

NAUTICAL NOTES

NOTE NO 8

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PUBLICATIONS TO BE CARRIED
ON VESSELS



We recently had an occasion of a ship Owner asking us a question that initially we thought we could answer but the more we delved, we discovered that the answer was a little more nebulous than we realised.

We started by looking for various publications on the vessel which we would normally expect to see and not finding them asked the Owner where they were. The Owner suggested that we should give him a recommended book list and / or direct him to the regulations requiring them to be carried.

We discovered, to our surprise, but mainly to our horror that there is no requirement for the carriage of publications beyond SI 770 requiring a fairly minimal navigational data base. We are not reproducing SI 770 here. We look to our readers to peruse that and consider whether they believe that is the minimum of publications that are required on board. There is no requirement in law, that we can find, to carry anything else. We note, however, that most Charter parties particularly in respect of tankers, chemical carriers and bulk carriers, require the vessels to have on board a variety of IMO, OCIMF and Solas publications. These are commercial requirements not legal requirements.

We have consulted far and wide in the matter with the IMO, Statutory Bodies, Class Societies, P & I clubs and of course with the Owners and we are left with very little guidance. As surveyors we have to advise our principals whether ships are being operated and maintained in a reasonable fashion and to do that we expect to see a certain minima on board. If an Owner chooses not to put it on board because he is not required to by law is he being reasonable?

One source which has been of immense value to us in the matter is the Standard Steamship P & I Association minimum operating standards. As far as we know these are the only minimum operating standards which pertain at sea. We append hereto not the complete minimum operating standards but the standard publications list which is recommended, that ships should carry. We are adopting this as a base although it will be adjusted for vessels under 499 gross tons operating in restricted areas.

We believe that vessels should have publications on board so that not only the Master and Officers can refer to the specific rules and regulations required when there is nothing else to do on board

(God forbid) but so that in the run up to a survey they can familiarise themselves, to some extent, with the requirements and the rules that they will be subject to. Many of the publications are of immense practical value to people on the ship, for example the Code of Safe Working practices, Bridge Procedure Guide and so on.

Although there is minimal express legislation on the point, this does not necessarily leave the shipowner bereft of obligations. If a ship is to trade, a basic requirement is seaworthiness. To what extent can a ship be considered seaworthy if lacking in basic texts regarding operation of the ship, navigation or cargo care?

To answer these questions it is best to consider some examples:

- A ship is performing under a charter party and carried containerised cargo in stacks. The ship's container system requires holding bars to be tensioned between the ship's superstructure and the upper parts of the container stack. The Master has not been equipped with the full container handling manual for the vessel, and the holding bars are not tensioned. The vessel hits heavy weather, and the container stack starts to rock. The containers are spilled and the stacks collapse. As a result the vessel has to call at a port of refuge, discharge the cargo, repack this in new containers and re-stow on board.

- A master anchors in a position which, according to the particular chart he consults, is free from obstructions. The anchor snags a pipeline shown up on an up to date chart available on board. The pipeline owners claim damages arising out of the shipowners' negligence.

A ship is fixed to carry a cargo of coal in bulk. The Shippers correctly declare the properties of the cargo prior to shipment. The Master has neither the IMDG Code nor any other publication regarding the safe handling of coal on board. The cargo begins to heat during the voyage. The Master opens the hatches. The cargo heats further as a result of ventilation of the holds. The Master wets the cargo to cool it. As a result the cargo catches fire, resulting in abandonment of the voyage, and extensive damage to ship and cargo. Each of the above is a real case.

Each incident resulted in a substantial claim. In each case the failure of the Master to consult basic texts was behind the loss. In the second case the keeping of up to date charts was the subject of a marine notice and the shipowner's negligence was established even though up to date charts were on board. The onus on the shipowner is not only to keep updated publications on board, but also to ensure they are consulted.

The second case (reported in the "MARION" (1984) 2 LLR 1, resulted not only in the shipowner's liability for negligence, but also in the pipeline breaking limitation under the 1957 Convention. Under the 1976 Convention limitation is harder to break, but consider a situation where a particular contamination has happened on a ship on a number of occasions - for example. contamination by hydraulic oil from a submersible cargo pump. Such contaminations have been the subject of protests and claims to the shipowner. An aggressive cargo claimant suffering such a contamination and seeking to break limitation could rely upon a shipowner's failure to:

- (a) issue a circular to Masters advising of the risk of such a contamination to be kept in an information file on board.
- (b) ensure that all vessels were equipped with full purging instructions for submersible cargo pumps, and that these were implemented.
- © ensure that all vessels carried and maintained proper purging logs;
- (d) keep on board a record of all previous protests in respect of such contaminations.

All of these would have alerted the Master to the risk of, and means of avoiding, such a contamination. The shipowner's failures could thus amount, in the words of the 1976 Convention, to acts or omissions done recklessly and with knowledge that such loss or damage would probably result.

Such an argument remains to be tested by the Courts, but prudent shipowners would be well advised to avoid being on the receiving end. This column has historically been written on the basis of passing on information, but on this occasion we would ask seafarers who believe that there is a particular publication which is not mentioned in the appended publications list and is thought to be of particular value, to write in to ourselves and advise us of the publication. It can then be assessed and added as appropriate.

We would hope that at some stage in the future there will be a statutory requirement for these recommended publications being retained on ships and kept up to date. For those who groan at the thought, bear in mind that there are people ashore who are concerned with your health, welfare and safe passage. A recommended book list will inevitably be in part general, and in part specific, not only to the particular trade, but also the particular ship. The appended list is, of necessity, general. The authors would be happy to assist in the preparation of a specific list for any owner, fleet or club.

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