

Stevedore

Damage

If stevedores cause damage to the vessel, prompt

action should be taken to ensure that the damage is

properly recorded and notified, and that those

charter parties, particularly time charter parties, state

of the occurrence or discovery of stevedore damage

within 24 hours. If this condition is not fulfilled, the

• Inform the stevedores at once both orally and in

writing, and make an appropriate entry in the deck

• Prepare a written report giving details of the

damage, and holding the stevedores and charterers

responsible. As far as practicable the report should

Company may have to bear the cost of repairs.

# The Importance of Evidence

Accidents or incidents on board or involving a vessel or its officers incidents. and crew may often lead to claims being made against the vessel or the Company. The successful handling of claims depends on Notes of Protest /Letters of Protest: evidence about the accident or incident. Collecting and preserving The value of these vary world-wide, but it is always better to note

practicable, the evidence listed should be gathered and, in the first which requires acknowledgement, the wording "received without instance, submitted to the Company's office or the Club in prejudice and without admission of liability" or "received without accordance with Company instructions. Since some claims may prejudice and for receipt only" should be used. take years to resolve, it is possible that additional evidence may be required later on. In the intervening period there may be considerable Witnesses: changes to shipboard personnel, many of whom will be unfamiliar Details, including how and where they can be contacted after leaving with the case itself. Therefore it is essential that technical and the vessel, should be taken of every person who witnessed the operational records are carefully maintained and preserved.

are set out below.

Official, deck, engine, cargo work, cargo record, oil record, movement (bell book), compass error, night order, radio, medical, Statements: hours of work/rest, garbage record.

### Rough/Scrap log books: These may be of particular importance in defending a claim and

# Technical records:

Inspections, surveys, repairs and maintenance of hull, main engine, Every vessel should keep a digital camera or similar device readily status reports.

## Stability and stress calculations, draught surveys, stowage,

Operational records:

disposal of sludge ashore.

## Voyage Data Recorder & ECDIS information:

Voyage Data Recorder (VDR), Simplified Voyage Data Recorder (S- Additional evidence: VDR), Electronic Chart Display and Information System (ECDIS) Faulty or damaged equipment, defective parts and samples of

Echo sounders, course recorder, GPS, Navtex, weather fax, EGC messages, engine telegraph data logger, all dated and timed.

### Official reports:

Company, SMS and legally required reports of accidents and

that evidence is an important responsibility for the vessel's officers protest than not, reserving the right to extend or note further protest. Notes of Protest may need to be notarised in some jurisdictions and The checklists appearing in this summary highlight what evidence the Club correspondent will be able to advise the Master on local will need to be collected and kept in various situations. As far as requirements should this be the case. If a Letter of Protest is received

accident or incident, including the persons involved or affected. Examples of records which should be retained as a matter of routine Disciplinary action should not be taken against a witness without checking with the Company first, nor should any reward be provided to a witness in return for their evidence without prior authorisation from the Company or Club.

These may be notes made at the time of the incident, or formal statements taken down by, for example, the Club's appointed lawyer. Always seek advice from the local Club correspondent first.

Statements should never be made to third party claimants or their representatives without obtaining permission from the

### Electronic evidence

auxiliaries, deck machinery, cargo spaces, cargo gear, safety available and fully charged at all times. Any photos taken should be equipment, coatings, planned maintenance records, class survey the highest resolution possible. Video recordings may also be helpful. As well as taking photographs of damage and anything else of relevance, a camera may also be used to record evidence of good practice (e.g. properly stowed cargo, correctly rigged gangway/accommodation ladder) as such photographs may assist the Club in defending claims. If the vessel is fitted with Closed Circuit securings/lashings, ballasting, bunkering, soundings, cargo Television (CCTV) cameras, footage which may assist in determining temperatures, ventilation, hold cleaning, cargo hold bilge pumping the circumstances of the case should be retained and backed-up. records, tank washing, passage plans, weather, safety meetings, Equally, data from electronic key passes and (in the case of voyage instructions, routing advice, messages, receipts for the passenger vessels) payment systems may prove to be useful in determining the movement of crewmembers or passengers prior to an incident and should be saved for later scrutiny.

damaged or contaminated cargo should be retained, suitably marked In the event of an incident where VDR and ECDIS data may be and stored to protect against degradation, corrosion or loss. relevant (e.g. collision, grounding, damage to property), it Where practicable, the necessary records should be sent to the is very important that this information is saved in good time Company electronically by email. However, if the file sizes are too to avoid it being overwritten. It should then be backed-up large they should be transferred to disk or memory stick and forwarded to the Company at the earliest opportunity.

# Surveyors, Experts and Lawyers

Following notification of an incident which may give rise to a claim, the Club or local Club correspondent may instruct an independent surveyor, expert or lawyer to speak to the officers and crew and attend

the Company, the vessel and/or the officers and crew • Always check the identity of everyone boarding the

 Find out the reasons why they wish to visit. • Establish who appointed them, and whose interests they represent.

appointed by (or is working on behalf of) the Club: give all possible assistance.

- provide all documents and information requested. - allow statements to be taken

- follow all advice given regarding the disclosure of information to others. • If the surveyor, expert or lawyer is not acting on behalf of the Club, do not allow access until the

Company or local Club correspondent has given approval. If approval is given:

attend at the same time. - ensure that an officer accompanies the opposing representative throughout.

- warn all personnel not to discuss details of the

- restrict movements to places of legitimate interest. - confine any photos to items or areas of direct

records unless advised to do so by the Company or Club correspondent.

If you are unsure whether a surveyor, expert or lawyer is acting on behalf of the Club, or if guidance or professional assistance is needed, contact the local Club correspondent immediately.

Regardless of the circumstances, the master should never admit liability unless expressly instructed to do so by the Company or the Club.

# **Bunker Disputes**

the quantity supplied or the provision of unsuitable or off
Test bunkers for the presence of water to check compliance

- the names of those who witnessed the bunker samples specification fuel. It is important that action is taken to protect the essel's interests should such situations arise

On completion of bunkering, the quantity loaded should be verified preferably using the continuous drip method. as precisely as possible using all means available. If there is a • Ensure that all samples are witnessed and signed jointly by the shortfall compared with the supplier's figures:

• Do not sign the bunker receipt as presented. Amend the quantity shown on the bunker receipt to reflect the and the seal number vessel's own figures.

Inform all interested parties about the shortfall without delay (e.g. bunker supplier, Company, charterers, agents). • If the bunker receipt was signed before the shortfall was possible the vessel should wait until the analysis results are

immediately. (Some bunker contracts allow 24 or 48 hours for • Retain at least two samples on board until all bunkers of that shortages to be notified). • Send all relevant paperwork to the Company or charterers (as • Follow any recommendations made by the analysis company

In the event of a shortfall, the longer a vessel remains in port after If, after departure, it appears that the bunkers are offthe completion of bunkering, the greater the likelihood of a successful specification: agreement being reached with the supplier. However, if the vessel

Notify all interested parties of the problems immediately (e.g. is about to depart, the supplier will be aware that the master may be under pressure to sail and may try to use this to their advantage.

Off-specification bunkers may result in non-compliance with mandatory sulphur limits, poor consumption, loss of speed and, in some cases, damage to the vessel's machinery or equipment Some bunker contracts allow seven days for the notification of bunker problems, therefore checks regarding quality should be carried out as early as possible.

In order for claims involving off-specification bunkers to stand a

Prior to bunkering, check that the specification stated on the
 - details of all bunkers transferred between tanks.

In addition to the MARPOL sample and the samples drawn for

Chief Engineer and the supplier.

• Seal and mark all samples with the date and time of sampling

 Until the samples are sealed and signed, ensure that the bottles • Send at least one sample for independent analysis ashore. If

recognised, advise the supplier and all interested parties in writing known before consuming the bunkers in question. batch have been consumed without difficulty.

regarding the treatment and use of the bunkers.

bunker supplier, Company, charterers, agents).

 Try to avoid consuming the suspect product. Forward the following information to the Company or

charterer (as appropriate): - evidence or indications that the bunkers do not mee

 the tank(s) in which the bunkers were placed on delivery. the method used for taking the samples and the location of

a copy of the independent laboratory analysis report (if available).

ullage records

Carry out a compatibility test before bunkering operations begin. - copies of bunker delivery notes/receipts. As far as possible, load bunkers into empty tanks and do not - the names of all shipboard personnel involved in the bunkering operation.

use by the supplier and charterer, take at least four In the event of damage caused to machinery or equipment by representative samples at the manifold during bunkering, off-specification bunkers, notify the relevant parties and:

• Take photos of the damage when first discovered. • Ensure that records are available showing: date and time when the suspect bunkers were first used.

tanks(s) from where the bunkers were taken. whether the suspect batch of bunkers had been used

- initial symptoms observed and by whom. suspect bunkers.

 extent of the damage details of when repairs were carried out and by whom.

- extent and estimated cost of repairs, and details of parts replaced or overhauled.

possible for the bunker supplier to exercise a lien over the vesse should the charterer fail to pay for the bunkers provided under a time charter agreement, even if the owner is not a party to the bunker contract. Should the charterparty contain clauses that expressly prohibit charterers from placing liens on the vessel, this must be brought to the attention of bunker supplier in writing prior to the commencement of loading. The bunker receipt should also be claused, stating that the bunkers are for the charterers account and that no lien can be exercised against the vessel to recover the cost of the fuel supplied. Suitably worded clauses are available from the Club on request.

• Details of all measures taken by the vessel and/or shore Should oil from other sources be observed in the vicinity of the personnel to minimise the spill and clean up the pollutant.

> with the vessel's SMS. Copies of any incident reports submitted to local or national authorities, or to the vessel's flag administration.

Larger oil pollution incidents are usually the result of collisions and describe the steps that must be taken by the vessel. The local entries (as appropriate) and any rough notes. All sections

similar records (as appropriate). Copies of receipts for bunkers and lubricating oil received. • Copies of receipts for sludge, waste oil, oily water, cargo residues and garbage discharged to reception facilities ashore

Sheets (MSDS) and any other documentation declaring whether or not the cargo is considered to be Harmful to the Marine Environment (HME), an Environmentally Hazardous Substance (EHS) or a Marine Pollutant.

# Bills of Lading

or received for shipment on a vessel, but also because it is often should be informed immediately. Pending the Company's reply, the the Club on request. evidence of a contract of carriage between the Company and the documents should not be signed or authorised to be signed. owner of the cargo. Most importantly, it is usually the document In certain cases it may be possible to clause the mate's receipts and

bills of lading with the words "said to be ....., weight and quantity The following details summarise the key points masters and unknown" or "said to weigh ......, weight and quantity unknown", officers must bear in mind when being asked to issue or sign mate's particularly in the case of bulk cargoes. However, this should not be signing of mate's receipts or bills of lading which state that the receipts and bills of lading, or when authorising a third party to issue done without obtaining approval from the Company first. bills of lading on the vessel's behalf. It also covers situations where a request is made to deliver cargo without production of a bill of lading 
Description of the cargo or to carry a bill of lading on board the vessel.

### Contents of the bill of lading

In order to protect the Company's interests as well as their own, the Company should be contacted immediately. the master or chief officer should check that both the mate's receipts and the bills of lading are correctly drawn up before they Condition of the cargo are signed. If a third party such as the agent or the charterer's accordance with the mate's receipts, the master should pay particularly close attention to ensuring that the information shown on mate's receipts is accurate.

### Date on the bill of lading and mate's receipt

Both documents should state that the cargo was either shipped be signed and the Company should be informed immediately. It on board on a certain date or "received for shipment" on that date. the Company cannot be contacted, the master or chief officer "Received for shipment" means that the vessel has effective should ensure an accurate description of the cargo's external Non-production of original bill of lading control over the cargo. In both cases the date shown on the bill condition is recorded on both the mate's receipts and the bills of Delivering the cargo without the production of an original bill of If the bills of lading or mate's receipts show any other date, the Company should be contacted immediately for further advice. Other terms in the bills of lading and mate's receipts Incorrectly dated bills of lading or mate's receipts may expose the Company to liabilities up to the full value of the cargo and such

It is important to ensure that the bills of lading comply with the liabilities may not be insured.

Weight and quantity of cargo The master or chief officer should ensure that the quantity of cargo should be contacted immediately.

## as stated in the mate's receipts and bills of lading (both the weight Authorising agents to sign bills of lading

and the number of packages or units) corresponds with the If the charter party allows the agents to sign the bills of lading on vessel's own figures as determined by tally sheets, boat notes, the master's behalf, the master should instruct the agents in draught surveys, ullage calculations and similar records. In the writing to sign the bills in accordance with the information stated A bill of lading is one of the most important documents in the event of a difference between the vessel's figures and the figures on the mate's receipts. A copy of this instruction should be shipping industry because it is not only a receipt for cargo shipped shown on the mate's receipts and bills of lading, the Company retained on board. A standard instruction wording is available from

cargo is in apparent good order and condition when this is clearly not the case, or show an incorrect quantity shipped or received for shipment, or have been dated incorrectly. In return for doing The cargo should correspond with the description given in the indemnities are almost always worthless and accepting them may mate's receipts and bills of lading. If there is any doubt, the mean that the master is party to a fraud. If a letter of indemnity is documents should not be signed or authorised to be signed and offered it should not be accepted and the Company should be

### Original bill of lading retained by the master

Mate's receipts and bills of ladings normally state that the cargo is It may sometimes be agreed between the Company and the shipped or received for shipment in "apparent good order and charterer or cargo owner that the master is to retain an original condition". These words mean that, in the opinion of the master, bill of lading on board against which the cargo may be delivered. the external appearance of the cargo suggests that it is in good In such cases the bills of lading need to reflect this arrangement. condition and undamaged. If the cargo does not appear to be in The master should contact the Company for advice about what good condition externally or seems to be damaged, the mate's details should be recorded on the bills of lading before they are receipts and bills of lading should not be signed or authorised to signed or authorised for signature.

of lading must be the date when the cargo actually came on board lading. Describing the external condition of the cargo on the lading may expose the Company to expensive and uninsured liability claims for misdelivery. If delivery is requested in such circumstances, it should be refused and the Company should be contacted immediately

terms of the charter party, especially if they are to be issued in a Club correspondents particular format or if the charterer's own standard form is to be The Club's local correspondents will be familiar with problems used. If there is any doubt, the mate's receipts and bills of lading regarding the issuing of mate's receipts and bills of lading. If the should not be signed or authorised to be signed and the Company cannot be reached or if advice is required, the local correspondent may be contacted for assistance.

he West of England is a leading P&I Club. It provides insurance cover for shipowners' and charterers'

legal liabilities to third parties. The Club exists solely for the benefit of its Members and provides protection and assistance to safequard their interests. This service is supported by a network of correspondents, lawyers and technical experts around the world.

availability of accurate information and good records. The purpose of this wall chart is to remind you of what the Club may need in order to best protect you and the Company operating the vessel. If an accident or incident occurs and urgent assistance is required, you can obtain help from one of the Club's

In the event of an accident or incident that may result in claims, a favourable outcome often depends on the

local correspondents. If you are unable to reach the correspondent, you may contact the Club direct. Details of all correspondents can be found in the Club's "List of Commercial & Legal Correspondents" which together with the Club's Rule Book, may be downloaded at www.westpandi.com.

These documents and the website also contain the contact details of the Club's Claims Teams and individual members of staff at the Club's offices in London, Piraeus and Hong Kong. In addition, a duty officer is always available by telephone on +44 (0)7795 116602 or visit www.westpandi.com.

# Personal Injury

# Reporting, gathering and preserving evidence

It is in the interests of everyone on board to ensure that safe working • Details of the injured person. practices are followed at all times and that potential risks that may • Date, time and location of accident.

Slips, trips and falls are the most common types of accident person at the time of the accident. occurring aboard a vessel, often the result of oily surfaces, badly

• Details of any advice received from medical experts. rigged accommodation ladders, insufficient lighting, poorly marked hazards, unguarded openings or generally cluttered decks. A watchful eye and good housekeeping will go a long way towards • Details of the injured person's next of kin. minimising such accidents.

may be unable to perform their duties effectively, thereby affecting root cause. the safe operation of the vessel. If passengers, stevedores, visitors • Prevailing conditions at the time of the accident (e.g. weather, or contractors are injured, substantial claims may be made. lighting). vessel is not blamed unjustly.

In ALL personal injury cases, particularly those that might Accidents resulting in injury should always be reported and and/or possible negligence by third parties.

Consequently, precautions should be taken to ensure that the 
• Drawings, photographs, video or CCTV footage of the area

involve the United States, the local Club correspondent should be contacted immediately regardless of whether the injured person is a crew member, passenger, stevedore, visitor or third party. The correspondent should be informed

• Details of how and when the injured person was moved from

• Copies of any relevant survey reports. of all details regarding the accident and their advice should the scene of the accident, and by whom.

Safety Management System. If the accident was caused by malfunctioning machinery or (if applicable).

indefinitely as they may need to be examined or tested by an expert by the injured person at the time of the accident.

equipment, the defective parts should be retained by the vessel • Details of any personal protective equipment worn or being used

• Details of any first aid or medical treatment given.

 Copies of any accident reports submitted to local or national authorities, or to the vessel's flag administration.

## Details of the injured person's hours of work and rest in the days Results of any alcohol or drug tests carried out after the accident.

• Details of any pre-existing medical conditions affecting the injured person.

account of the accident. It is important to exercise discretion

 Details of any medication being taken by the injured person. • Details of any previous accidents involving the injured person. • Statements from any witnesses able to provide an accurate

when taking statements from witnesses, particularly those • The names and, as far as practicable, the contact details of all

entries (as appropriate) and any rough notes. All sections must

• Details of any party claiming to represent the injured person.

All personal injuries even minor ones unlikely to cause harm • Details of any contributory behaviour by the injured person should be reported, investigated and documented in accordance with the requirements of the vessel's Safety Management System as it is not unusual for injury claims to be made after a significant

movements, speeds, signals, communications and composition No attempt should be made to conceal or alter evidence as those investigating the incident will need to be clear of the facts, even if they show that the vessel made an error. Moreover, in many

> Subject to the scale and complexity of the incident, further information may be required: • Statements from crew members, pilots and others, as appropriate. (These will normally be taken by the lawy

 Drawings, diagrams, photographs and/or video recordings to illustrate the extent of the damage and how the incident

should be added or erased. • List of all navigational publications on board together with edition

Nothing should be added or erased. and statements may be required later on. All rough notes, • Original print-outs (e.g. course recorder, echo sounder, radar shippers, agents, stevedores).

• Relevant communication records (e.g. owners, charterers, • Details of compliance with statutory requirements (e.g. • Details of any cargo samples retained on board and/or sent • Cargo manifest

The vessel is obliged to take good care of the cargo, and to ashore. do everything possible to ensure that it is delivered in the same • Details of any failed or broken lashings, lifting appliances or responsible for damage or losses if the cargo was not loaded, arrangements or grillage retained on board and/or sent

stowed and discharged in a satisfactory manner, if cargo ashore. operations were not properly controlled or if the cargo received Additional evidence may be required depending on the type of insufficient care during the voyage. It is essential that all vessel and how the cargo was damaged or lost. The following operations regarding the handling, securing and monitoring of list is not exhaustive but may be used as a general guide. Much the cargo are documented in full, bearing in mind that it may of the information is likely to be in the form of log book entries, be impossible to defend claims if the appropriate records and copies of the relevant pages should be submitted. There cannot be produced. Since claimants frequently try to hold the may also be a local requirement for copies of the relevant log vessel liable for cargo damage or losses which actually book entries to be authenticated by the port authorities. The occurred ashore, the significance of keeping accurate records local correspondent or the Club should be asked whether or

### Although assertions that the vessel was not "seaworthy" or "cargoworthy" may be groundless or exaggerated, it will be

Cargo

Evidence of condition, loss and damage

carriage of cargo.

information may be required:

load port, discharge port).

the shippers/charterers.

machinery or equipment.

stevedore damage reports if applicable).

poor packaging, pilferage, weather). If weather:

lashing, securing and dunnaging arrangements.

Ship Security

- times of heavy weather, severity and any

• Details of the cargo damaged or lost (e.g. commodity,

volume, quantity, marks, serial numbers, shippers, receivers,

prior to departure in order to make the vessel seaworthy and washing, inerting, line flushing, gas-freeing, fumigation, reefer

in ensuring that appropriate evidence exists demonstrating detectors, weathertightness of hatch covers, booby hatches that the vessel was fit for the voyage and suitable for the safe and vent closures, pressing-up of ballast tanks surrounding the cargo spaces, pump function tests, smoke detection, refrigeration, fire extinguishing, inert gas, ventilation systems). such evidence. These may include tests, checks, inspections, • Equipment checks (e.g. hold lighting, ladders, lashing

and tank tops, cargo space coatings, insulation, spar In all cases where cargo is damaged or lost, the following • Joint inspections and inspections by third parties (e.g. charterers, United States Department of Agriculture (USDA),

• Notes of any pre-loading damage to cargo and copies of any **Deck cargo** • Copies of the shipper's cargo declaration, test certificates, MSDS records and any other cargo information provided by

Australian Quarantine Inspection Service (AQIS)).

• Description of how the damage or loss occurred (including Cargo monitoring records • A full and detailed account of any contributory factors (e.g. • Deck log book entries.

Rough log book entries

• Bilge soundings, including records of pumping out. • Ballast soundings, including records of tanks filled or emptied - details of any damage sustained by the vessel's structure,

by the local port authorities and attached to the letter of records. protest. The local correspondent or the Club should be • Temperature of reefer spaces and defrosting records. asked whether or not such authentication is necessary. • Temperature records for refrigerated containers including a court surveyor to attend. • Steps taken to minimise the damage or loss beforehand temperature cards and electronic records/downloads.

 Inert gas and tank venting records. Stowage plans and instructions together with details of any

 Inspection, repair and maintenance records regarding any items alleged by cargo interests to have caused the damage • Copies of weather reports/warnings and any weather routing to confirm that a surveyor has been appointed to carry out a (e.g. hatch covers, valves, pipes, cargo gear, lashings).

and Port Facility Security (ISPS) Code, the security of the The latest information on piracy attacks and the areas of vessel must be maintained at all times. This includes the greatest risk may be obtained free of charge from the IMB • Sound the vessel's whistle continuously to indicate to the monitoring of boarding arrangements, denying access to Piracy Reporting Centre, Kuala Lumpur: Telephone: +60 3 attackers that the vessel is aware of their presence and is reacting.

carried. Since incidents involving stowaways, piracy or drugs or piracy@icc-ccs.org, Website: www.icc-ccs.org/piracy- If the attack takes place at night and there are naval forces in The IMB Piracy Reporting Centre also broadcasts daily status them to identify the vessel. Inmarsat C and maintains a 24 Hours Anti Piracy Helpline: the area, switching on the deck lights may make it easier for - date and time of report (UTC).

> the Company Security Officer (CSO) and the Ship Security is sufficient time, further messages should be sent to the naval Whether placed on the vessel by third parties or smuggled Officer (SSO) should carry out a risk assessment based on the forces, Company and flag administration. Unless all

that the precautions set out in the latest version of this of the vessel to be regained at the earliest opportunity.

• Maintaining a careful lookout both visually with binoculars the working language of the assault team may not be English.

Reducing the duration of watchkeeper and lookout periods should co-operate fully with the assault team throughout.

• Send pre-prepared messages to the centre co-ordinating naval forces in the region, to the Company and to the vessel's flag administration

Stowage plan and stability calculations.

IMSBC Code, IMDG Code).

• In the case of dry bulk cargoes, photographs showing the

results of any "can" tests carried out. condition as received. This means that the vessel may be held gear, sea fastenings, securing devices, dunnaging

• Preliminary cargo work schedule and ballasting/deballasting

> • Working periods of each cargo space (including hatch opening/closing times, pumping rates, ullage figures as

> closures due to precipitation. Precautions taken against precipitation (e.g. radar watch for

approaching rain, measures to expedite the prompt closing of hatchcovers). • Details of ballasting operations including start/stop times of

each tank. • Details of safety precautions observed, particularly in respect of dangerous cargo.

• Tally sheets, including details of any disagreements.

have expressly agreed in writing that the cargo will be carried

this, or (b) the bill of lading contains a "liberty clause" authorising

the carriage of cargo on deck provided that (i) the cargo is

customarily carried there, (ii) the custom is known to all parties

involved and (iii) the cargo is suitable for such carriage. If the

master is concerned about a particular deck cargo, the

Company or local Club correspondent should be contacted for

In some jurisdictions the local court may need to approve the

surveyor instructed to inspect the damaged cargo or may

appoint a surveyor directly. The local Club correspondent will

be able to advise the master whether or not it is customary for

Steel is a sensitive commodity and the source of many claims.

To safeguard the interests of the vessel, the Club requires an

experienced surveyor to record the apparent condition of

shipments of finished steel products prior to loading, check the

stowage and securing arrangements and assist the master with

the clausing of mate's receipts and bills of lading as necessary.

pre-loading steel survey on the vessel's behalf.

Cargo damage surveys

information later on.

Position, date and time of incident (UTC).

direction, swell, wave height)

appearance, languages spoken, weapons used).

Lashing, securing and dunnaging work carried out by stevedores and/or crew. • Details of compliance with the requirements of the vessel's

• Copies of certification for the Maximum Securing Load (MSL) of Jashings and weld Non-Destructive Testing (NDT). - date, time and port/location of incident. • Instructions and requirements received from cargo - circumstances leading to the incident.

• Copies of mate's receipts and bills of lading including any - names and contact details of the person(s) clauses applied and, where applicable, details of the party causing the damage and witnesses. authorised to issue them.

 Copies of Notice of Readiness, Statement of Facts, stevedore - prevailing weather conditions at the time. - sketches and photographs of the damage. Copies of any draught surveys carried out.

• If the damage is severe enough to affect the vessel's class or its ability to perform the remainder of the voyage safely, the report should ask for the damage to be repaired immediately at the port or place where the damage occurred, and to the

- details of the damage to the vessel.

• Ensure that the stevedores, charterers, agents and Company receive a copy of the report within 24

satisfaction of the Company and its surveyors.

If the damage is minor and does not affect the vessel's class or its ability to perform the remainder of the voyage safely, an agreement may be reached with charterers to defer the repairs until later. In such cases all outstanding repairs should be noted in the off-hire survey report. The charterers should be invited to attend the repairs if they wish

Whenever the vessel is free of cargo, shipboard

personnel should take the opportunity to inspect the

vessel for concealed or previously unidentified

stevedore damage. The stevedores, charterers and Company should be informed immediately both orally and in writing if anything is found. A digital camera or similar device should be used to take as many photographs of the damage as possible, appending them to the off-hire survey report or other written record of the damage. In the event of difficulties, the Company should be advised and the

local Club correspondent may be contacted for

consequences of the attack (e.g. injuries, damage, items whether any photographs were taken during the

action taken by the local authorities the area, switching on the deck lights may make it easier for

on board by crew members, the discovery of drugs by shore authorities may result in heavy penalties, delay and, in certain jurisdictions, criminal charges. To minimise these

greements with particular countries. However, in the • The Company, the responsible authorities ashore and the Club or local correspondent should be informed immediately. If the discovery was made on passage, this

 If possible, take photographs of the suspect item and where it was found before it is removed.

Centre (MRCC), the IMB Piracy Reporting Centre and the Club source of fingerprints. • Do not touch the substance itself without wearing gloves

Keep the suspect substance well away from sources of

heat (e.g. cigarettes, light bulbs, hot pipes).

• Reference to any notification report or piracy alert initially sent • Record details of the discovery and subsequent action taken in the log book (e.g. date, time, position, location of

> Once berthed, all personnel should remain on board until the authorities have concluded their investigations.

underwater inspection may be necessary due to the risk of drugs being attached to the vessel's hull or placed inside the search field, or by contacting the Club directly.

# Details of any pollution resulting from the incident Collision and **Property Damage**

critical and a preliminary report, including the information listed contributory factors, including diagrams. below, should be submitted to the Company and the local Club • Prevailing weather and sea conditions. correspondent as a matter of urgency. Once notified about the

• If relevant, details of attending pilots, tugs, boatmen, pollution incident, the Club will evaluate the situation and initiate appropriate investigation and protective measures as necessary

pipelines, cables, bridges and floating storage facilities. Wash authorities, or to the vessel's flag administration. Collisions and contact with FFO which result in personal injury, property damage or marine pollution should always be acknowledgement, the wording "received without prejudice treated as being potentially serious. Unless a P&I surveyor is and without admission of liability" should be used. appointed to investigate and record the cause and extent of the Oopies of the Vessel's bridge and engine room logbooks

arising from the incident which may be inflated or unjustified. • VDR and ECDIS data. The importance of these records cannot during or immediately after the incident. be over-emphasised. Once preserved, they should also be Following a major incident the master, all bridge and engine room Date, time, location and type of incident.

• Details of any cargo damage.

• Details of any personal injuries or fatalities.

The following information should be collected and forwarded to preceding the accident. the, Company, local correspondent or Club as required:

result in injury are identified and rectified as quickly as possible.

• Details of the work or activity being undertaken by the injured

Every accident has an impact of some kind. Injured crew members • Circumstances of the accident and, as far as practicable, the

where the accident occurred, including equipment where • Copies of all official, deck, engine room and working log book

• Copies of any permits to work in force at the time of the accident period of time. Without detailed and accurate records it can often

• A summary of the events leading to the incident.

 A copy of the vessel's passage plan The early stages of a collision or property damage incident are • The known or suspected cause of the incident together with any

 Copies of any notes or letters of protest, both issued and received. If a protest is received which requires

personnel and any witnesses on board should make personal • Original records (e.g. movement (bell) book, rough notes). notes as soon as possible, bearing in mind that formal interviews calculations, sketches and charts should be retained as they may plots, engine telegraph data logger).

local maritime authorities or the vessel's flag administration, used.

whose memories or motives may be questionable. For reasons of credibility, similarly worded statements from several different witnesses should be avoided.

be completed accurately and in full.

be difficult to ascertain whether or not such claims are valid.

jurisdictions, evidence tampering is deemed to be a criminal

• Original chart in use at the time of the incident, complete with all date of birth

> date and time of boarding - location of hiding place.

and/or when first recognised. • Temperature of bunkers stored in tanks next too heat- Important: Steel pre-loading surveys Relevant photographs and/or video recordings showing sensitive cargo. vessel's condition (e.g. cargo spaces, hatch covers, cargo

• Gas concentrations for each cargo space. gear, cargo tanks), cargo operations, port conditions, Ventilation records for each cargo space. stowage, securing, damaged cargo, weather.

ressel's Ship Security Plan, precedence should be given to

Stowaways can be expensive to repatriate, fines and heavy most recent information available. They should also ensure that crewmembers are fully secure inside a citadel, resistance and costs may be incurred and it is often difficult to find countries the crew is fully briefed and that an anti-piracy drill is held confrontation are not recommended to minimise the possibility willing to let them disembark, particularly if they have no beforehand.

hide. It should also be borne in mind that if one stowaway is appropriate co-ordinating centre prior to entering the area. As In order to mitigate any penalties in the event of a and follow official recommendations regarding position successful stowaway attempt, it is important that details reporting, transit corridors, transit timings and speed. of shipboard stowaway searches conducted prior to and With regard to anti-piracy measures, the following points

illumination arrangements and the securing of cabins, storerooms and cargo spaces. If stowaways are found after sailing:

Search them for identification papers, weapons and drugs.

· Search the area where they were found for hidden

identification papers, weapons and drugs • If identity papers are discovered, place them in the vessel's

• Running additional machinery such as extra generators and telephone number. safe to prevent them from being destroyed

 Do not force them to work against their will • Do not sign them on ship's articles. Interview each stowaway individually to ascertain:

Provide them with adequate food and drink.

Treat them firmly but humanely.

under close supervision.

 details of next of kin. - port of boarding. - how they gained access to the vessel.

stowaway(s) and copies of any identification papers found • Send a distress message by VHF, digital selective calling should be forwarded promptly to the Company, Club or local (DSC) and/or Inmarsat C as applicable.

that the repatriation process may begin.

unauthorised persons and ensuring that only lawful goods are 2078 5763, Fax: +60 3 2078 5769, Email: imbkl@icc-ccs.org • Turn on the AIS transmitter (if switched off earlier).

Prior to transiting an area where vessels have been attacked, If the attackers manage to board the vessel and provided there **Drugs** 

as stowaways sometimes emerge soon after the vessel has In regions where anti-piracy naval forces are operating, vessels sailed to seek food and water or a more comfortable place to should submit details of their intended passage to the far as possible, vessels should always join escorted convoys

Following an attack, or if a suspicious craft is sighted, a • Using fire hoses, razor wire and security grilles as physical message should be sent to the centre co-ordinating the naval • Ensure that witnesses are in attendance when the suspect deterrents together with passive defence equipment such as forces (if applicable), the Company, the vessel's flag item is retrieved. night vision optics, acoustic devices, false "high voltage" administration, the responsible Maritime Rescue Co-ordination • Try not to handle the packaging material as it may be a

• Securing all entrances, ensuring that emergency exits are still • Vessel type, gross tonnes, deadweight tonnes, speed and • Do not taste the suspect substance. • Preparing a secure internal compartment to be used by the • Name and contact details of Company. crew as a "citadel" if the attackers manage to board the vessel.

• Number of personnel on board and their nationalities.

In the event of a piracy attack the following action should be taken • Details of the weather conditions (e.g. wind speed, wind Sound the piracy attack alarm. • Ensure that crew members with non-essential duties · Details of the incident proceed to the safe muster point or citadel.

bearing in mind that large alterations of course will slow down - action taken by the vesse Activate the vessel's defensive measures and reconfirm that stolen).

all external doors are fully secured. last observed movements of the craft involved (e.g. date,

### whether assistance is required. preferred method of communication (e.g. VHF, HF, satellite telephone, email).

should be recorded in the vessel's logbook. If a suspect item is found during a search, the action to be traffic and the main engine stopped when safe to do so. Crew taken by the vessel will usually be specified in the SMS and/or members may assist passively by mentally noting as many Ship Security Plan. There may also be additional requirements details about the attackers as they can and pooling such to fulfil if the Company has signed anti-drug co-operation

Should a military assault team board the vessel, crew members should drop to the deck and cover their heads with both hands keeping them visible and empty. It is important to understand should be done before the vessel enters the territorial

Wear a face mask to avoid inhalation and wash hands

Lock the suspect substance and packaging material in a

of those finding the drugs, witnesses, parties notified). Follow up with a full written report.

rudder trunk void space. Details of such countries can be found by accessing the Club's website at www.westpandi.com and entering the word "drugs" in the

# Marine Pollution

The protection of the environment is an issue of global concern, and he policy of many governments is that the "the polluter pays" Consequently, the financial implications of a marine pollution incident are invariably serious, and fines, clean-up costs and third party claims may take on formidable proportions. It is essential to exercise extreme caution when assessing the impact of any pollution incident, irrespective of how minor it may appear. Depending on the ype of pollutant and the locality, it is not unusual for substantial and difficult claims to arise bearing little relation to the apparent severity of the incident. Therefore it is vital that before carrying out any operation where a risk of pollution exists, everyone involved is made fully aware of the relevant regulations, procedures and their own

Safety Management System.

be informed immediately. If drifting towards the vessel, the and property damaged, including other vessels. authorities should be requested to witness and record the fact

• A copy of the incident report form completed in accordance that the pollution originated from elsewhere. An entry should be made in the deck log recording all relevant information including the personnel who first noticed the spill, the wind and tidal conditions, details of other vessels in the area and the apparent

authority from the Company or the Club.

an addition to the possibility of heavy fines following a pollution careful estimate of the quantity involved. incident, seafarers found to have violated MARPOL regulations • Prevailing weather and sea conditions. intentionally may face criminal prosecution.

source of the pollution. Where possible, samples of the oil should • Details of all parties notified. be taken and retained for future comparative analysis together Subject to the scale of the incident and the type of pollutant, with photos and/or video evidence of the pollutant and the further information may be required at a later stage: In the event of a pollution incident, whether real or threatened, the (usually taken by the appointed lawyer). procedures contained in the vessel's Shipboard Oil Pollution • Drawings, diagrams, photographs and/or video recordings to Emergency Plan (SOPEP) or Shipboard Marine Pollution illustrate how the incident occurred. ergency Plan (SMPEP) and/or Vessel Response Plan (VRP) • Copies of all official, deck, engine room and working log book

• Copies of the shipper's cargo declaration, Material Safety Data

the vessel to investigate.

Other parties, particularly potential claimants against may attempt to do the same. To avoid sensitive information about an incident falling into the wrong hands, the following safeguards should be observed:

• If the surveyor, correspondent, expert or lawyer was

agree to the use of cameras.

- try to arrange for a Club appointed expert to

- do not allow access to log books, documents or

- details of any suspect bunkers consumed

- copies of all relevant communications. Retain all damaged parts on board for further inspection.

- action taken to overcome the difficulties and by whom. - engine performance before, during and after using the

In some jurisdictions, most notably the United States, it may be

essel, the local authorities and the vessel's port agents should

• The extent of the pollution including details of the areas affected

In this chapter "collision damage" refers to vessel to vessel contact, regardless of whether one of the vessels was moored or anchored at the time. "Property Damage" refers to contact with

• Identity of other vessel(s) and/or details of property damaged.

Apparent extent and severity of damage to the other vessel or be of vital importance.

investigated in accordance with the requirements of the vessel's • Statement from the injured person (if appropriate)

• Details of the vessel's courses, positions, manoeuvres, engine of the bridge and engine room teams prior to the incident.

clean-up contractors, other third parties and any independent • A copy of the incident report form completed in accordance with Fixed and Floating Objects (FFO) such as quays, cranes, buoys, • Copies of any incident reports submitted to local or national

damage immediately, it will be difficult to challenge any claims including any rough or working logs. Photographs, video or CCTV footage taken immediately before,

shipboard personnel should not answer questions about the incident until the initial reports have been evaluated by the Company, the Club or the local Club correspondent.

Results of any alcohol and/or drug tests carried out after the

• Original log books (e.g. official log, deck log, engine room log, working log). All sections should be completed accurately in

 Communication records including notes regarding the times and Other than in response to official enquiries from the police, the content of exchanges made on VHF radio and the channels

may also result in significant claims, it is essential that vigilance is intensified when operating in areas of increased risk. Should any of the following points conflict with aspects of the reports and warning messages on the SafetyNet service of If the attack takes place at night and there are naval forces in

documents. A thorough search of the vessel before departure
In high risk regions covered by the industry publication "Best Remaining calm and agreeing to the demands of the attackers trained shipboard personnel at regular intervals. Details of is crucial as it is far easier to send stowaways ashore in the

Management Practices to Deter Piracy" (BMP) it is essential

will hopefully keep the unwelcome visit brief, allowing full control

all drug searches and other anti-drug precautions A further search shortly after departure is also recommended important document are strictly followed at all times.

after departure, the areas checked and all other should be considered: precautions taken by the vessel are recorded in writing.

• Deploying additional watchkeepers and lookouts. These may include safeguards such as gangway watches, the employment of additional security personnel, identity checks, security rounds, accommodation access restrictions,

Confine the stowaway(s) to a safe and secure area when not

 place of birth. nationality.

The foregoing information, together with photographs of the • Activate the Ship Security Alert System (SSAS).

applicable). • Weather experienced, including all stoppages and hatch

• Copies of any Notes of Protest made, delivered and/or Loading and discharging records

not such authentication is necessary. Similarly, claimants often allege that the vessel was defective

necessary to demonstrate that "due diligence" was exercised • Preparation of cargo spaces (e.g. hold cleaning, tank cargoworthy. The importance of this obligation cannot be overemphasised. Shipboard personnel have a crucial role to play • Routine tests (e.g. bilge suction lines, water ingress

Detailed technical and operational records form a vital part of repairs and maintenance carried out to keep the vessel in good material, securing devices). condition (e.g. hull, machinery and equipment, cargo spaces, • Inspections by crew (e.g. hatch cover seals and securing cargo tanks, cargo gear), and information showing that the arrangements, cargo space plating, frames, bulkheads vessel was manned, supplied and operated in accordance with regulatory requirements and standard industry practice.

> pre-loading surveys carried out (see "Steel" at the end of this Cargo should not be carried on deck unless (a) the shippers • Copies of any instructions received from shippers/charterers. on deck at their own risk and that the bill of lading will state

 Bunker soundings, including transfer records. Copies of the deck log book detailing heavy weather which • Temperature (hold, cargo, seawater, air) and humidit if required by the local jurisdiction, should be authenticated

> Cargo rounds and checks of lashing/securing and sealing If due to load steel, the master should contact the Company information

signs and "dummy" lookouts. • Using ballast pumps to flood the decks and form a water providing the following information, as appropriate:

Under SOLAS, masters may turn off the vessel's AIS • Last port, destination and details of the cargo on board. transmitter at their discretion. However, at night, navigation lights should always remain switched on. Masters should also remember that the safety of personnel is paramount and that crew members should not be exposed to unnecessary risk.

> type of attack, and whether attempted or successful. approach details. description of craft used. number and brief description of attackers (e.g.

that the crew may be rounded up and held by the assault team until the attackers have been identified, and to recognise that At no time should flash photography be used. Crew members

• Vessel's name, IMO number, flag, call sign and Inmarsat as some drugs may be absorbed by the skin.

secure location. Place under guard if necessary. • Whether the vessel was underway, at anchor or alongside at drugs, description of substance, estimated quantity, names

In some countries, additional precautions including an

Marine pollution is regulated by the various annexes of the MARPOL The following information should be relayed to the Company, local Convention (as amended) which cover oil, noxious liquid substances correspondent or Club immediately so that the severity of the 1 and 2, cargo record book, garbage record book, cargo log book

that occur during bunkering or oil cargo transfers, while carrying out

prompt action can be taken to protect the vessel's interests. The

• Copies of the relevant pages of the oil record book(s), garbage disposal operations (e.g. oily bilge water, fuel residues, dirty oil, disposal operations (e.g. oily bilge water, fuel residues, dirty oil, correspondent will liaise with the Club, contact local authorities record book, cargo record book, fuel switching procedures and sludge, tank slops) or when transferring fuel internally. A and appoint surveyors, pollution clean-up contractors, lawyers hydrocarbon transfer checklist or equivalent permit to work should and/or technical experts as necessary. No admission should be be used during all such transfers and should form part of the vessel's made regarding the cause or source of the incident without

in bulk and packaged form, sewage, garbage, cargo residues and incident and appropriate response measures can be assessed: atmospheric pollution. Documents such as the oil record book parts

• Date, time and location of the incident. Known or suspected cause of the incident. deck log and engine log are particularly important when defending pollution claims and must always be completed accurately and kept • A summary of the sequence of events leading to the incident. • Copies of all communication records. • Precise details of the type of pollutant, its specification and a • Representative samples of the pollutant

# Reporting, gathering and preserving evidence

groundings. However, the majority of pollution claims involve spills Club correspondent should be informed without delay so that must be completed accurately and in full.