

Poor passage plan means ship is unseaworthy



The English Court of Appeal has recently confirmed that a ship sailing with a defective passage plan is considered unseaworthy.

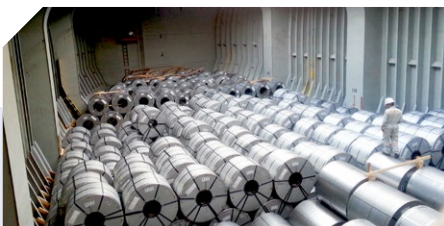
In May 2011, the 11,356 TEU container ship CMA CGM Libra ran aground shortly after departing the Chinese port of Xiamen. It had sailed out of the recognised dredged channel, which was marked by light buoys, and grounded on a shoal. The hydrographic authorities knew about the shoal but did not advise users of paper charts until after the grounding.

At a subsequent High Court hearing, it was ruled that the ship's passage plan was inadequate as it had not referred to a Preliminary Notice to Mariners (NM6274(P)/10) that alerted crews to the various 'no-go' areas in the port approaches where the actual depths were less than the charted depths. The bridge team had not marked these areas on the paper chart and the High

Court ruled that the Owners had failed to exercise due diligence in passage planning and that the ship was therefore unseaworthy prior to sailing. Following appeal, the court upheld the decision that an inadequate passage plan was a cause for unseaworthiness and so the cargo interests could not be held liable to contribute in general average.

The decision reinforces the importance of conducting proper passage planning including ensuring that charts are properly corrected and up to date. Owners are liable if the Master and/or Second Officer fail to exercise reasonable skill and care when preparing a passage plan which should include all relevant temporary and preliminary Notices to Mariners.

The Club's extensive experience in loss prevention includes a ship inspection programme that checks the robustness of passage planning and the proper correction of charts and other publications. Exercising due diligence in passage planning and chart correction will help avoid incidents and costly claims.



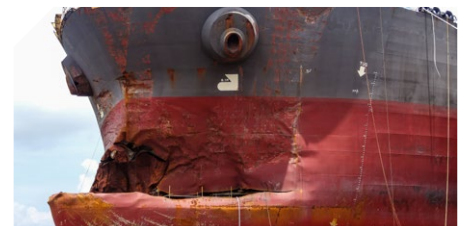
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Pre-load Steel Surveys and Ultrasonic Hatch Cover Tests

The London P&I Club has maintained the Pre-load Steel Survey (PLS Survey) programme since the late 1970s. This involves the survey of the condition of finished steel cargoes as presented for loading. This provides the Master with correctly expressed clauses to insert on the Mate's receipts and subsequent Bills of Lading. The programme also includes the ultrasonic hatch cover test (UHCT) to reduce the risk of water ingress through hatch covers on voyages.

The PLS Survey of finished steel products remains a very valuable process for mutual Members and Fixed Premium Assureds alike. However, the advent of the UHCT has greatly affected

the number of top-down water ingress cases that the Club has had to deal with in recent years.

While most hatches which are tested pass, the number of hatch cover ingress related claims received is far exceeded by the number of failed tests. This is partly because a failed test usually results in some form of corrective action onboard; and the same is in most cases a very worthwhile loss prevention exercise.

The current arrangement with mutual Members carrying finished steel products is that the Club will cover 50% of the cost of cargo surveys when an

UHCT has been performed. This policy is outlined in **StopLoss #65**

The Club opened a Fixed Premium P&I product in 2015 and initially the PLS Survey facility was not extended to Fixed Premium Assureds. It has since been agreed that they will now receive support for such surveys via the Loss Prevention Department.

All PLS Survey costs will remain for the Assured's account. However, for those Assureds so noted on their Certificate of Entry, completing a PLS Survey and UHCT may be a pre-requisite of cover for the carriage of finished steel products.



New version of *Holds and Hatch Covers* guide available

The Club has produced a new version of its *Holds and Hatch Covers* publication.

It is aimed at helping owners and crews effectively manage holds and hatch covers to reduce potential for loss through cargo damage claims. A pdf version is available on the Club's website by clicking [here](#).

Hard copies are available to all Members and Fixed Premium Assureds without charge. Please contact stoploss@londonpandi.com with your requirements.

SHIP INSPECTION PROGRAMME



The greasing schedule

An effective way to prevent common ship inspection issues on deck is to have a regular maintenance task that requires the periodic greasing of various items.

The lubrication of moving parts on deck is essential in combating the adverse effects of a salt-water marine environment. The Club's Ship Inspection Programme finds various issues on deck that can be countered by routine effective greasing. But in many cases the Planned Maintenance System (PMS)

does not prescribe a set schedule to be routinely followed and signed off.

The most common finding related to greasing during ship inspections is seized or inoperable fire dampers.

The risks are obvious and very serious.

The main benefit of a schedule within the PMS is to standardise the process rather than relying on the discretion of senior officers who have different working practices.

Other related findings during inspections are seized dolly rollers and roller

fairleads. Clear contractual implications for owners can arise from the poor maintenance and lubrication of crane wires. It's clear that the lack of lubrication can compromise the wire and reduce its life – but the use of incorrect wire lubricant is often noted.

The Club recommends that when devising a greasing schedule for deck maintenance, the manufacturer's instructions for items such as cranes are consulted to ensure that the correct lubricant is applied using the correct methods.



Tracing Lines

It used to be a standard task for joining officers in the engine room, and on deck in the tanker industry, to 'trace lines'. Tracing lines is the simple yet vital task of identifying all lines in machinery spaces and on deck to establish their purpose, origin and destination.

But in recent years, we have seen cases where marine engineer experts in particular have been appointed to attend ships for a claims file and found themselves tracing lines to find valves and cabling because the ship's crew has not done so before. This could be because tracing lines is no longer the norm when joining a ship.

Failing to trace lines as soon as possible after joining a new ship may not expose an officer's lack of familiarity immediately, but it is likely to do so in an emergency. Traditional methods of sketching lines into a pocket notebook can easily be overlooked in a digital world. But the officer who has already traced lines is far more likely to succeed in problem-solving during a difficult or stressful situation.

It is a timely reminder that one of the first tasks in the observance of good seamanship after joining a new ship is to trace lines both on deck and in the engine room.

ACCIDENT INVESTIGATION WORLD ROUND-UP

In this regular column, we round up some of the eye-catching accident investigation reports from around the globe:

Atlantic Giant II NTSB – USA

On August 9, 2018, about 2030 local time, the main boom on the crane barge *Atlantic Giant II* failed while moving a section of a ship being dismantled in the Brownsville Ship Channel in Brownsville, Texas. The load and crane boom subsequently fell into the harbour. Two shipyard employees working on the barge were injured, as well as a third onboard an assisting tugboat. No pollution was reported. Damage to the barge and crane amounted to an estimated \$6.4 million.

The NTSB determines that the probable cause of the boom failure aboard the crane barge *Atlantic Giant II* was the decision to continue with a lift that exceeded the planned weight without conducting additional risk assessments for the continuation of work as the crane neared its maximum capacity.

Click [here](#) to view report

Kuzma Minin MAIB – United Kingdom

Kuzma Minin grounded after dragging her anchor in Falmouth Bay, England, and was successfully refloated on the next high water. Damage included shell plate deformation and breached tanks. The vessel dragged her anchor in strong winds. Although the movement towards the shore was quickly detected by the bridge watchkeeper, the actions taken to proceed to sea were interrupted by the anchor becoming fouled on a discarded length of anchor chain. As focus was turned to clearing the anchor, *Kuzma Minin* was blown towards the shore at a speed of over 2 knots.

Falmouth's Harbour Master used local resources to refloat the vessel but concerns over *Kuzma Minin's* lack of P&I insurance cover, and its owner's lack of co-operation in appointing a salvor, caused unexpected pressures.

Safety lessons:

- the financial situation of the Murmansk Shipping Company meant that *Kuzma Minin's* master was unable to replenish bunkers and lube oil which influenced his decision to remain at anchor on a lee shore when strong winds were forecast
- *Kuzma Minin's* lack of P&I insurance led to concerns over responsibility for salvage payment which hindered the appointment of experts and the ability to secure the services of an additional tug that was on passage nearby

Recommendation:

JSC Murmansk Shipping Company is recommended (2019/117) to take steps to ensure that its vessels are adequately resourced to operate safely and in accordance with international conventions, taking into account the potential consequences of vessels having insufficient fuel and oils, and the statutory requirement to maintain P&I insurance.

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ERIK JTSB – Japan

The fall from height and tragic fatality of a deck crew member while cleaning cargo debris from a bulk carrier hatch coaming table.

The report concludes that it is considered probable that this accident where the crew member fell forward and fell from the upper deck to the bottom of the cargo hold, occurred because the crew member was working while being in an unstable posture on a portable ladder.

The report also considers it probable that the vessel carried out the cleaning work by the methods that differed from the ladder guidelines within the COSWP (Code of Safe Working Practices for Merchant Seamen), and that because there was nothing to support his upper body on the ladder, the crew member was performing the cleaning work while being in an unstable posture.

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