

# Signals

## NEWSLETTER

**NORTH**   
SERVICE, STRENGTH, QUALITY

### Welcome...

to the April 2016 edition of *Signals* which provides information relating to loss prevention and other topics of interest to those engaged in the business of operating ships both at sea and on shore. Our new interactive cover page allows you to quickly navigate throughout the publication by selecting an active title.

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**Generators – Capacity to Cope?** – does your vessel have sufficient capacity to meet peak demand?

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**Record Keeping – Don't 'Flog the Log'** – accurate and truthful record keeping is crucial in the event of a claim as these examples of incorrect practice will demonstrate.

**Containers – Verified Gross Mass** – the requirement for shippers to declare a verified gross mass for their containers comes into force on 01 July 2016. We consider the potential for operational difficulties.

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**Good Weather – Make it Clear** – a recent case considered whether or not periods of less than 24 hours consecutively or cumulatively count as periods of “good weather” when assessing speed and consumption claims.

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#### Loss Prevention

**It's Good to Talk – New poster from MAIIF and IMPA** – a copy of the Poster accompanies hard copies of *Signals*.

**Expertise Added to Asia Pacific Loss Prevention Working Party** – a report on the most recent meeting of the Asia Pacific Loss Prevention Working Party.

**UK Residential Training Course 2016** – a chance for readers to register for this very popular course.

**Grounding Case Study** – the case study asks a number of questions regarding a grounding scenario.

**Issue 103: April 2016** LOSS PREVENTION NEWSLETTER FOR NORTH'S MEMBERS

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# BUNKER FUEL STANDARD UNDER REVIEW

The international standard on the quality of marine fuels is under review following a recent announcement at the 35th International Bunker Conference in Copenhagen. The expected changes have been reported but not yet finalised. The standard, ISO 8217, specifies the requirements for petroleum fuels for use in marine applications.

Although internationally recognised, ISO 8217 is not a strict mandatory quality standard. It is however a commercial specification and it is widely used in the shipping industry, referenced in almost all bunker purchasing contracts and time charter parties.

ISO 8217 was last updated in 2012 where the measurement of hydrogen sulphide was added to the specification for distillate fuels. Prior to this, the update in 2010 introduced a number of changes, notably the reduction in allowable concentrations of aluminium and silicon, more commonly known as cat fines, in residual (heavy) fuels.

Interestingly, it is the 2005 edition of ISO 8217 that has remained the most commonly used. Back in 2013, DNV Petroleum Services reported that only around 11% of bunker contracts specified the 2010 or 2012 versions. According to market analysts Platts, suppliers guaranteeing 2010/2012 specification fuels can command a premium.

The more notable changes expected in 2016 concern the potential addition of fatty acid methyl ester (FAME) biodiesel blends in distillate fuels. In particular, there will be a new set of distillate grades introduced: DFA, DFB and DFZ. These additional grades essentially correspond to the existing distillate grades of DMA, DMB and DMZ but they allow up to 7% FAME content.



FAME has traditionally been considered a contaminant in marine fuels and was previously only allowed in *de minimis* levels. ISO 8217:2012 defined this as a maximum of 0.1%, but the new edition raises these levels to 0.5% for the distillate grades DMA, DMB and DMZ. Excepted is DMX which must remain free from any FAME content. This increase of FAME content up to 0.5% has caused concern from some parts of the industry. Some parties have voiced concern that this constitutes an acceptance that FAME levels will now be tolerated rather than the original intention of making an allowance for the trace contamination of fuel.

The limits for the standard parameters for residual grade fuels are not expected to change. Therefore the commonly used residual fuels, RMG 180 and RMG 380 should be unaffected. The sulphur limits for some distillate fuel grades will be reduced. DMB will change from 2.00% to 1.50% and DMA and DMZ will be reduced from 1.50% to 1.00%. The sulphur limit of DMX will remain unchanged at 1.00%.

It is very important to note that the sulphur limits stated in any edition of ISO 8217, whether old or new, does not necessarily correspond with the limits imposed by international, regional or domestic environmental legislation. For example, when ordering fuel to comply with the MARPOL Annex VI emission control areas, it is essential that the maximum sulphur content is explicitly specified in the contract in addition to the requirement to comply with ISO 8217.

Finally, it is understood that the recently introduced 'hybrid' fuels have not been addressed in the revisions. A number of the major producers developed low sulphur blends for the marine market to meet the lowering of sulphur limits in emission control areas last year. These hybrids offered an alternative to traditional distillates but it was found that a number of them did not sit conveniently within the existing grades listed in ISO 8217. If buying hybrid fuels that sit outside the recognised grades, then the buyer and supplier should consider agreeing on fuel characteristics based on an appropriate and relevant ISO 8217 grade.





# MASS FLOW METERING – A NEW STANDARD

The Singapore Standards Council has published the world's first *Technical Reference for Bunker Mass Flow Metering (TR48:2015)*. Its aim is to support an initiative by the Singapore Maritime Port Authority and the local shipping industry to use the mass flow metering (MFM) system for marine fuel oil deliveries at Singapore with effect from 1 January 2017.

The technical reference is a provisional standard which will apply for a period of two years. The aim is to use the experience gained to update TR48 so that it can be adopted as a Singapore standard.

## Concerns Over Quantity

Singapore is the world's largest bunkering port with record sales volume of 45.16 million tonnes in 2015 alone. Singapore first adopted standardised bunkering procedures in the early 1990's, however concerns surrounding the accuracy of bunkers supplied to vessels have continued over the years.

## Mass Flow Metering – A Fair System

TR48 sets out clear requirements for bunker measurement and system integrity. It adopts a mass flow metering system that is aimed at providing a fair basis for measuring the quantity of bunkers supplied in Singapore.

It is intended that the mass flow metering system will bring benefits such as transparency, reliability, efficiency and security. By using the new system it is estimated that a vessel calling at Singapore for bunkering may save up to an estimated three hours and US\$5,000 per call.

To access our previous article that describes how mass flow metering works, please visit: [www.nepia.com/media/75725/Signals-97.PDF](http://www.nepia.com/media/75725/Signals-97.PDF)



The new Singapore technical reference for bunkering



A mass flow meter installation

# DANGERS OF WEIGHTED HEAVING LINES

The dangers of weighted heaving lines are widely known throughout the industry as they have the potential to cause severe injury. The United Kingdom Maritime and Coastguard Agency (MCA) has issued a safety bulletin drawing attention to the dangers associated with heaving lines.

The MCA 'Code of Safe Working Practices for Merchant Seafarers' Chapter 26 section 26.3.5 states:

*“To prevent personal injury to those receiving heaving lines, the ‘monkey’s fist’ should be made with rope only and must not contain added weighting material. Safe alternatives include a small high-visibility soft pouch, filled with fast-draining pea shingle or similar, with a weight of not more than 0.5 kg. Under no circumstances is a line to be weighted by items such as shackles, bolts or nuts, or twist locks”.*

Next time you are preparing a heaving line think about the dangers it may pose to those on the receiving end. Use a monkey's fist or appropriate alternative.



# GENERATORS: CAPACITY TO COPE?



**A diesel generator**



**Generator capacity on container ships**

Ships' generators have a critical function to perform. They provide the electrical power for a wide variety of appliances and uses on a vessel, from the cargo cranes to the galley ovens. It is essential that the generators can meet the power demand even when the demand is at its highest. Demand is typically highest during cargo and ballasting operations or during mooring operations when the bow thrusters and winches are in use and under load.

There are two obvious outcomes when the generators cannot supply the demand. One is that the generators trip on overload, leading to a potential black out situation. The other is the pre-emptive action by the crew to reduce the power demand of one system to allow for the increase in another.

An example of the latter is a container ship carrying a number of refrigerated (or reefer) containers. Whilst on board and under the care of the vessel, the reefer containers are connected to the ship's electrical power supply. There have recently been occasions where some, if not all, of the reefer containers have been disconnected from the ship's supply prior to arrival at a port in order to allow for enough electrical capacity to run the mooring equipment and the bow thruster. The reefer boxes remain off-power until after the vessel is secured alongside and the electrical supply is reconnected.

Although being switched off for a short period of time should not cause damage to most refrigerated cargoes, this step should be unnecessary. Some cargoes are very temperature sensitive, such as medical/ pharmaceutical material, and if damaged the losses can be costly.

There are two factors that influence this reduced capacity to cope.

## Adding Non-design Demand

A shipowner may wish to increase the number of reefer boxes that a container ship can carry. This might look like a simple modification that requires the installation of some additional reefer sockets on deck and perhaps upgrading some junction boxes and electrical breakers, but it must also be considered if the ship's generators can comfortably meet the increased demand.

When deciding on modifications to the vessel and its systems, the impact of the increased electrical demand must be borne in mind – this especially applies to system redundancy. If the greater demand for power means that all of the ship's generators need to be run all of the time, then there will be little flexibility if one generator fails or requires maintenance.

## Reduced Capacity of the Generators

A more common occurrence affecting the ability to meet the electrical demand is when one or more of the generators are out of service or they are no longer able to run at their design capacity. In both cases, the root cause is generally related to poor standards of maintenance.

Generators can and do fail in service. The vast majority of generator sets at sea comprise of a diesel engine, often referred to as an auxiliary engine, directly coupled to an alternator. The alternator is quite robust with fewer moving parts and is a lot less likely to fail compared with its diesel prime mover. The same level of care has to be given to these engines as to the main propulsion engine with operation and maintenance.

## Look After Your Generators

The chances of a generator failing can be greatly reduced if it is properly maintained. Repairs and maintenance should be in accordance with the manufacturer's instructions, carried out by competent personnel and use licensed parts. The impact of an engine breakdown on passage can be mitigated by having adequate spare parts on board. This allows the crew to quickly rectify the problem.

The performance, and therefore the capacity of a generator can reduce slightly over time. Engine components wear, turbochargers get dirty, compression drops and combustion deteriorates. This leads to a reduced power output. However, these can be held at reasonable levels if a good maintenance regime is in place and followed.

The engine's services can affect reliability and performance. The fuel should be treated so water content and other contaminants such as cat fines are as low as possible. The lubricating oil should be purified and filtered and regularly tested. The cooling water system should be clear and properly treated.

Regular testing, measuring and recording of the engine's power output can help identify problems early. There are a number of engine diagnostic testing systems available that trace the power cycle of each cylinder. Older engines may draw power cards, or allow an engineer to measure peak pressures. In all of these methods, a drop in performance can be identified and promptly acted on.

Ensuring that there is always sufficient electrical power to cope with peak demand is vital to the safe and efficient running of a vessel. Always look after your generators.

# THE ZIKA VIRUS

There has been a lot of press coverage around the world about the recent outbreak of the mosquito-borne disease – Zika virus. In this article we explain the Zika virus and the steps you can take as an individual and on board in order to minimise the potential for infection.

## Zika Virus – History

Zika virus was discovered in 1947, but for many years only sporadic human cases were detected in Africa and Southern Asia. In 2007, the first documented outbreak of the Zika virus disease occurred in the Pacific. Since 2013, cases and outbreaks of the disease have been reported from the Western Pacific, the Americas and Africa. Given the expansion of environments where mosquitoes can live and breed, facilitated by urbanisation and globalisation, there is potential for major urban epidemics of Zika virus to occur globally.

The main concerns from a public health point of view are due to the reported link between Zika virus and babies born with underdeveloped brains, known as microcephaly. The concerns are such that the World Health Organization (WHO) has declared a global public health emergency.

## How is it Transmitted?

Zika virus is transmitted to humans through the bite of an infected *Aedes aegypti* mosquito.

This is the same mosquito that transmits dengue, chikungunya and yellow fever. The WHO suggests Zika virus can also be transmitted to humans through blood transfusion, perinatal transmission and sexual contact. However, these modes are very rare.

## What are the Symptoms?

The incubation period of Zika virus disease is likely to be a few days and the symptoms are similar to other infections such as dengue, and include fever, skin rashes, conjunctivitis, muscle and joint pain, malaise and headache. These symptoms are usually mild and last for 2-7 days.

Zika virus is usually relatively mild and requires no specific treatment. People sick with Zika virus should get plenty of rest, drink enough fluids and treat pain and fever with common medicines. If symptoms worsen, they should seek medical care and advice.

## Is There a Vaccine?

There is no specific vaccine currently available.

## Zika Virus Range

Zika virus occurs in tropical areas with large mosquito populations, and is known to circulate in Africa, the Americas, Southern Asia and Western Pacific (see map below).

## Focus on Prevention

The precautions that crews should take are similar to those that would be in place if visiting a country where malaria was endemic. As such, crews on ships calling at ports in regions currently affected by the Zika virus should focus on reducing exposure to mosquito bites.

To avoid bites you should cover exposed skin with long-sleeved shirts, trousers, and hats. Use insect repellents, recommended by the health authorities, and apply them as indicated on the label.



## The Zika virus poster produced by WHO and Pan American Health Organization

Using physical barriers such as screens, closed doors and windows and sleeping under mosquito nets can also reduce the risk of exposure to mosquitos.

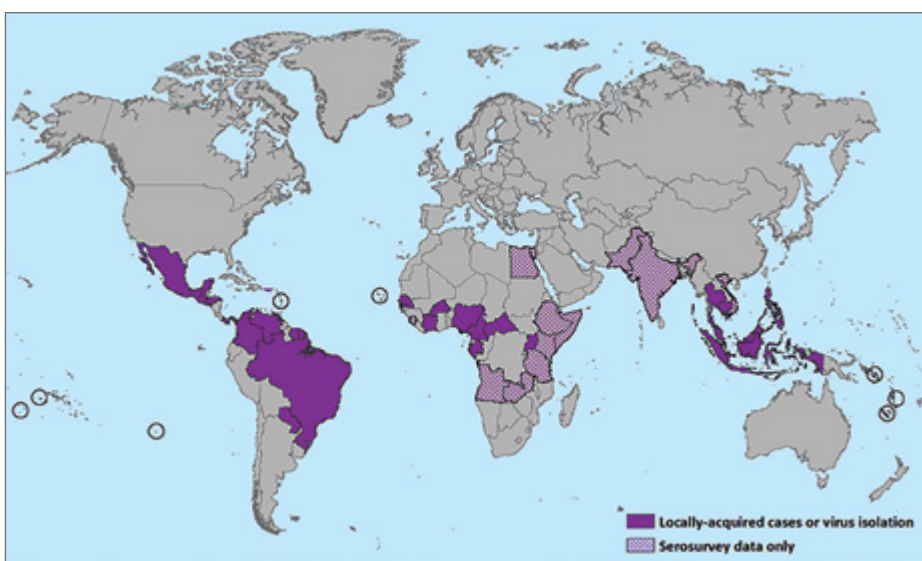
Eliminating mosquito breeding sites on board also reduces the chance of Zika virus being transmitted, therefore avoid having standing water in save-alls or other exposed containers and cover any containers that may provide breeding sites.

Always refer to the WHO advice on Zika virus which may change as the situation develops.

Some Zika free countries have begun to impose restrictions on vessels arriving from Zika infested countries. For the latest advice on the requirements please visit our website: [www.nepia.com/news/industry-news/](http://www.nepia.com/news/industry-news/)

Sources and further information can be found on the following links:

- [www.who.int/mediacentre/factsheets/zika/en](http://www.who.int/mediacentre/factsheets/zika/en)
- [www.cdc.gov/zika](http://www.cdc.gov/zika)
- [www.paho.org](http://www.paho.org)
- *Marine Safety Information Bulletin*
- *IMO Circular Letter*
- *MARAD Advisory 2016-01*



CDC Countries that have past or current evidence of Zika virus transmission (as of December 2015). Image courtesy of Centers for Disease Control and Prevention



# WEAR YOUR GOGGLES!

Eye injuries are commonplace at sea – the majority are preventable. In this article we provide some general advice on preventing eye injuries and focus on the eye protection necessary when carrying out work associated with painting.

## Causes of Eye Injuries

The importance of seafarers wearing appropriate eye protection when engaged in tasks which expose eyes to the risk of injury cannot be over-emphasised.

The main causes of eye injury to seafarers are:

- exposure to particles and foreign bodies;
- exposure to chemicals;
- exposure to ultraviolet rays (during electric welding); and
- exposure to infra-red rays (during gas welding).

A wide variety of eye protection is available and designed to international standard specification to protect against these different hazards. Seafarers must be supplied with the appropriate eye protection for the task in question. The seafarer **must** use it in accordance with the manufacturer's instructions. Many eye injuries occur when seafarers do not wear the eye protection provided. If you do this you are risking your sight.



**Operating lathes, grinders and pneumatic machinery is a common cause of eye injuries – wear the PPE provided**



**Always wear PPE when using chemicals and paints**

## Where and When to Wear

Suitable goggles and eye protection should be worn when or wherever there is a risk of eye injury. They should always be worn when working with or nearby to:

- Operating machine tools.
- Handling shipboard chemicals or paint using cleaning agents.
- Using welding or burning equipment.
- Using pressure washing equipment.
- Anchoring.
- Operating shot-blasting equipment, needle guns or chipping hammers.
- Using grinding equipment.
- There is any risk of an eye injury.

## Eye Protection when Painting

### Surface Preparation

Eye protection is essential when preparing any surface, for example by brushing or chipping. This is to ensure that foreign bodies do not get into and injure the eye. Painted surfaces should be rubbed down wet in order to reduce dust and a dust mask should be worn to prevent inhalation of potentially toxic dust. If the surface to be rubbed down contains or may contain lead then methods that do not create dust should be adopted. Sanding or abrasive blasting should be avoided and lead based paints must never be burned off as the resulting vapours contain highly toxic metallic lead.

Rust remover which may be used in the preparation of a surface is a strong acid. Rust remover should not be allowed to come into contact with unprotected skin and eye protection must be worn to guard against splashes.

In a recent incident a seafarer suffered an eye injury caused by a small speck entering his eye whilst he was carrying out surface chipping to prepare the surface for painting. Although the seafarer was wearing the safety goggles provided, it is likely that a tiny particle of paint gained access into his chipping goggles via the small ventilation holes in the side of the goggles. The particle was then rubbed into his eye when he wiped away perspiration from his face. Further rubbing by the seafarer in an attempt to relieve discomfort caused additional injury to his eye. Although in this instance the seafarer's eye did not suffer permanent damage and he made a full recovery, the example illustrates the importance of proper eye cleansing procedures.

When goggles are used for the purpose of reducing exposure to dust and tiny particles it may be appropriate to use a light filter cloth to prevent particles from entering goggles via the small breather/ventilation holes.

### Surface Contamination

The paint itself may not be toxic but it may be covered with dust or particles that are chemical toxins or irritants. As an example, chemical contamination by hydraulic fluid of the paint being rubbed down could cause a paint speck to pose a serious threat to sight.

### Spray Painting

There are several types of paint spraying equipment in use on ships but airless spray painting equipment is particularly hazardous. Paint is ejected from this equipment at very high pressure and the spray can penetrate the skin or cause serious eye injury. Under no circumstances should the spray be allowed to come into contact with the face or any unprotected skin. Personal protective equipment comprising a combination suit, gloves and cloth hood and appropriate eye protection in the form of goggles or a visor should be worn whenever crew are carrying out paint spraying. Paints containing lead, mercury or similarly toxic compounds should never be sprayed on interiors and if necessary, a suitable respirator should be worn in accordance with the nature of the paint being used. In exceptional circumstances it may be necessary to use breathing apparatus during spray painting operations.

Proper entry into enclosed space procedures should always be followed whilst any painting is taking place and until paint has dried. Seafarers should always be aware of the nearest emergency eye wash stand available before commencing any painting operations.

## Loss Prevention

- **Wear appropriate eye protection!**
- **Consider surface contamination.**
- **Know the location of the nearest eyewash.**
- **Seek medical advice early.**



# SAFETY AWARENESS – AT WORK AND AT PLAY



Source: ATSB

The Australian Transport Safety Board (ATSB) has recently reported on the circumstances of a fatal incident on board a bulk carrier at anchor off an Australian port.

The ship's bosun decided to fish from the lower platform of the accommodation ladder during his lunch-break. He lost his balance and fell into the sea. Despite a three-day search, his body was not found.

The bosun was not wearing a life jacket or fall prevention device, contrary to the requirements of the ship's safety management system. The ATSB concluded that the safety culture on board was not well developed, which led to the crew adopting different attitudes to safety during work and recreation periods.

We all know the importance of being aware of hazards and taking measures to control those hazards at work. Always remember that unlike seafarers, the hazards on board do not go 'off-duty'. The same level of safety awareness needs to be used during recreational activities as during work.

The full report may be read at: [www.atsb.gov.au/media/5768549/mo2014011-final.pdf](http://www.atsb.gov.au/media/5768549/mo2014011-final.pdf)

## NORTH ENHANCED PRE-EMPLOYMENT MEDICALS PHILIPPINES

We are pleased to advise that we have recently concluded another successful annual audit of our PEME Clinics in the Philippines. We are delighted that all clinics continue to meet and maintain the high standards expected of a North enhanced PEME clinic.

We continue to recommend four clinics in Manila, two in Cebu and we are delighted to now offer Members the opportunity to carry out North enhanced PEMEs in Iloilo.

Iloilo is another large crew supply area so we believe that this addition will benefit Members who employ crew from Iloilo, it will save time and costs of the crew travelling to either Manila or Cebu to carry out their medicals prior to employment.

One of our recommended clinics Supercare, who we also accredit in Cebu, opened a Clinic in Iloilo in December 2014. The Club visited the clinic in December 2015 and we were pleased to note that they have had a very successful first year. Our consultant Doctor, Dr Charlie Easmon of YEHS visited the clinic in January 2016 to carry out an audit on our behalf and we are pleased to report that the clinic passed the inspection.

If you would like any further information please do not hesitate to contact Lucy Dreyer [lucy.dreyer@nepia.com](mailto:lucy.dreyer@nepia.com) or Abbie Rudd [abbie.rudd@nepia.com](mailto:abbie.rudd@nepia.com). The full list of clinics can be found on our website: [www.nepia.com/lp-briefings](http://www.nepia.com/lp-briefings)





# RECORD KEEPING – DON'T 'FLOG THE LOG'



Accurate and truthful record keeping is crucial in the event of a claim.

All mariners will know that record keeping can be a monotonous and time consuming task. As a result sometimes mariners are tempted, for various reasons, to cut corners or 'flog the log'. In this article we look at recent incidents where inaccurate record keeping has harmed the handling and settlement of claims.

## Reefer Temperatures Logs – Stretching the Truth

Under the charter party the crew were required to record the temperatures of all reefer containers on a daily basis. The containers were stowed on deck and – contrary to the tier weights advised in the cargo securing manual – were often stowed three high due to the pressure of the trade.

Reefer temperature logs were submitted in response to a cargo claim. When asked how the crew were able to take the temperatures of reefer containers on the second and third tiers the ship operator admitted that they did not know.

It was not physically possible to have recorded these temperatures. It was only possible to record the temperatures on the first tier on deck which was where the damaged container was stowed. But because the other temperatures recorded were almost certainly 'flogged' – this meant that all the reefer temperature logs were in doubt and could not be used as evidence.

If for any reason you are unable to maintain routine record keeping, contact your shore management immediately for advice.

## An 'Off' Day?

In another case the remote monitoring temperature records were complete for a container on which a cargo damage claim was being made. They showed there was nothing wrong with the container temperature. However, the ship also sent photocopied pages of the engine room work note book. On one of those pages was an entry stating 'Power off 440 volt deck sockets'. There was no reason given and there was no entry after that showing what time the power may have been restored. Because of this it was not possible to avoid the US\$60,000 claim and the best deal was a US\$30,000 settlement. The remark in the engine room work note book 'cost' US\$30,000! If another remark showing why power was off or when it had been restored had been included the claim may have been avoided entirely.

Always make sure that records are full and complete.

## Hold Ventilation Logs

The ship sent ventilation logs for the voyage. Rather than follow the simple 3 degree rule for agricultural cargoes (see North's Loss Prevention guide on *Cargo Ventilation*) the ship recorded outside dew point temperatures from the bridge and dew point temperatures in the hold. The ship also submitted cargo fumigation documents which stated 'crew not to enter the hold for 72 hours after sailing'.

The obvious question was – how did the crew obtain the hold dew point temperatures and why were they recorded from the first day after sailing when entry was not permitted due to the fumigation?

The obvious answer was that the crew did not enter the holds and the dew points were made up. The ship did not even have a whirling hygrometer for measuring dew points in the holds!

This meant that no reliance could be placed on the ventilation records submitted by the vessel, a key factor in defending the claim.

## On the Bridge or Not?

Following a grounding, the ship was asked for evidence which included the bridge team's written statements and the hours of work/rest records. In the Master's statement he said that he was on the bridge from 06:00 hours which was two hours before arrival. In the hours of work/rest records the master was shown as working 08:00 to 12:00 on that day.

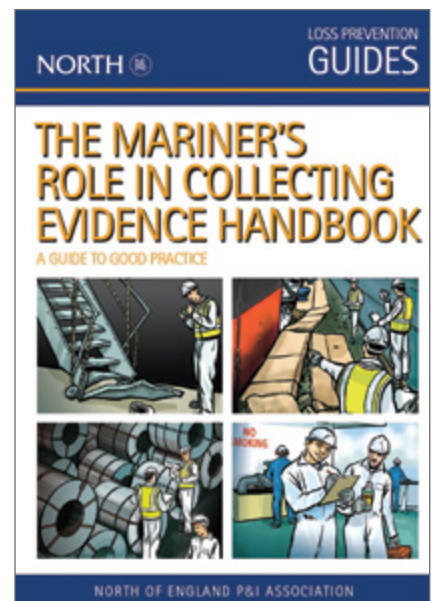
The VDR proved the Master's written statement was correct. This put into question the hours of work/rest records for the whole ship.

The best evidence is contemporaneous – in other words it is recorded or collected at the time it occurred. Do not fill in records in advance or after the fact.

## Top Tip

Remember in the event of a claim the available evidence will be carefully scrutinised, often by experts. 'Flogged' evidence will be easy to spot and, when spotted, will harm the defence of the claim.

On board your ship you should have a copy of North's Loss Prevention Guide – *Mariner's Role in Collecting Evidence Handbook*. Please use it.





# CONTAINERS – VERIFIED GROSS MASS (VGM) IMPLEMENTATION IMMINENT

The requirement for shippers to verify the gross mass of containers to be shipped on vessels comes into effect on a global basis from 1st July 2016. This is the biggest change in container shipping for years and many industry experts expect there to be various difficulties stemming from the new regulations. These may include:

- Differing interpretations of the regulations in different jurisdictions leading to shippers being uncertain of their responsibilities.
- In some ports it is not possible to measure gross mass. This means that any containers without a VGM may suffer long delays until weighing can be arranged by shippers.
- Even where weighing of containers without a declared VGM is possible there are concerns that measurement of VGM in port may lead to delays of container flow.
- Carriers and vessel owners must ensure that there are suitable systems in place for the submission of VGM to the contractual carrier and the vessel.
- Extra control measures may be required by carrier. This may include the need for name and date of weight verifier.
- Potential for vessels to be fined if they load a container without a VGM.

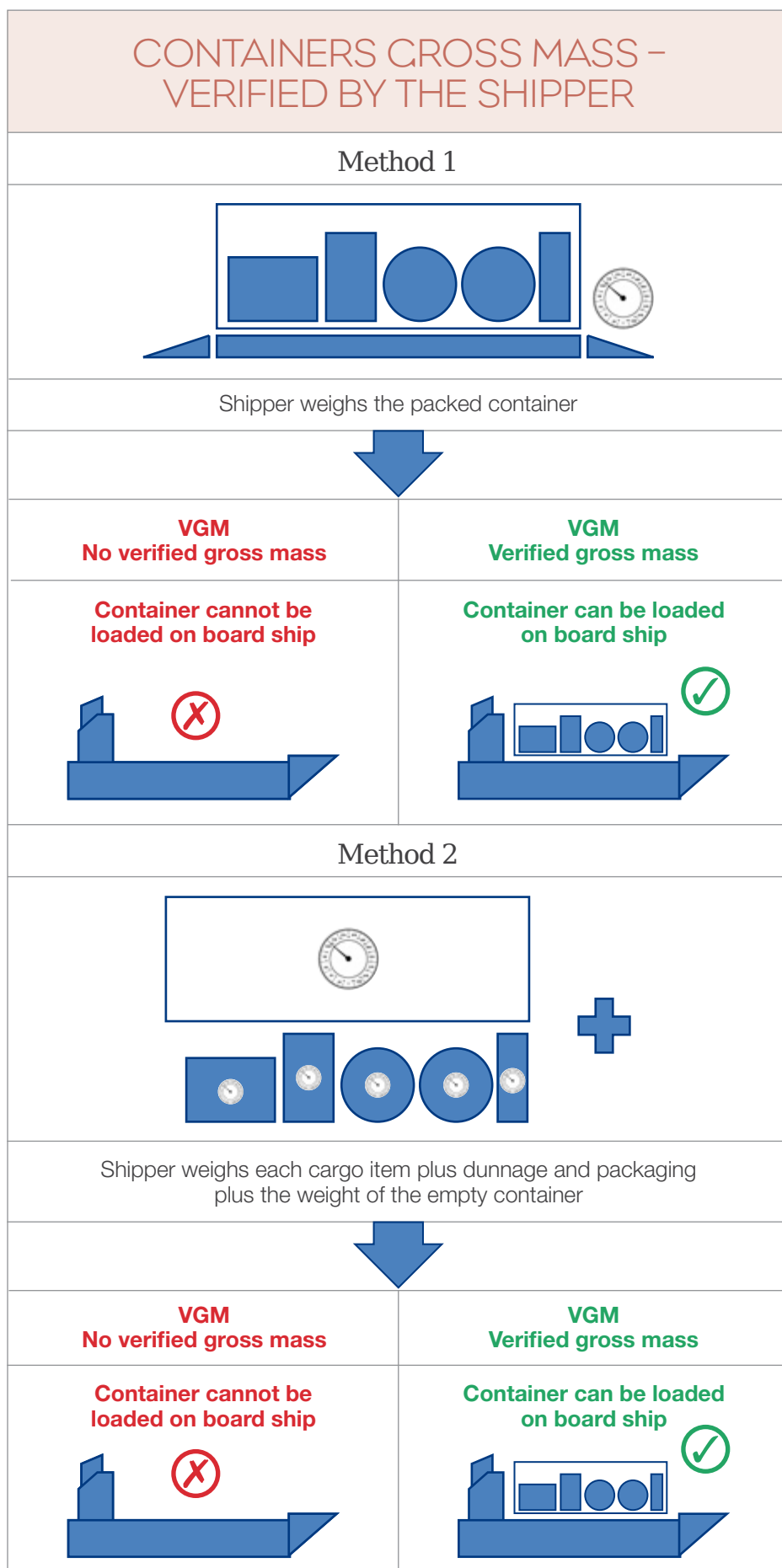
## The Role of the Vessel

A vessel may rely on a shipper's signed weight verification to be accurate and is not required to be a "verifier" of the shipper's weight verification.

The SOLAS amendments do not require vessels to verify that a shipper providing a verified weight (according to Method 2) has used a method which has been certified and approved by the competent authority of the jurisdiction in which the packing and sealing of the container was completed.

## Can a Container be Loaded Without a Verification Certificate?

The lack of a signed weight verification certificate can be remedied by weighing the packed container at the port. However, in the event that a terminal does not possess the means to verify the weight of the container, alternative means must be found in order to obtain a verified container weight; otherwise, the packed container may not be loaded on to the ship.



# GOOD WEATHER – MAKE IT CLEAR



A recent case *Polaris Shipping Co Ltd v Sinoriches Enterprises Co Ltd* [2015] EWCH 3405 (Comm) – the ‘*Ocean Virgo*’ – considered whether or not periods of less than 24 hours consecutively or cumulatively count as periods of ‘good weather’ when assessing speed and consumption claims.

In December 2013, the vessel *Ocean Virgo* was chartered on the NYPE form for a time charter trip via the North Pacific to Singapore/ Japan range to carry coal in bulk. Owners gave speed and consumption warranties on the basis of ‘good weather/smooth sea, up to max BF SC 4/Douglas sea state 3, no adverse currents, no negative influence of swell’.

Charterers alleged that the vessel was not able to meet the performance warranties in good weather and claimed US\$263,832 in damages. In dismissing the claim, the arbitral tribunal held that for a period to be considered as being admissible ‘good weather’ it had to constitute a period of 24 consecutive hours running from noon to noon. This was on the basis that this was traditionally considered to be a ship’s day. Charterers appealed to the High Court in London. The basis of the appeal was that there had been an error in law by excluding periods of good weather which did not last 24 hours.

The judge held that the arbitral tribunal had erred in law. The charterparty merely referred to ‘good weather’ and, as such, an admissible period of good weather did not have to be a period of 24 consecutive hours running from noon to noon. It was also considered that there were no words in the charterparty which justified construing ‘good weather’ as meaning good weather days of 24 hours from noon to noon.

In light of this decision when including ‘good weather’ in speed and consumption warranties it should be made clear precisely what ‘good weather’ means in the context. If the intention is to exclude from consideration periods of less than 24 hours of consecutive or cumulative good weather, the charterparty ‘good weather’ description should make this clear.

## BUNKERS, REDELIVERY AND BUSINESS COMMON SENSE

In London Arbitration 17/15, the Tribunal applied what they termed ‘business common sense’ in determining the price that owners had to pay to charterers for bunkers remaining on board in excess of the quantities required on redelivery.

In the particular case, the Master had called for bunkers in excess of what charterers believed were required to achieve the quantity needed on redelivery i.e. about the same as on delivery. The charterers queried the quantity with the Master, but still arranged the bunker stem for the quantity as requested by the Master.

Following re-delivery, and when finalising their Statement of Account, charterers argued that the excess bunkers should be paid for at the charter price i.e. the fixed price stipulated in the charter for bunkers on delivery and redelivery, which was US\$500 per MT. The owners argued that the market price in the redelivery area, US\$328.50 per MT, should apply.

### Price paid and no more

The Tribunal noted that if either party succeeded in their argument, that party would gain a windfall profit as a result. Applying what they termed ‘business common sense’, the Tribunal ruled that the charterers were entitled to receive the price that they had paid for the excess bunkers and no more.

Had the facts been different, and the Master had not been at fault in ordering an oversupply of bunkers then there is legal authority for the proposition, where no price is stipulated in the charterparty, that owners would have had to pay the market price for the bunkers in the redelivery area, without regard to the price actually paid.

To avoid similar issues arising, Members may wish to consider including in their main terms an express provision dealing with the price to be paid for bunkers in excess of those required to achieve ‘bunkers on re-delivery about same quantity as actually on board on delivery’.

For assistance in this regard, Members are asked to speak to their usual FD&D contact at the Club.



# IT'S GOOD TO TALK – NEW POSTER FROM MAIIF AND IMPA

The Marine Accident Investigators International Forum (MAIIF) and the International Maritime Pilots' Association (IMPA) have recently published a new poster designed to highlight the importance of sharing information during pilotage.

The poster was devised after studies and investigations on the operational relationship between marine pilots and bridge teams. Safety deficiencies linked to teamwork on the bridge, including communication between marine pilots and bridge teams, is a shared concern for both North and the two organisations responsible for publishing this poster.

It is well known that the pilot and the bridge team should develop a shared plan of how a voyage will unfold. The initial Master/pilot exchange is an important part of the process by which the Master and the pilot can develop such a plan and resolve uncertainties about how intended manoeuvres are to be carried out.

It is also important that adequate communication between the pilot and the bridge team continues for the duration of the voyage. When the pilot and bridge officers share a similar plan of the voyage, they are able to monitor the progress of the voyage from their different vantage points on the vessel, thereby reducing the possibility of single point failure.

The importance of the Master/pilot information exchange was recently addressed in our loss prevention briefing on Master/pilot information exchange which may be downloaded from our website: [www.nepia.com/media/289177/LP-Briefing-Master-Pilot-Information-Exchange-September-2015.pdf](http://www.nepia.com/media/289177/LP-Briefing-Master-Pilot-Information-Exchange-September-2015.pdf)

A copy of the 'Commit to Safe Navigation' poster is included in this edition of *Signals*. Full details of the MAIIF/IMPA joint education project and electronic copies of the poster may be downloaded here: [www.impahq.org/downloads.php](http://www.impahq.org/downloads.php)



Loss Prevention briefing and the MAIIF/IMPA 'Commit to Safe Navigation' poster

## EXPERTISE ADDED TO ASIA-PAC LOSS PREVENTION WORKING PARTY

North's Asia Pacific Loss Prevention Working Party (APLPWP) held its regular six-monthly meeting at North's office in Singapore on 22 February 2016. The purpose of the APLPWP is to liaise with the Club's loss prevention and claims teams on current issues in the industry that affect P&I risks, general loss prevention guidance and the dissemination of information to Members. Many of the Club's loss prevention initiatives stem from the recommendations of the Working Party.

The Chairman, Rob Walker of ASP Ship Management, welcomed four new members to the working party, Rajesh Nanda of Synergy Marine, Ninad Mhatre of Rickmers Ship Management, Sachin Kulkarni of Eastern Pacific Shipping and George Cuthbert of North.

Various topics were discussed during the meeting including:

- The quality of crew medical examinations in different parts of the world and the benefits of North's pre-employment medical schemes.
- Recruitment, training and retention of crew; especially competency assessment.



- Mooring incidents, snap-back zones and the potential risks involved in moving ships along quays purely using mooring ropes (warping).

The commitment, expertise and professionalism of the members of the APLPWP are highly valued and much appreciated by North.

**Photo, L-R: Sachin Kulkarni (Eastern Pacific Shipping), Peter Mannion (Rio Tinto Marine), Rob Walker (ASP Ship Management), George Cuthbert (North LP), Brian McGregor (North Claims), Rajesh Nanda (Synergy Marine), Andy Desai (North LP), Filip Olde Bijvank (Vroon), Chan Kok Leong (Raffles Ship Management), Ninad Mhatre (Rickmers Ship Management).**



# UK RESIDENTIAL TRAINING COURSE 2016

**REMINDER:** North's annual UK-based residential training course in P&I insurance celebrates its 24th anniversary this summer. The event on 10-17 June 2016 will again provide delegates with a thorough grounding in the basic principles of P&I insurance.

There are a small number of places remaining on this year's course. For more information and to download a brochure visit:

[www.nepia.com/rtc](http://www.nepia.com/rtc)



## GROUNDING CASE STUDY

### Introduction

North's loss prevention guide *Rocks and Hard Places: How to Avoid Them* includes a series of case studies intended to generate discussion about circumstances surrounding grounding and fixed and floating object damage incidents. Further case studies will be published in *Signals* from time to time and below is the latest of them. Each case study is set out as simply as possible, with the minimum information necessary to describe a situation. The case studies ask a number of questions but answers are not provided. The case studies are intended to promote wide-ranging discussions on the avoidance of groundings and damage to property.

### Scenario

A small tanker was on route from Northern Europe to ports in the Mediterranean Sea. The passage plan was prepared by a junior officer on the ECDIS without supervision. The passage plan was not checked by either the Master or Second Officer prior to commencing the voyage. The Chief Officer took over the watch from the Second Officer but made no check of the passage plan. At around 02:30 the vessel grounded in the West bound traffic lane of the English Channel at the position shown on the chart extract.

### Questions

1. What factors may have contributed to this grounding incident?
2. What steps could have been taken on board to prevent this incident from occurring?
3. What steps could the company take to prevent similar incidents occurring in the future?

### Further Information

Members can obtain electronic versions of North's loss prevention guide *Collisions: How to avoid them* by e-mailing [loss.prevention@nepia.com](mailto:loss.prevention@nepia.com)

To obtain hard copies of North's Guides, please download the Loss Prevention Order Form from our website: [www.nepia.com/lp-publications](http://www.nepia.com/lp-publications)



The image is copied from British Admiralty Chart BA 2675

### Your Copy of Signals

Copies of this issue of *Signals* should contain the following enclosure:

- 'Commit to Safe Navigation' poster



## Disclaimer

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

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

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Page 2 Bunker Fuel – top image: with thanks to VPS for supplying this image.

Page 10 Good Weather – top image: used under Creative Commons from North Charleston, www.flickr.com.

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