaining ships' wires by identifying symptoms of potential damage and outlining appropriate action to care for and maintain their condition.

It is intended to be used as a supplement to wire manufacturers' instructions and existing planned maintenance programmes that have been implemented on board.

*The Danish investigation report can be downloaded from the Danish Maritime Authority website: [www.dma.dk/sw8833.asp](http://www.dma.dk/sw8833.asp)*

*Copies of the Signals Special 'Wires and Their Uses' and Signals Experience 'Tug and Tow Fatality' are enclosed for all Members and entered ships.*

## New European Union pollution directive in force



The EU Directive on Ship-source Pollution (2005/35/EC) came into effect in September 2005. The Directive obliges European Member States

to enact legislation to implement the Directive by 1 April 2007. The Directive is the subject of a challenge by a coalition of various interested parties, which is expected to be considered by the European Court of Justice later in the year, however the existence of this challenge will not delay the implementation of the terms of the Directive by Member States on the 1st April deadline.

The Directive includes possible criminal sanctions for "illegal" discharges. Criminal liability would be incurred for pollution caused by any deliberate, reckless or seriously negligent act or omission. By providing for a criminal liability for "serious" negligence, as well as deliberate or reckless behaviour, the Directive is likely to result in the imposition of criminal sanctions in respect of matters that have previously been dealt with by civil penalties such as fines.

### Satellite surveillance

The European Maritime Safety Agency (EMSA) has announced that from mid-April a satellite monitoring system – CleanSeaNet – will be detecting oil spills in EU waters, identifying the ships responsible and sending the information to the pollution control authorities of appropriate European Member States within 30 minutes of the spill occurring.





## ELECTRONIC INFORMATION SERVICES FOR MEMBERS

As part of its strategy to provide Members with good quality information, North of England has continued to develop provision of electronic information services. These now include the following.

### Industry News

*Industry News* is a proactive loss-prevention service for Members that is available on the Association's website. News items are researched and selected on the basis that they will provide the latest information and advice on which to base loss-prevention decisions.

Members can access *Industry News* from the direct link on the left-hand side of the Association's website at [www.nepia.com](http://www.nepia.com).

### E News

*E News* is distributed to Members by email and provides a monthly digest of *Industry News* items, club circulars and press releases.

Members' shore or sea staff who wish to be added to the *E News* circulation list should send their contact details, including their name, position, company and email address, to the Association using the dedicated *E News* email address: [add.eneews@nepia.com](mailto:add.eneews@nepia.com)



### RSS Feed

The Association provides an RSS (really simple syndication) news feed that enables Members with an internet connection to receive up-to-date information directly from the Association to their desktop as soon as it is published, without having to remember to visit each site every day.

*A guide to using the RSS service, and the news feed itself, can be obtained from the Association's website: [www.nepia.com/rss](http://www.nepia.com/rss)*



### North Online

*North Online*, North of England's intranet service for Members, can help Members keep track of their vessels' insurance arrangements. Up-to-date information, particularly relating to progress with claims, has resulted in a better-informed membership. Members can access their information at any time and from anywhere rather than awaiting delivery of documentation to their offices.

Members can access *North Online* via the Member's website: <https://members.nepia.com>

Members requiring access to *North Online* should contact Nigel Bradshaw for a confirmation slip. Email: [nigel.bradshaw@nepia.com](mailto:nigel.bradshaw@nepia.com)

### Global Legal Navigator

*Global Legal Navigator* is an additional service providing instant free legal advice to Members via *North Online*. This unique and innovative system provides quick answers to a wide range of commonly asked legal questions on a variety of topics. The advice has been drafted by leading law firms and can be selected by country and category.

The aim of the service is to provide a starting point or quick and easy reference for Members when considering a legal topic in a particular jurisdiction. It should not however be seen a substitute for seeking direct legal advice from the Club when specific circumstances arise.

## Regulations Entering into Force on 1 August 2007

### MARPOL Annex I

Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL), which covers oil pollution, will in future require all new cargo ships (delivered on or after 1 August 2010) with more than 600m<sup>3</sup> of fuel oil capacity to have double-hulled bunker tanks. This could possibly mean additional re-design costs for ship operators. However, there is an alternative that involves compliance with accidental oil fuel outflow performance standards for tanks bordering the shell plating.

### MARPOL Annex II

The Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) has undergone an extensive revision to bring it in line with the revised MARPOL Annex II that entered into force on the 1 January 2007. Consequently, most of the requirements affecting the number and type of chemical cargoes that can be carried, and in what type of tank, should already have been considered by operators of applicable ships, which are existing chemical tankers built before 1 July 1986.

### MARPOL Annex IV

MARPOL Annex IV regulations for the prevention of pollution by sewage from ships will be amended with the addition of a new chapter 5 and regulation 13 giving details of operational requirements for Port State control. This will bring Annex IV in line with the other MARPOL Annexes that already contain provisions for Port State control inspections to include operational aspects of pollution prevention.

The revised regulations for prevention of pollution by sewage from ships entered into force on 1 August 2005 and are based on the assumption that the oceans can deal with raw sewage through bacterial action, but in coastal waters raw sewage can cause oxygen depletion, health hazards and visual pollution.

The discharge of raw sewage into the sea has been prohibited within 12 miles from land since 1 August 2005 unless the effluent is being discharged from a sewage treatment plant or comminuted (ground-up) and disinfected, in which case discharge is prohibited within 3 miles from land.

Also, ships over 400 GT built since 1 August 2005 must have either a sewage treatment plant, a sewage comminuting and disinfecting system, or a holding tank. Existing ships have until 27 September 2008 to comply with the regulations.

Port State control inspectors will not simply be going through the motions when it comes to the prevention of pollution by sewage – they will invariably start with an inspection of the International Sewage Pollution Prevention Certificate but will also be looking for evidence that the master and crew are familiar with

## INTERNATIONAL MARITIME ORGANIZATION UPDATE



### Summer 2007: IMO turns up the heat

This summer will see a host of new International Maritime Organization (IMO) regulations enter into force, some of which have significant implications for ship operators.

## Regulations Entering into Force on 1 July 2007

### Voyage data recorders

An amendment to chapter V of the International Convention for the Safety of Life at Sea (SOLAS) will require all existing cargo ships over 2,999 GT built before 1 July 2002 to have a voyage data recorder fitted at the first scheduled dry-docking after 1 July 2007 and before 1 July 2010. Ship operators face the cost of purchasing and fitting this equipment but cargo ships can fit simplified voyage data recorders (S-VDR) that should be a cheaper option.

### Automatic identification systems

In what is the final stage of implementation of amendments to the 1994 International Code of Safety for High Speed Craft (HSC Code), operators of high-speed craft will be required to fit an automatic identification system (AIS).

essential shipboard procedures relating to the treatment plant, or the comminuting and disinfecting plant, and the use of the holding tank if fitted.

Crew on board all ships need to be familiar with and trained to use MARPOL Annex IV equipment in advance of 1 August 2007 so that they are ready to answer questions from Port State control inspectors and avoid situations that might lead to detention.

*Members can obtain up-to-date information about amendments to these and other IMO requirements from the Industry News pages on the Association's website: [www.nepia.com/news/industrynews\\_links.php](http://www.nepia.com/news/industrynews_links.php)*

## International Group electronic survey form

A number of clubs within the International Group of P&I Clubs, including North of England, have adopted a standard survey form for use by independent surveyors when carrying out the majority of condition surveys of Members' ships.

The form, which is in an electronic format, provides a universal standard for surveys among P&I clubs, which has benefits to surveyors and Members alike. The electronic format also makes the survey process more efficient and should enable reporting times to be reduced, as well as eliminating postage and courier costs.

*Members and ships' masters wishing to view the current survey form for their type of ship can download the relevant documents from the Association's website:*

*[www.nepia.com/risk/ship\\_surveys.php](http://www.nepia.com/risk/ship_surveys.php)*

## North of England prizes and scholarships

North of England has had a long association with the School of Marine Science and Technology at Newcastle University, including participation in MSc courses and sponsoring prizes.

In March 2007, students from the school visited the Association's offices in Newcastle upon Tyne for a buffet lunch and presentation of prizes.

### Annual residential course

The Association's annual residential training course in P&I insurance and loss prevention, which will take

place on 8–15 June 2007 at Lumley Castle near Newcastle upon Tyne, UK is now fully booked.

*Members with queries about the course should contact Adele Lathan in the Risk Management Department. Email: [rtc2007@nepia.com](mailto:rtc2007@nepia.com)*

*Picture:*

*Georgios Manousakis – one of the Newcastle University winners – receiving his prize from Tony Baker and Professor Kevin Cullinane.*



## Learning from *Signals Experiences*

One way in which we can understand why accidents occur, and as a consequence what can be done to prevent them happening again, is to learn from the experiences of others.

North of England deals with thousands of claims every year, which enables incidents to be selected or combined to form case studies from which other Members can learn useful lessons. Called *Signals Experiences*, each study is based on actual incidents, accidents or claims, but is written so that the identities of the real ships, companies or people involved are not revealed.

### New format

*Signals Experiences* will now be published in a new format that will include four categories relating to different types of incidents. The four categories will be people, ships, cargo and legal, reflecting the categories used in the *Signals* newsletter and the Association's website-based *Industry News*.

Each case study will be kept brief and to the point and will examine what happened, and lessons that can be learnt. The case studies will also refer to any relevant regulations that provide further guidance.

### Towing and heavy weather

Two new *Signals Experiences* accompany this issue of *Signals*. They both involve personal injury incidents – the first is about a fatality occurring during towing operations and the second an injury during heavy weather.

Members and other readers of *Signals* are encouraged to submit their own experiences for possible inclusion as a case study. Please send these to North of England's Risk Management Department.

*Members can view or download *Signals Experiences* from the Association's website: [www.nepia.com/risk/publications/signalsexperiences.php](http://www.nepia.com/risk/publications/signalsexperiences.php)*





# Nautischer Verein zu Bremen Seminar, Bremen, Germany

Crew training and ship manning were on the agenda when Tony Baker and Andy Kirkham from North of England attended the 14th annual seminar for shipowners and associated companies held in Bremen, Germany at the end of February.

Andrew Kirkham was a speaker at the seminar, which was attended by about 180 delegates including, shipowners, lawyers, correspondents, surveyors and others associated with the industry in northern Germany and beyond. This year's topic was *Education + Manning = Safe Ships?* and other speakers included representatives of the Seaman's

Mission, German and United Kingdom Flag States, Bremen University, International Seafarers Research Centre (Cardiff University, Wales) and ship operators.



## Signals Search 11

### Questions

- 1 Where did Andrew Kirkham speak at a seminar?
- 2 Who has recently published guidelines about crew endurance?
- 3 What might result in performance claims against a vessel?
- 4 What is the Association's proactive loss-prevention service?
- 5 What does Annex IV of MARPOL regulate?
- 6 What sort of medical screening does the Association recommend?
- 7 What sort of injunction may be obtained from the English courts?
- 8 What International Group form is now electronic?
- 9 What is the topic of the latest "ifOnly..." poster?
- 10 What content and limit information should the master receive from a bulk cargo shipper?



- 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 Denise Huddleston at the Association.

- All correct entries received by the closing date will be entered in a prize draw.
- Closing date Friday 8th June 2007.

The first correct entry drawn will receive a prize 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 – Heavy weather (Members and entered ships only)
- Signals Experience P001 – Tug and Tow Fatality (Members and entered ships only)
- Signals Experience P002 – Heavy Weather Injury (Members and entered ships only)
- Signals Special – Wires and Their Uses

### Signals Search No.10 Winners

**Winner:**  
James Stokoe, North of England P&I Association

**Runners-up:**  
Captain Ravinder Gour, Masterbulk Pte Ltd  
Captain Siamak Nassiri, IRISL – Tehran  
Captain Robin Sneed, Master "Isle of Mull", CalMac Ferries  
Captain AG Bischiniotis, Seacrest Shipping  
Captain Gubanov Sergiy, Oskar Wehr KG

### Answers to Signals Search 10

- |                   |                      |
|-------------------|----------------------|
| 1 Passage plan    | 6 Chicken            |
| 2 Heat            | 7 Lumley Castle      |
| 3 Maritime labour | 8 Lifeboats          |
| 4 Andrew Glen     | 9 Methane            |
| 5 Snap back zone  | 10 Rare and valuable |

• 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 risk management 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 whensoever 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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