

Signals

NEWSLETTER

NORTH 
SERVICE, STRENGTH, QUALITY

Welcome...

to the Spring 2017 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 interactive cover page allows you to quickly navigate throughout the publication by selecting an active article.

Many of the articles in *Signals* have previously been published on our website. If you would like to receive weekly updates of North news please sign up to our Horizon E-Mail subscription service at: www.nepia.com/horizon

IN THIS ISSUE

Ships

Port State Control Annual Reports Show Improvements for 2015 –

Paris and Tokyo MoUs have released their annual reports for 2015.

The New Panama Canal – Avoiding Issues –

a short article to introduce the requirements for transiting the new Panama canal.

Mobile Phones – A Hazard to Navigation?

– the US National Transport Safety Board (NTSB) reports that an accident involving a bulk carrier and towing vessels on the Mississippi, was contributed to by the crew being distracted by using their mobile phones.

Collisions – Timing Counts – in this series of articles Harry Hirst of Ince & Co considers how various court cases involving collisions have provided practical guidance to duty officers (OOW) and Masters for collision avoidance. A common theme is the use of time by the officer on watch.

People

Yellow Fever – No boost required – the yellow fever ‘booster’ vaccination given ten years after the initial vaccination is not necessary, according to the World Health Organization (WHO).

The Right Crew – Seagull CES and Benchmarking – North has partnered with Seagull AS to provide reduced cost access to their crew evaluation product.

Internet Attracts -v- No Internet Repels! – studies show that providing internet access on board is attractive for seafarers.

North’s Pre-employment Medical Programme – a short article explaining the advantages of our pre-employment medical programme for both seafarers and shipowners.

Cargo

Break-Bulk Cargoes – a new Loss Prevention Briefing on the “*Carriage of Break-Bulk Cargoes*” has been produced.

Carrying Coffee Beans in Containers – following North’s recent success in appealing on behalf of Members CSAV against a UK High Court decision relating to the carriage of coffee cargoes, we have published a new Loss Prevention Briefing: “*Carrying Coffee Beans in Containers*”.

Indonesia – Ore Export Ban Relaxed – press reports indicate the Government of Indonesia has relaxed the ore export ban that had previously been in place.

Legal

SOF – Always Check Before Signing – in a recent London Arbitration Award the Tribunal held that Section 13 of the Supply of Goods and Services Act 1982 applies to the Master’s duty when signing the statement of facts (SOF).

Regulation

S-Mode – Make Your Voice Heard – in this article David Patraiko of the Nautical Institute explains what S-Mode is and why it matters to the bridge team.

Loss Prevention

New Edition of Letters of Indemnity Guide Published – North has now published a second edition of the guide written by Stephen Mills and Ben Roberts.

Collision Case Study – what would you do?

Spring Edition: 2017 LOSS PREVENTION NEWSLETTER FOR NORTH’S MEMBERS

PAGES 2-6:
SHIPS

PAGES 7-9:
PEOPLE

PAGES 9-10:
CARGO

PAGES 10:
LEGAL

PAGE 11:
REGULATION

PAGE 12:
LOSS
PREVENTION

PAGE 12:
DISCLAIMER

PORT STATE CONTROL ANNUAL REPORTS SHOW IMPROVEMENTS FOR 2015

Paris and Tokyo MoUs have released their annual reports for 2015. They both show improvements in the number of vessels being detained and the number of deficiencies being recorded.

The fall is particularly noticeable for the Tokyo MoU, which has also reported an increase in the number of inspections for 2015.

The decrease in the number of detentions and deficiencies reported by the MoUs indicates improvements in the overall quality of the world fleet. There is still room for improvement however. Many of the deficiencies recorded are common; knowledge of these should help crews maintain the vessel so as to avoid PSC problems.

The majority of deficiencies reported by both the Tokyo and Paris MoU's for 2015 relate to:

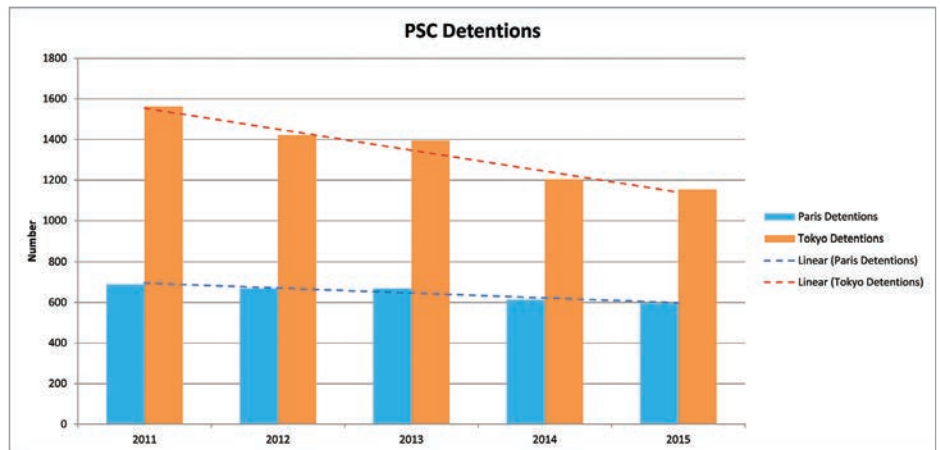
- ISM (both ship operations and resources and personnel).
- Fire doors/openings in fire divisions/ fire dampers.
- Fire detection and alarms.
- Vents and air pipes.
- Lifeboats.
- Nautical publications and charts.
- Oil record book, oil filtering equipment and MARPOL.

ISM

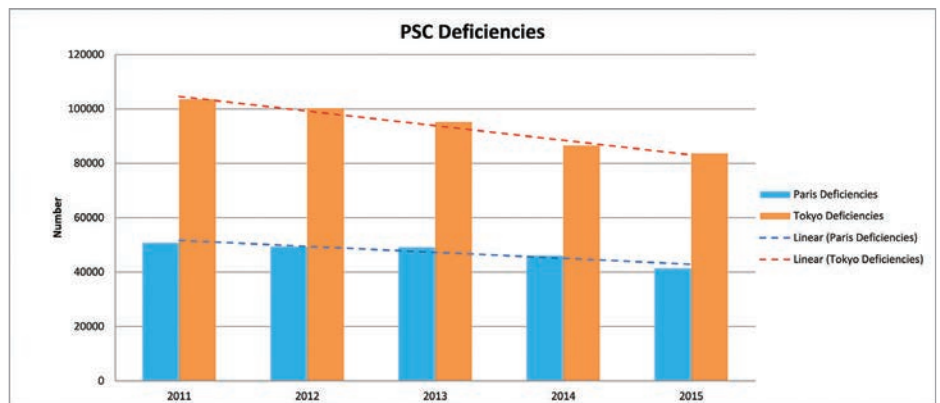
A large number of deficiencies and detentions will be recorded as ISM. This can be used as a catch-all by inspectors where there are numerous deficiencies.

Common issues reported include:

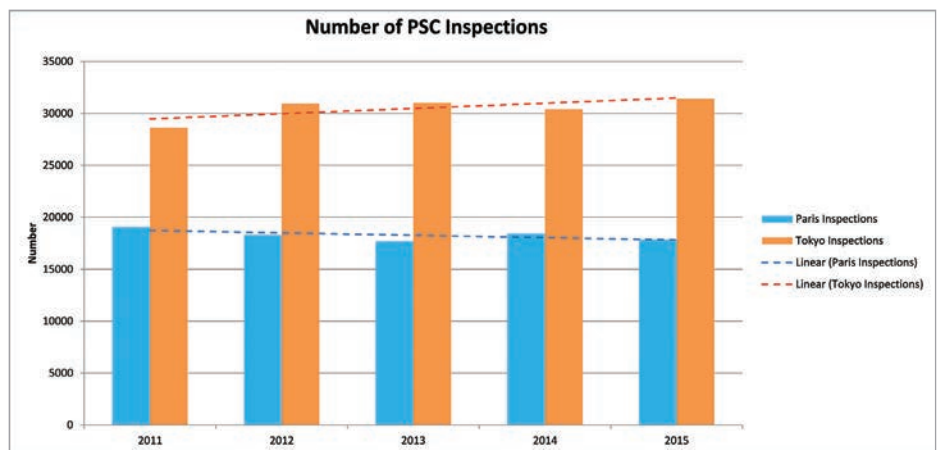
- The vessels certification is not available, well organised or up to date.
- Crew certification and training is invalid.
- Critical and main equipment documents and books are not on board.
- Stability, damage stability and cargo documentation not available.
- Emergency towing manual unavailable.
- Cargo Securing Manual not updated or available.
- Crew not aware of their own responsibilities including in emergency situations, or in the use of emergency equipment on board.
- Crew not aware of the company Designated Person Ashore and Company Security Officer.
- Crew unaware who the Ships Security Officer is.
- Crew have not completed a shipboard familiarisation induction, or records of this being completed are not available.



Paris MoU and Tokyo MoU detentions 2011 - 2015



Paris MoU and Tokyo MoU deficiencies 2011 - 2015



Paris MoU and Tokyo MoU number of PSC Inspections 2011 - 2015

- It is evident, no record exists of shipboard operations being carried out as per the company SMS. Evidence is usually in the form of checklists that are being completed and recorded.
- The crew have not reviewed the relevant section of the SMS applicable to them.
- The Master has not conducted his review of the SMS.
- Drills are not up to date and a drill matrix is not being maintained.
- Crew do not act correctly during drills conducted in front of the Port State Inspector.
- Planned maintenance is not in accordance with maker's guidance or company procedures.



Fire Suppression and Fire Fighting Both Passive and Active

Common issues reported include:

- Fire doors do not operate correctly, including any automatic closure devices.
- Fire doors held open by non-standard devices.
- Fire doors do not have the correct markings on them.
- Fire door frame gaskets are in poor condition.
- Cable transits are damaged, or not the correct fire class.
- Fire dampers and ventilators do not operate and are not maintained or tested correctly.
- Open and closed positions of dampers and ventilators are not correctly marked.
- Fire detection system has faults, including covered sensors.
- Fire Training Manual not available in the mess rooms.
- Emergency fire pump and pipe work in poor condition.
- Vessels fixed firefighting system inoperative required service overdue.
- FFE equipment service out of date.
- Oil in the engine room bilges presenting a fire hazard.
- Excessive engine and machinery oil leaks, including full save-alls and the use of catchment devices instead of making repairs to stop leaking.
- Engine room tank sounding pipe self-closers found tied open.

Vents and Air Pipes

Common issues reported include:

- Tank vent pipes and vent heads are in poor condition. There is no evidence of regular maintenance, testing and checking.
- Sounding pipes are in poor condition with caps missing, striking plates are worn and there are signs of corrosion on the pipework.

Life Saving Equipment

Common issues reported include:

- The overall condition of the lifeboat hull and gel coat shows signs of damage.
- The lifeboat hooks and release system are incorrectly set up and show signs of no maintenance. The hydrostatic diaphragm is out of date or in poor condition.
- LSA service records are out of date.
- On board maintenance overdue or not done.
- Wire ropes, sheaves and blocks are uncertified and in poor condition.

- Harbour pins seized in place or unavailable.
- Hanging off wires still in place or unavailable.
- Free fall simulation equipment is not on board or records show that it was not used as needed.
- Equipment including pyrotechnics and rations are not present, in poor condition or expired.
- Steering and emergency steering does not operate.
- The engine does not start by normal or emergency means. The engines do not go ahead and astern correctly.
- Launching and operating instructions are missing or are not in the working language of the ship.
- Davit limit switches inoperable.
- If fitted, air and sprinkler systems are inoperable, not serviced or maintained.
- Lifeboat steering stiff or inoperable.
- Issues with GMDSS equipment reserve batteries.
- SOLAS Training Manual not available in the mess rooms.
- Life raft service overdue, davits and/or cradles in poor conditions.
- Life raft hydrostatics not installed correctly or expired.
- MOB bridge marker found seized and unable to be released.
- Bridge pyrotechnics missing or overdue.
- Lifejackets in poor condition, un-serviced and too few.

Nautical Publications Charts

Common issues reported include:

- The vessel is not carrying the correct charts or publications.
- The vessels list of charts and publications is incorrect.
- The charts and publications are not the latest available.
- The vessel is not receiving weekly notices to mariners or alternative.
- The charts and publications are not corrected up to date.
- ECDIS, when fitted, is not up to date.
- ECDIS, when fitted, does not have the appropriate regions and charts available.
- Navigating Officers are unable to correctly operate the ECDIS.
- Navigating Officers have not completed ECDIS training.
- The vessel isn't carrying all mandatory publications as per SOLAS.
- The officer in charge of the charts and publications is untrained in the subject.
- Passage plans are inadequate and do not run from berth to berth.

Oil Record Book, Oily Water Separator and MARPOL

Common issues reported include:

- Correct codes are not used for entries.
- Operations are not in date and time order.
- Correct date format is not used.
- Entries are unclear and unreadable.
- Bilge water and sludge transfer operations have not been recorded or are being recorded wrongly.
- Fuel and lubricating oil bunkering not recorded correctly.
- Quantities of water steamed off from sludge are not accurately recorded in oil record book.
- Entries not signed by the relevant officer in charge.
- Empty lines have been left between entries.
- Wrong entries are not deleted correctly (they should be scored out with a single line so the wrong entry can still be read. Then they should be signed and dated with a correction as the next entry).
- The tanks page at the front does not match the IOPP certificate.
- The Master has not signed the pages.
- Oil filtering equipment not functioning correctly, including oil content monitor and three way valve.
- Fuel oil sulphur content exceeding limits in emission control areas.
- Incinerator not allowing for sludge incineration in line with its design criteria.
- EIAPP certificates not available for machinery that requires them.
- Garbage Record Book is incorrectly completed and garbage disposal certificates are not available.
- SOPEP/SMPEP books unavailable and not up to date.
- Sewage treatment unit not in working order.

MLC related deficiencies were only recorded for those vessels whose states had ratified the convention, all others were still inspected as per ILO 147. More details on MLC related deficiencies can be expected in future reports.



THE NEW PANAMA CANAL – AVOIDING ISSUES

Does Your Vessel Fit Through The Canal?

The changes to the Panama Canal layout include:

- A new third set of locks.
- Pacific access channel.
- Improvements to navigation of the channels, inclusive of dredging.
- Improvements to the water supply.

The maximum dimensions for commercial power driven vessels for the newly extended canal are as follows:

Length (including the bulbous bow): 366.0m

Beam: 49.0m

Max Draft: 15.20m (Tropical Fresh Water).

Draft restrictions can be put in place dependent on seasonal water level.

Vessels designed to operate in the new canal are termed NEOPANAMAX.

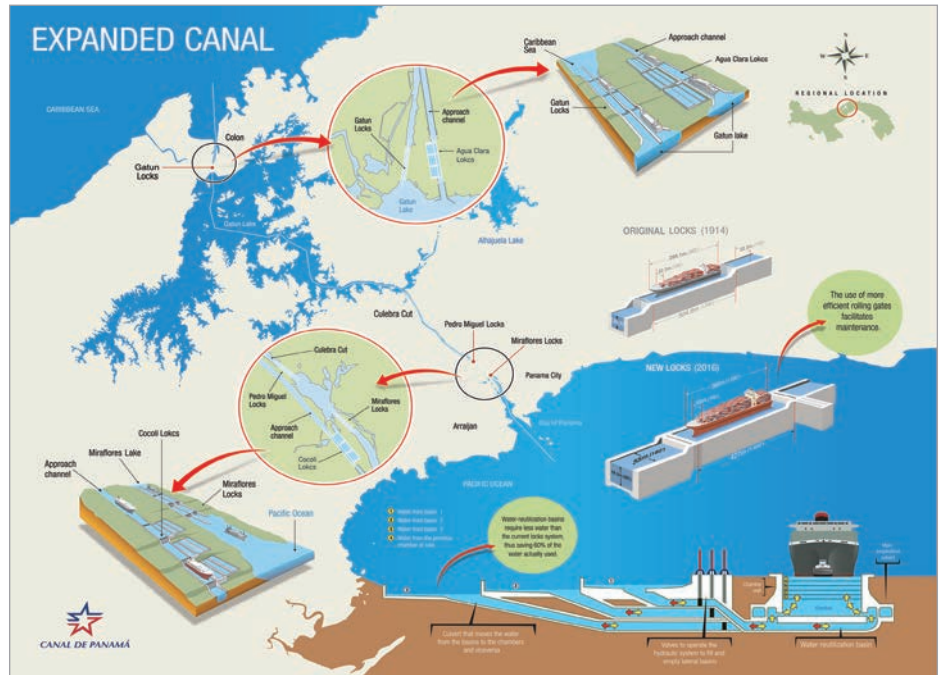
Can Your Vessel Use The Canal

The change to the canal layout means new vessel design requirements. This impacts both existing vessels that were previously too large to use the Panama Canal, as well as the requirements for new build units wishing to use the canal in the future. Existing vessels may not be designed or equipped to transit the Panama Canal. The Panama Canal Authority (ACP) have issued a document on vessel requirements with regard to their layout and design features.

Owners wishing to take advantage of the newly extended canal should ensure their vessels comply with the requirements set out in *OP Notice to Shipping N-1-2017* which cancels N-1-2016, as of 1 January 2017.

Mooring Arrangements

One of the key alterations that may be necessary is to the vessels mooring arrangements. The ACP, as well as many of the IACS class societies, report that they are receiving the most enquiries from ship owners regarding changes to the mooring and towing arrangements. For example, fittings may need to be upgraded to 90 tonnes SWL and/or new fittings may need installing.



Large version of image here: www.nepia.com/media/627892/expanded-canal.pdf
Source: courtesy of The Panama Canal Authority (ACP).

Other changes required by vessels to allow them to transit the canal include:

- Pilot platforms and shelters need to be installed on the bridge wings and forward at the sides of the vessel.
- The visibility from the bridge may require checking. In particular, vessels with aft accommodations may find it difficult to meet the stricter requirements of 1.0 or 1.5 times the ships length visibility ahead for maximum and minimum drafts respectively.
- Displays such as rudder angle indicators, tachometers and propeller revolution indicators must be visible inside from the vessel's conning position and on both bridge wings.
- The vessel's whistle must be operable from the wheelhouse and from both bridge wings.
- A VHF radio should be capable of being used from the conning position. The alteration of any of the vessel's current design will be regulated by the classification society. Any planned changes should be conducted within their requirements and subject to their approval.

Prior to any alterations being made to existing vessel's or any new vessel's being built, the ACP will require the drawings for their review and approval.

North therefore recommends that submission of these drawings is done in good time to gain relevant approval prior to work commencing on vessels.

Failure to meet the canal requirements could result in a vessel being denied transit until they comply with all requirements.

For single transits (when transits are not a regular feature of the vessel's service), the ACP may allow a vessel that does not meet all the requirements to transit, although this may be subject to special conditions. Confirmation of any special conditions should be sought by members from the ACP as early as possible to avoid issues for the transit.

What Navigation Equipment is Required?

All navigation equipment should be as per SOLAS Ch.V/18 (IMO performance standards) as a minimum.

The ACP has made the use of AIS mandatory for all vessels over 300 GT and 20m in length.

The ACP monitor the information transmitted by AIS and have recently reported that some ships still do not transmit the correct information, or have the AIS correctly set up on board. Problems reported by the Panama Canal authorities include:

- Ship specific data incorrect.
- Ship not transmitting heading information, or not connected to the vessels gyro.
- Some ship AIS stations do not respond to shore station commands. The cause is probably outdated firmware.



- Incorrect location of the pilot plug on the bridge and/or the installation not following IMO's "Guidelines for Installation of Ship borne Automatic Identification System (AIS)".
- There is no nearby power source near the AIS plug or the voltage is not correct for the pilot's laptop. The voltage should be 120VAC 50/60hz.

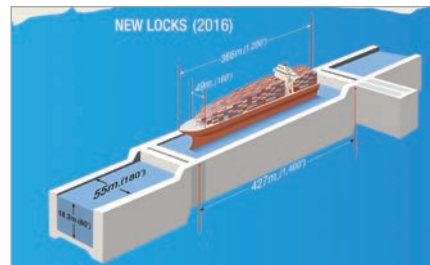
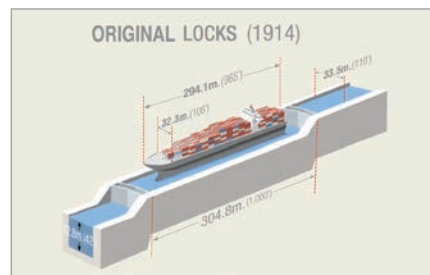
Vessels not meeting the exact requirements for the AIS wanting to transit the canal may be subject to additional charges for fitting their own tracking devices.

The canal authorities have released a notice on the use and exact requirements of AIS in the Panama Canal transits.

Where Can I Take Bunkers?

Due to the high volume of ships requesting to take bunkers at the inner anchorage of Cristobal, bunkering operations are allowed in the Atlantic Outer Anchorage. This is on a case by case basis only, depending on weather conditions. Members requesting bunkering in the outer anchorage must fulfil the requirements as laid out in the Canal Authorities advisory to shipping No. A-18-2015.

Members considering making use of the newly extended Panama Canal arrangement should research the requirements closely to avoid possible issues.



ACP extended lock outline. Source: courtesy of The Panama Canal Authority (ACP).

MOBILE PHONES – A HAZARD TO NAVIGATION?

The US National Transport Safety Board (NTSB) reports that an accident involving a bulk carrier and towing vessels on the Mississippi was contributed to by the crew being distracted by using their mobile phones. The accident resulted in a claim of US\$60 million.

The Captain of one of the towing vessels was using his mobile phone for a personal call. At the same time he was using the bridge radio to talk to the pilot on board the bulk carrier to discuss the vessels' passing.



The NTSB singled out the use of the mobile phone by the officer, stating it had distracted him from his lookout and navigation duties.

The Maritime and Coastguard Agency (MCA) in the UK had already released Marine Guidance Note (MGN) 299, "Interference with Safe Navigation Through Inappropriate Use of Mobile Phones".

MGN 299 was released partially as a result of the Marine Accident Investigation Branch (MAIB) report on the grounding of the tanker "Attilio Levoli". This vessel grounded off Southampton. One of the factors reported was the Master's use of the ship's mobile phone distracting him from his bridge team and the vessel's safe navigation.

Therefore, the MAIB recommended that the routine restriction of mobile phones during pilotage and in restricted waters should be introduced.

The Maritime and Coastguard Agency (MCA) responded to the MAIB report by recommending the use of RED ZONES aboard vessels.

What is a Red Zone?

People calling the ship by phone have no way of knowing what the current navigational situation is like. This means that they could call when the officer of the watch or bridge team are under pressure.

The idea of a red zone is to highlight an area on the voyage plan where mobile phones should not be used to make outgoing calls and importantly where incoming calls are diverted to a phone message.

Typically, this would be in place in pilotage areas and other busy navigational areas.

The idea is simple; the officers on the bridge are not distracted by a phone message which assists them in remaining focused on the safe navigation of the vessel at all times.

Actions?

North encourages the development of procedures in the company's Shipboard Management System (SMS), for the restriction of mobile phone usage. Master's should also remind watch keepers of company policy on mobile phone usage in their standing orders.

Perhaps the simplest way of ensuring red zones are used is by incorporating them into voyage planning requirements.

Areas that should be considered as a Red Zone should include:

- Areas of high traffic density.
- Times of restricted visibility.
- In areas with a high density of navigational hazards, such as offshore installations and structures.
- The approach to harbours, anchorage and under pilotage.

These areas can then be incorporated into the vessels voyage plan, highlighting areas where the officer should not be distracted by mobile phone calls.

The voyage plan should clearly identify the likely locations of the red zone for the officers on board.

Watch keepers are reminded not to let the use of mobile phones on the bridge detract them from keeping a safe watch at all times.

For further guidance please refer to **Marine Guidance Notes 299:** www.nepia.com/media/635440/Marine-Guidance-Notes-299.pdf



COLLISION AT SEA: WHAT THE COURTS SAY



Harry Hirst

In this series of articles, Harry Hirst of Ince & Co considers how various court cases involving collisions have provided practical guidance to duty officers (OOW) and Masters for collision avoidance. A common theme is the use of time by the OOW.

The first article addresses the importance of early detection and appraisal of the situation.

Collisions – Common Failings

Negligent navigation comes in many forms, but the underlying cause of collision in most cases – and certainly from a legal standpoint – can be categorised generally as:

1. Poor lookout.
2. Inappropriate avoiding action.

It is usually the case in a collision at sea that the OOW has failed to make a full appraisal of the situation and the risk of collision; or if he has done so, that he has failed to take appropriate avoiding action. Indeed, a poor lookout often results in the OOW taking inappropriate avoiding action.

In this article we will examine what the courts have to say about lookout and appraising the risk of collision. In particular, we focus on the importance of timing and the use of time in avoiding collisions.

Poor Lookout

Rule 5 of the COLREGS provides:

“Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.”

The key to a proper lookout is the ability *“to make a **full appraisal** of the situation and of the risk of collision.”*

Full Appraisal

A full appraisal of the situation means an understanding of what is happening: whether the other vessel is head-on, crossing or overtaking and in congested waters where there are several other vessels, what those other vessels are doing.

A full appraisal of the risk of collision means an understanding of both the closest point

of approach (CPA) and the time to closest point of approach (TCPA) of the other vessel and whether she is passing to port or to starboard, or crossing ahead or astern.

A full appraisal takes time. Timing is vital.

Time – Early Detection

As Mr Justice Sheen said in *The Oden* [1989] 1 Lloyd’s Rep. 280:

“The greater the distance at which an approaching ship is detected the greater is the chance of making a proper appreciation of the situation and of avoiding a close quarters situation.”



Damage to the Samco Europe following collision with MSC Prestige

With a proper lookout, the presence of the other vessel will be detected early. Collisions are still happening today where one vessel has failed to detect the presence of the other vessel at all, or only very shortly before the collision. Obviously, this leaves little or no time to appraise the situation and take action.

Rule 7 of the COLREGS provides:

“(b) proper use shall be made of radar... including long range scanning to obtain early warning of risk of collision and radar plotting...”

There is no excuse for such failures with all the modern navigational equipment at the OOWs disposal, including radar and AIS. With the proper use of such equipment, the presence of the other vessel can and should be detected early.

Time – Determining the Risk of Collision

If you have detected other vessels early, this should allow time to determine the risk of collision.

Early detection is of little benefit if it is not accompanied with proper radar plotting and a determination of the risk of collision. The time gained by early detection needs to be used to good effect.

As the Court of Appeal observed in *The Homer* [1973] 1 Lloyd’s Rep 501, a proper lookout:

“... involves not only a visual look-out, and not only the use of ears but it also involves

the intelligent interpretation of the data received by way of ... various scientific instruments.”

Sadly today, some OOWs are still failing to plot the movements of another vessel as soon as they have detected it. Their focus is elsewhere, on other vessels or matters, or they decide to wait until this other vessel is closer before doing any plotting or acquiring her target on the ARPA.

Don’t Forget to Look Out of the Windows

Sadly also, some OOWs have a tendency, having acquired and plotted the other vessel, to rely exclusively or too heavily upon what they can see on their electronic navigation aids, taking no or little account of what is going on outside the bridge. As Mr Justice Teare said in *The Samco Europe* [2011] 2 Lloyd’s Rep 579:

“The extensive navigational aids now available to mariners are capable of providing much information, but safe navigation also requires ... a good visual lookout.”

Looking out of the windows should greatly assist in your appraisal of the situation.

Under Time Pressure? Slow Down

Rule 8 of the COLREGS provides:

“If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.”

It is still often the case that OOWs are reluctant to slow down. Failure to do so results in a rushed and inadequate appraisal of the situation and of the risk of collision.

Justice Sheen underlines the importance of allowing time to think in *The Roseline* [1981] 2 Lloyd’s Rep.411.

*“Both vessels were at fault for proceeding at a speed substantially in excess of a safe speed, and both vessels were at fault for allowing a close quarters situation to develop. I regard these as serious faults because they are breaches of the regulations committed at a time when **there was or should have been plenty of time to consider carefully what action ought to have been taken.**”*

Timing is also an important factor when it comes to taking avoiding action, which is the subject of the second article in our series.

Think about how you keep your watch – are you detecting vessels early enough in order to have time to appraise the situation?

www.nepia.com/media/73238/Colregs-Rule-08-Action-to-Avoid-Collision.PDF



YELLOW FEVER

The yellow fever 'booster' vaccination given ten years after the initial vaccination is not necessary, according to the World Health Organization (WHO).

The WHO through its Strategic Advisory Group of Experts on immunisation (SAGE) has reviewed the evidence and concluded that a single dose of vaccination is sufficient to confer lifelong immunity against yellow fever disease.

A valid certificate of initial vaccination presented by arriving travellers should not be rejected on the grounds that more than ten years have passed since the date the vaccination became effective as stated on the certificate and that boosters or revaccination cannot be required.

Since yellow fever vaccination began in the 1930s, only 12 known cases of yellow fever post-vaccination have been identified, after 600 million doses have been dispensed.

Evidence showed that among this small number of "vaccine failures", all cases developed the disease within five years of vaccination. This demonstrates that immunity does not decrease with time.

Yellow fever is an acute viral haemorrhagic disease, transmitted by infected mosquitoes, that is endemic to 44 countries in tropical areas of Africa and the Americas. Infection with the virus causes varying degrees of disease, from mild symptoms to severe illness with bleeding and jaundice and fatal outcomes.

There are an estimated 200,000 cases of yellow fever worldwide each year. About 15% of people infected with yellow fever progress to a severe form of the illness, and up to half of those will die, as there is no cure for yellow fever. The treatment is aimed simply at reducing patients' discomfort.

The vast majority of reported cases and deaths occur in sub-Saharan Africa.



In endemic regions of Africa, yellow fever natural immunity is acquired with age, putting children at highest risk of infection. Over the past two decades, the number of yellow fever cases worldwide has increased due to declining population, immunity to infection, deforestation, urbanisation, population movements and climate change.

Vaccination is considered to be the most important and effective measure against yellow fever. Protective immunity develops within 30 days for 99% of people receiving the vaccination. For routine immunisation programmes in Africa, home to 31 of the 44 yellow-fever endemic countries, the vaccine costs about US\$0.82 per dose.

THE RIGHT CREW - CREW EVALUATION AND BENCHMARKING



North has partnered with Seagull Maritime AS – a leading provider of competence management solutions and e-learning material for seafarers – to encourage Members to improve knowledge and training of crew through using Seagull's crew evaluation system (CES) and benchmarking service.

This initiative is part of North's campaign to support Members to attract, recruit and retain the 'right crew' for their ships.

Over the next 12 months, Members wishing to assess their existing and potential crew members can use Seagull's online CES and benchmarking tool for a 25% discount on the standard US\$4,000 fee.

Members who sign up to the service can immediately offer online tests to crew members which can be taken anywhere on a standard PC. Test results are recorded and benchmarked against a global CES database of over 700,000 tests carried out since 2010.

The CES service will enable Members to focus their training efforts, create benchmarks to compare manning agents and to monitor crew quality over time by rank, nationality and crew pool.

For more information, visit: www.nepia.com/insights/the-right-crew/

ATTRACTING THE RIGHT CREW – INTERNET ACCESS

North has developed the 'Right Crew' concept and is encouraging our Members to think about the 'Right Crew' for their operations. Our series of briefings offer some ideas about how to define what the 'Right Crew' might be for your operation and to attract, select and retain the 'Right Crew' for your company.

In this related article, we consider the importance of internet access to the modern seafarer.

The current shortage of officers is forecast to get worse. Many shipowners are already facing problems attracting the 'Right Crew' for their vessels. The industry faces challenges attracting young people to work at sea.

A good salary is often not enough to attract and retain talent to companies or motivate young people to choose a career at sea.

Companies need to consider other ways of making themselves attractive to current and aspiring seafarers. A whole generation of people entering the workforce has grown up in the era of the internet and social media and they do not want to be without it.

Mariners of a certain age may remember, fondly or otherwise, the excitement of the port agent bringing letters on board from friends or family, which were often written several weeks earlier. It was accepted that communication with the real world was limited.

But this is no longer the case. Many seafarers, regardless of age, nationality or background, will not accept a lack of internet access. Having easy and affordable access to stay connected is now a key crew welfare issue. Engaging with friends and family and maintaining relationships via social media is seen as a right, rather than a privilege.

Crew Survey Findings

A 2016 survey carried out by the Sustainable Shipping Initiative identified the provision of internet connectivity on board as being one of the key objectives for making seafarers happier at sea. This is supported by the "Crew Connectivity 2015 Survey Report" carried out by Futureautics Research. They found that seafarers' demand for internet access at sea has never been greater.

A key finding was that 73% of those surveyed "said that the level of on board internet access influenced their decision on which company to work for".

To emphasise the importance seafarers place on being connected, the same survey found that the seafarers questioned spent an average of US\$70 per month on email, instant messaging, video chat and web browsing. Add this to the average of US\$80 per month spent on phone calls and SMS texting and you can see a seafarer sacrifices a significant proportion of their salary on communications when at sea.

Technology

73% Said that the level of on board internet access influenced their decision on which company to work for.

Satellite internet access is not cheap. Hardware currently ranges from around US\$5,000 to US\$50,000 but the data costs can be several thousand dollars per vessel per month for what is a modest amount of data usage. But this is part of the investment made in the crew to improve their well-being and job satisfaction. We all know the old adage of a happy worker is a productive worker.

As satellite communications technology becomes more advanced, the cost of providing internet access at sea is becoming more affordable. Also, coverage, reliability and speeds are improving. In their 2015 paper on "Ship Connectivity", DNV-GL forecast "continued exponential growth in the data transfer capacity available to ships and that current bandwidth limitations will disappear to allow the internet of things and broadband applications in terrestrial networks to expand into all sea-going activity." Quite simply, it will get bigger, better and faster.

But the current reality is that satellite internet services cannot provide the same level of data usage enjoyed by people ashore. Someone at home might easily use 50GB every month using Skype, Facetime and streaming media. This level of usage at sea is virtually unachievable and very expensive. Internet speed is also restricted. A satellite broadband system will deliver around 400 kbps, which is several times slower than expected ashore. However, new systems using new Ku-band and Ka-band satellite technologies report speeds closer to those expected with residential broadband or 4G mobile.



Cyber Security

The increase in online communications brings with it new risks. Viruses and malware are real problems and both shipowners and crews must play their part in preventing them.

North supports the Be Cyber Aware At Sea campaign www.becyberawareatsea.com

See our cyber security area on our website at: www.nepia.com/cyber-security

How Much is Too Much?

It might appear that unlimited high speed internet access at sea is the ultimate goal. But increased connectivity brings its own problems. It can lead to less interaction between seafarers whilst on board, potentially leaving them feeling more isolated. A balance is needed between the seafarer's connection with the outside world and their connection with fellow crew members.

We published an article in 2016 on the related issue of social dynamics, technology and increased isolation experienced by seafarers which is available to read here: www.nepia.com/our-services/loss-prevention/signals-online/people/social-dynamics/social-dynamics-technology-and-increased-isolation/

In Conclusion

Internet access affects the choices made by 3 in 4 seafarers. If seeking to attract and retain the 'Right Crew' to your company, internet access clearly has the potential to offer you an advantage in a competitive marketplace.

It is clear that for the new, and even the not so new, generation of seafarer – and would-be seafarer – internet access at sea is considered a necessity and can no longer be considered to be a luxury.

Generation X and the Millennials have spoken (or maybe tweeted?).

North's 'Right Crew' series of loss prevention briefings can be accessed here: www.nepia.com/insights/publications/loss-prevention-publications/loss-prevention-briefings/



PEME PROGRAMME

Seafaring is generally recognised as a hazardous occupation. The number of crew who fall ill on board vessels, sometimes fatally, because they are unable to receive prompt treatment due to undiagnosed illnesses is alarming.

In addition to the personal distress and worry caused to crew members and their families, one single serious crew illness claim can force a vessel to deviate from its planned route and lose time, with all the attendant commercial consequences and expenses. The resultant hospitalisation, medical treatment and related expenses could cost hundreds of thousands of dollars. For shipowners and ship managers around the world, dealing with and resolving crew illness claims continues to be a substantial on-going cost.

Many of these types of claims could be avoided if seafarers had a comprehensive pre-employment medical examination (PEME) by a reliable medical facility or clinic. This is a requirement under the Maritime Labour Convention 2006.

North has been running an enhanced pre-employment medical programme since 2002, initially starting in the Philippines and extending to Odessa in 2007. PEMEs were introduced in both areas following evidence of a high number of Filipino and Ukrainian seafarers falling ill on board our Member's vessels, with illnesses which could have easily been detected and treated prior to them boarding the vessel.

Detection and treatment avoids seafarers endangering their health and those around them and is an effective tool in preventing high value claims for our Members.

Our PEME programmes have continued to grow year on year, with both existing Members and new Members joining, realising the importance of having a healthy crew on board their vessels.

In addition to the two specific crew supply areas where we have an established programme, we can also provide advice and assistance in other areas of the world to our members wishing to ensure that their crew are adequately screened.

With the assistance of the UK based Your Excellent Health Service (www.yourexcellenthealth.co.uk) and Dr Charlie Easmon, we will ensure that clinics are suitably qualified and equipped for carrying out the examinations required for a career at sea and ensure that the doctors are willing to follow strict guidelines to secure the best quality crew. The Club and our consultant doctor visit our recommended clinics in these areas on an annual basis to ensure that the medical equipment is of a high standard and that they continue to follow our programme rigorously.

In the Philippines, we continue to recommend four clinics in Manila and two in Cebu. We recently introduced a new clinic in Iloilo, (a large crew supply area in the Philippines), to our list of recommended clinics.

We believe that this additional facility will benefit Members who employ crew from Iloilo as it will save time and costs of the crew travelling to either Manila or Cebu to carry out their medicals prior to employment. In Ukraine, we currently recommend three clinics in Odessa with whom we have been working since the inception of the programme there in 2007. Details of all our recommended clinics can be found in our PEME Briefings: www.nepia.com/publications/loss-prevention-publications/people-care/

North's statistics, compiled since 2002, confirm that participating Members in the PEME programme benefit from significantly fewer illness claims and overall a healthier workforce on board. In addition, individual seafarers have seen an improvement in their own personal health thanks to a thorough examination prior to their employment at sea.

Further information regarding our PEME programme can be obtained by contacting Lucy Dreyer or Abbie Rudd through our PEME email address: peme@nepia.com



BREAK-BULK CARGOES

A new Loss Prevention Briefing on the "Carriage of Break-Bulk Cargoes" has been produced.

The briefing addresses the factors which should be considered during the planning, loading, stowage and securing of break-bulk cargoes in order to help avoid cargo damage claims.

The properties and characteristics of some commonly carried cargoes are discussed along with a number of routinely observed lashing deficiencies.

The briefing can be downloaded here: www.nepia.com/lp-briefings

CARRYING COFFEE BEANS IN CONTAINERS

Following North's recent success in appealing on behalf of Members CSAV against a UK High Court decision relating to the carriage of coffee cargoes, we have published a new Loss Prevention Briefing: "Carrying Coffee Beans in Containers".

The case highlighted the various challenges in carrying bagged coffee cargoes, particularly in dry standard containers. The briefing provides loss prevention advice to aid carriers in fulfilling their obligations when carrying bagged coffee cargoes in containers, particularly if considering offering a cargo consolidation service for shippers (i.e. LCL/FCL terms).

The Court of Appeal overturned a decision of the High Court which if it had been allowed to stand, would have resulted in shipowners facing a significant increase in exposure to

claims relating to hygroscopic cargoes, which include rice, coffee and other grains. Unable to rely on the defence of "inherent vice" save in very limited circumstances and subject to an enhanced definition of "a sound system", shipowners' liability would have increased to the level approaching that of a cargo insurer.

The briefing can be downloaded from our website at: www.nepia.com/lp-briefings





INDONESIA – ORE EXPORT BAN RELAXED

Press reports indicate the Government of Indonesia has relaxed the ore export ban that had previously been in place.

The export of materials such as nickel ore and bauxite may resume.

Risk of Liquefaction

Ores exported from Indonesia may be subject to the risk of liquefaction. Members will no doubt recall that several vessels carrying nickel ore from Indonesia have been lost. The club is also aware of some liquefaction issues with bauxite cargoes.

Club Circulars

Members who are fixed to load nickel ore are reminded of the Club circulars in respect of the safe carriage of nickel ore and mandatory notification requirements.

In addition, Members may also be interested in our Loss Prevention material on the subject which can be found on our website.

It is currently unclear how quickly miners can respond to the relaxation of the ban and what permits will be necessary for export. Members should ensure that export documentation is closely scrutinised.

We will report further when details become available.

www.nepia.com/news/circulars/
www.nepia.com/lp-publications/



SOF – ALWAYS CHECK BEFORE SIGNING

In a recent London Arbitration Award (6/17) the Tribunal held that Section 13 of the Supply of Goods and Services Act 1982 (as amended) (“SOGSA 1982”) applies to the Master’s duty when signing the statement of facts (“SOF”) presented to him. This means that the Master must exercise reasonable care and skill when signing the SOF.

Section 13 provides as follows:

“In a relevant contract for the supply of a service, where the supplier is acting in the course of a business, there is an implied term that the supplier will carry out the service with reasonable care and skill”

In this case, the Master, having checked the rain periods in the SOF presented by charterers’ agents accorded with those rain periods in the deck log, signed the SOF. He was then presented with an SOF prepared by the sub-charterers’ agents. The representative from the sub-charterers’ agent assured the Master that the rain entries in the SOF were the same as in the one he had just signed for charterers’ agent. Without checking this to be the case, the Master signed the sub-charterers’ SOF. However, the two were not the same and the charterers said this resulted in them having to accept a lesser demurrage sum from the sub-charterers who relied on their agents’ SOF.

The Master accepted he had made a mistake in signing the sub-charterers’ SOF. However, he said that his reason for not checking was that he was focused on the vessel’s departure and so he had relied on the express assurances from the sub-charterers’ agent.

The Master was particularly pressed as there was a need for the vessel to sail if she was not to miss the tide. Also, two days after sailing, the Master provided charterers with copies of the log books and the daily reports evidencing the correct rain periods.

He also subsequently issued a letter of protest to the sub-charterers’ agent with supporting documents rejecting their SOF.

While the owners accepted the applicability of SOGSA 1982 and Section 13, they argued that it was limited to the cargoes to be loaded and the voyages to be undertaken. However, the Tribunal saw no reason to restrict Section 13 in this way. The Tribunal held that, as the signed statements of fact were inconsistent, the Master was in breach of his duty of reasonable care and skill under Section 13.

It was also held that the Master was in breach of Clause 8 of the charter (NYPE 1946 form) for failing to comply with the directions of the charterers as to the signing of the statements of facts. This is because the charterers had given an express instruction to the Master to carefully check the statement of facts presented to him.

Whilst the Tribunal had considerable sympathy with the Master and the quandary he found himself in, at the end of the day, it had to accept that the Master had made a mistake; the Master should not have relied on the assurances from sub-charterers’ agents and, even if he was pressed for time, he could have added a note that his signature was without verification of the rain periods and that he relied on an assurance from sub-charterers’ agents as to the same. Accordingly, the Tribunal found in favour of the charterers and the owners had to pay for the Master’s mistake.

SOF – Good Practice for Masters

- Any SOF presented should be carefully checked before being signed.
- Do not rely on an agent’s (or anyone else’s) assurance that the SOF is correct.

- If you do not agree with, or cannot verify, any of the content, make this clear on the SOF.
- Never sign the SOF without appropriate comments, protests and reservations if you don’t agree with, or cannot verify, any of the content.
- If you suspect disagreements over SOF are likely, it may be worth appointing a protective agent.

The SOF is Strong Evidence

It is also worth remembering the evidential importance of the SOF. This was considered in *The Newforest* [2007] EWHC 673 (Comm). Here, the Judge determined that, although the SOF is not final and binding (unless stated), the evidential value is unquestionably strong. He stated that, in general, the SOF evidence when signed by the Master is likely to discharge charterers’ burden of proof as to the facts, unless owners can show it to be wrong. For owners to do this would require more than speculation – and needs convincing live evidence and/or persuasive contemporaneous documents. In a later arbitration award (*London Arbitration 9/11*), a Tribunal agreed that in many cases it was right to accept statements in the SOF without question and the SOF might be the most persuasive evidence if it was signed by the Master and relates to facts within his personal knowledge. However, the Tribunal went on to say that it is always open to the parties to prove that an entry in the SOF was incorrect. Therefore, the signed SOF is a very important document for the purpose of evidencing the facts.



S-MODE – MAKE YOUR VOICE HEARD



David Patraiko – The Nautical Institute

What is S-Mode and Why Does it Matter?

S-Mode – or standard mode – is a concept that balances the need for standardisation with the need to promote innovation. At its simplest it would mean that navigational equipment would operate in one standard display when S-Mode is selected. This article explains S-Mode in more depth.

It can be difficult to become familiar with navigation systems on ships, particularly if they are complex and you have not had experience with a similar type of equipment. This is nothing new, but it is getting worse. The Nautical Institute has been examining the issues surrounding these difficulties for years. Could S-Mode be the answer?

Back in 1996, The Nautical Institute held the first of a series of international conferences on the theme of 'Integrated Bridge Systems'. The aim was to start an essential debate on issues concerning design, operation, and training. Even though electronic charts were only in their infancy, it was becoming clear that several challenges were emerging from the growing level of technology being used on the bridge, and that The Nautical Institute was in a good position to address them.

A key issue raised at that first event was why there were so many different radar designs and why the various knobs and buttons couldn't be standardised across all manufacturers. The manufacturers at the conference argued that they had to sell to a wide range of customers and therefore needed to differentiate themselves on what they considered 'best design'. In addition, the sheer manufacturing challenge of moving all their knobs and buttons around would be commercially prohibitive. We recognised these issues and vowed to work closely with manufacturers to address what we could.

The Origins of S-Mode

By 2006, the average bridge was becoming equipped with increasingly sophisticated technology and more multi-function electronic chart systems seemed inevitable.

That year, the IMO adopted a new work programme called eNavigation to address the challenge of uncoordinated complex navigation systems.

It was agreed that this programme should be specifically designed to address the 'user needs' of mariners.

The future of navigation systems at that time seemed to be focused on computer displays controlled by menu choices. It occurred to The Nautical Institute's Technical Committee that a Standard, or S-Mode, could address mariners' concerns by allowing a standard mode of operation at the press of a button. At the same time, it would allow manufacturers to continue developing specialist, non-standard functions that could be used outside S-Mode.

This S-Mode concept would also address the growing challenge for training organisations of having to decide which systems to use for student training. Most training centres purchasing simulators to use for training might be able to afford one or maybe even two models from different manufacturers, but there were so many more varieties on the market. They wanted their students to be as prepared as possible to join a ship and be both competent and confident.

In 2008, The Nautical Institute published an article about the S-Mode concept in our journal, *Seaways*. We invited feedback and started working with the International Federation of Shipmasters' Association (IFSMa) to introduce the idea to the IMO under its eNavigation agenda. Our proposal centred on an S-Mode with three specific attributes:

- A default display would be presented at the press of a button.
- A standard menu structure on this display, where all essential tasks could be operated in the same way across all manufacturers.
- A standard interface device (mouse, trackpad, joystick, etc).

This approach was based on a series of scenarios. The first was a mariner who joined a ship with minimal time for familiarisation. They could simply press the S-Mode button and be confident in their duties. Another scenario focused on a Master wanting an officer who was new to the ship to only operate in S-Mode until they could demonstrate competence in the manufacturer's own mode.

The third situation looked at a pilot joining a ship, perhaps at night, and needing to be familiar with the functionality immediately to assist with critical decisions. Finally, we analysed the situation where a bridge team who all had different personal preferences for

system setup might need to share a common system to work together effectively and efficiently.

Making S-Mode Reality

Fast forward once more to present time. The IMO has chosen the development of S-Mode as one of its top six priorities. IMO member countries and the wider maritime industry have been tasked to develop a set of guidelines for S-Mode by 2019. Any mariner could, in a few minutes, scratch out on a blank piece of paper what they think S-Mode should look like. However, this approach would lead to multiple proposals and no consensus. The Nautical Institute insists that the S-Mode guidelines should have the widest possible input from the estimated 400,000 navigating officers in the global fleet. This feedback should then result in a small number of possible solutions that will then be thoroughly tested in simulation for effectiveness, before a final decision is made.

It is also important that any solution should be future-proofed (perhaps through software updates), so that S-Mode evolves with time and technology to remain effective.

Over the past ten years, many international workshops have debated the concept of S-Mode. One issue that is often raised is that the industry may be better served by greater general standardisation than by two distinctly different modes that are selected and controlled by a button. The Nautical Institute believes that we need to begin by establishing exactly what needs to be standardised before we decide on how this can best be done.

To that end, we have joined up with manufacturers (via the CIRM) and the wider industry to create an online survey to establish the essential tasks that need to be standardised.

Everyone agrees that bridge equipment needs to allow mariners to be effectively familiar with the navigation system on any ship they encounter, in as little time as possible. This will add to the navigator's confidence and improve the safety of the entire vessel.

Make Your Voice Heard

Please discuss these issues with your bridge team, colleagues and class-mates and go to the Nautical Institute website to complete the survey. It will take a matter of minutes to fill in, and will ensure that your voice is heard. This is your chance to improve your future, and the safety of navigation worldwide.

www.surveymonkey.com/r/Nav-Funct
www.nautinst.org/

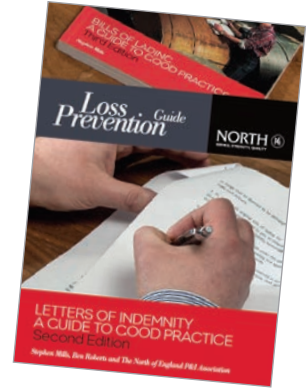
With thanks to David Patraiko FNI – Director of Projects at The Nautical Institute for this article.



NEW EDITION OF LETTERS OF INDEMNITY GUIDE PUBLISHED

In recognition of the widespread use of letters of indemnity in international trade and shipping in conjunction with, and sometimes in substitution for, bills of lading, North published its guide on the use of letters of indemnity in 2008; *Letters of Indemnity: A guide to good practice*.

North has now published a second edition of the guide written by Stephen Mills and Ben Roberts. The new edition has been fully reviewed and updated and provides commentary on the common types of letter of indemnity, the reasons they are used, the pitfalls, and risks, and some of the legal and insurance issues which arise out of their use.



COLLISION CASE STUDY

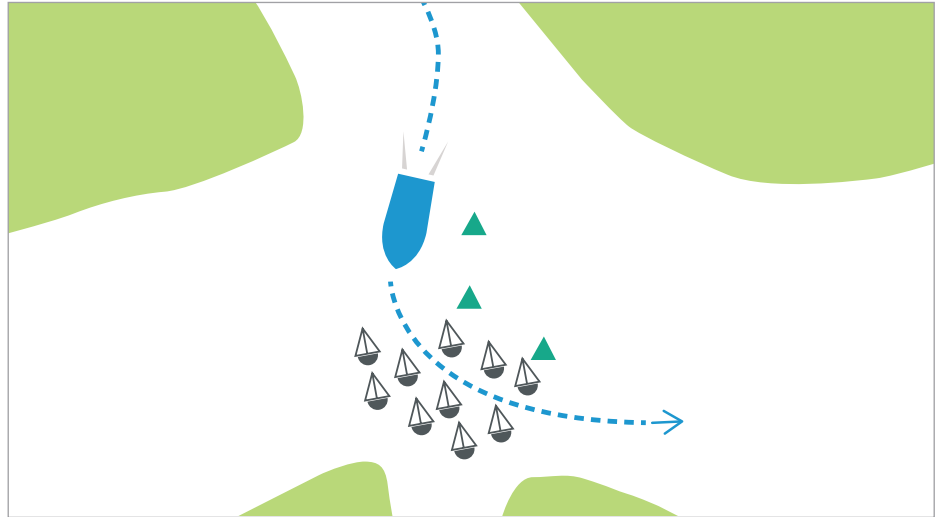
Introduction

North's loss prevention guide *Collisions: How to Avoid Them* includes a series of collision case studies intended to generate discussion about the International Regulations for preventing Collisions at Sea (COLREGs). Further case studies are published in *Signals* from time to time and here is the latest. Each case study is set out as simply as possible, with the minimum information necessary to describe a developing situation. The case studies ask a number of questions but answers are not provided. The case studies are intended to promote wide-ranging discussions about collision avoidance.

Scenario

The northern summer is approaching and yachtsmen are getting ready to sail.

You are the Master of the Blue Ship, a large container vessel leaving a major terminal. You are constrained by your draft, you have a pilot on board and you are following the directions of the port's Traffic Management Scheme. You have just started an 80° turn to port and your new course will take you into a fleet of racing yachts, which are all lying becalmed as there is no wind.



Questions

1. Which of the Collision Regulations govern this situation?
2. What do you do?
3. What should the yachts do?
4. The Pilot says that you should follow the passage plan and pay no attention to the yachts. Is that good advice?

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

To obtain hard copies of North's guides, please download the loss prevention order form from our website: www.nepia.com/lp-publications

Your Copy of Signals

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

- *Letters of Indemnity* guide (Second Edition)
- Be Cyber Aware at Seas – Poster 2 – “Be Wise to What Lies Inside”



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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'Signals' is published by:

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