

### FEATURE CASUALTY

## Register of General Average Declarations – Do we need one?

Since the Casualty Newsletter began, with its first edition published on 19 March 2013, we have featured or summarised numerous casualties where General Average had been declared or which had the potential to result in a declaration of General Average. For those not fully acquainted with this legal principle it provides that all parties to a common maritime adventure (a voyage) contribute proportionately to any losses (sacrifice) and expenses resulting from steps taken to protect the ship and cargo in a casualty situation. The losses and expenses must be intentionally incurred and not be incidental and all who benefit from the protective actions contribute (subject of course to any defence, which we do not propose to address today). Of course both Hull & Machinery and cargo policies usually provide cover for General Average.

Last week's feature, the *Mosvik*, was a prime example of a casualty where General Average could be declared. The vessel was listing and the crew, fearing the vessel would capsize, jettisoned part of the deck cargo to stabilise the vessel. The jettisoned cargo would be considered as having been sacrificed to benefit the remaining cargo and the vessel and any resulting losses or damage would form part of the claim against the benefiting parties. By contrast however, the value of any cargo falling overboard as a result of the incident would not form part of the claim against the benefiting parties as it was not intentionally released. Expenses incurred in stabilising and restoring the cargo would also be included in the GA claim.

We have over the years been asked many times whether there is a Register of General Average declarations. There is none. Each week we list many casualties which may lead to a General Average declaration. We are often able to report when General Average has actually been declared, an example being the Ptolemeos in today's LOF News, which is subject to both an LOF salvage claim and a declaration of General Average by the vessel's owners. However this is usually because we are involved in a case or an Adjuster has been kind enough to let us know of their particular involvement.

The LOF salvage contract often comes under criticism by the insurance community but it is notable that Lloyd's maintain a register of all LOFs notified to them. They also produce yearly statistics on award levels and the values of property subject to LOF claims. The International Salvage Union also provide annual reports detailing the number of matters involving their members, from salvage to wreck removal to pollution mitigation. This informs the maritime community and must surely assist marine underwriters when assessing particular risks. With General Average claims often running into the millions of Dollars it seems that a central register of General Average declarations would be an extremely useful tool.

More recently I suggested that the Association of Average Adjusters should consider maintaining a central register. I was advised that it is unrealistic to expect Adjusting firms to voluntarily disclose information on GA cases and that this would serve no purpose other than assisting my work! I cannot deny of course that it would be immensely helpful in my job but, more importantly, I have no doubt that marine underwriters would benefit from having a central database being made available, particularly judging from the number of times I am asked whether one exists! I appreciate there are practical considerations and this idea may not prove popular with everyone but I wonder if this is something for perhaps IUMI to consider going forward?

### NEW CASUALTIES



#### Tiona

General cargo vessel with container capacity, IMO 9193824, Built 1999, 6,246 dwt

**Date of Casualty** 14 July 2017 – Late Notification

**Voyage** Cartagena, Spain to Civitavecchia, Italy

**Cargo** No details

**Type of Casualty** Disabled off Cabo de Palos, Spain. Tug *Clara Campoamor* towed the vessel back to Cartagena.

**Type of Claim** Possible salvage claim

#### Samskip Courier/MTS Viscount

*Samskip Courier* – Fully cellular containership, IMO 9322578, Built 2006, 9,340 dwt

*MTS Viscount* – Tug, IMO 7610012, Built 1977, 318 dwt

**Date of Casualty** 19 July 2017

**Voyage** Tilbury, UK to Rotterdam, Netherlands / Rotterdam to Arzew

**Cargo** General containerised cargo / pipes

**Type of Casualty** Small collision north west of Dunkirk, France. The containership collided with the tug's tow line which was pulling floating pipes. The pipes were disconnected but were later recovered.

**Type of Claim** Collision damage claim  
P&I Skuld / Shipowners Club

#### Lal Bahadur Shastri

Fully cellular containership, IMO 9045534, Built 1993, 28,965 dwt

**Date of Casualty** 20 July 2017

**Voyage** Mundra to Pipavav, India

**Cargo** General containerised cargo

**Type of Casualty** Lost 20 containers whilst 40 nm off the Indian coast in the Arabian sea.

**Type of Claim** Cargo and container loss  
P&I Standard Club

#### Sarana Perkasa

General cargo vessel, IMO 8002121, Built 1980, 1,598 dwt

**Date of Casualty** 21 July 2017

**Voyage** Gresik to Banda Neira, Indonesia

**Cargo** No details

**Type of Casualty** Disabled off Nusa Laut Island.

**Type of Claim** Possible salvage claim

#### ITT Panther

General cargo vessel with container capacity, IMO 8222800, Built 1985, 1,207 dwt

**Date of Casualty** 20 July 2017

**Voyage** Kolkata to Port Blair, India

**Cargo** General containerised cargo

**Type of Casualty** Sank off the Andaman and Nicobar Islands, 200 nm from Port Blair. The vessel was carrying 29 containers. All eleven crew members were rescued by the Indian Coast Guard.

**Type of Claim** Total loss claim  
P&I Lodestar Marine

#### Tina-C

General cargo vessel, IMO 9416331, Built 2008, 5,000 dwt

**Date of Casualty** 20 July 2017

**Voyage** Plymouth, UK to Gibraltar

**Cargo** Clay

**Type of Casualty** Engine failure off Spain's north west coast during poor weather. Tug *Ria de Vigo* was dispatched and towed the vessel to Vigo.

**Type of Claim** Possible salvage claim and/or General Average declaration

P&I Standard Club



#### Triple Seven

Yacht, IMO 9374894, Built 2006, 250 dwt

**Date of Casualty** 21 July 2017

**Type of Casualty** Suffered water ingress near the port of Sails in the Antibes, France. The vessel sank 500 metres off shore. Her skipper was rescued.

**Type of Claim** Total loss claim

#### Chahid M

Fishing vessel, No other details

**Date of Casualty** 21 July 2017

**Type of Casualty** In collision with a yet to be identified merchant vessel 17 nm north of Ceuta. The fishing vessel sank. Four crew members were rescued alive, one died in the incident.

**Type of Claim** Total loss and crew claims

Further casualties overleaf

#### Fugang 1

General cargo vessel, No other details

**Date of Casualty** 21 July 2017

**Voyage** No details

**Cargo** General containerised cargo

**Type of Casualty** Sank in the Bohai Sea during poor weather. The crew were rescued by tugs which were operating nearby.

**Type of Claim** Total loss claim



#### Rebecca Rousing

General cargo vessel with container capacity, IMO 8321656, Built 1983, 1,768 dwt

**Date of Casualty** 22 July 2017

**Voyage** Stanungsund, Sweden to Skive, Denmark

**Cargo** 1,660 m<sup>3</sup> of small stones

**Type of Casualty** Ran aground off Logstor, Denmark. The vessel owners contracted the tug *Nadir*, which refloated the vessel.

**Type of Claim** Possible General Average declaration



#### Samatan

Bulk carrier, IMO 9236171, Built 2001, 74,823 dwt

**Date of Casualty** 22 July 2017

**Voyage** Singapore to Dongfang, China  
**Cargo** Coal



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## NEW CASUALTIES - Continued - edition (226)

**Type of Casualty** Ran aground whilst approaching the coal terminal at the Huaneng Dongfang Power Plant. The vessel was refloated the following day with the help of several tugs.

**Type of Claim** Possible hull damage, salvage claim and/or General Average declaration

**P&I** Gard

### Stellar Young

Bulk ore carrier, IMO 9700172, Built 2014, 250,063 dwt

**Date of Casualty** 22 July 2017

**Voyage** Gwangyang, South Korea to Port Hedland, Australia

**Cargo** In ballast

**Type of Casualty** Whilst docked at Gwangyang, an incident in the vessel's engine room injured two crew.

**Type of Claim** Damage and crew claims

**P&I** Steamship Mutual

### Patria/B.462 Flowing Stream

*Patria* – General cargo vessel with container capacity, IMO 9123312, Built 1995, 3,519 dwt

*B.462 Flowing Stream* – Fishing vessel, No other details

**Date of Casualty** 23 July 2017

**Voyage** St. Petersburg, Russia to Leixoes, Portugal / n/a

**Cargo** No details

**Type of Casualty** Collision 25 nm south east of The Isle of Wight, UK.

**Type of Claim** Collision damage claim



### Nan Hui 68 ▣

General cargo vessel, No other details

**Date of Casualty** 23 July 2017

**Voyage** Zhongshan to Fujin, China

**Cargo** 3,200 m<sup>3</sup> of gravel

**Type of Casualty** Capsized and sank 5.6 nm south east of Daxingshan, east of Hong Kong. All crew members were rescued.

**Type of Claim** Total loss claim

### Sebeks

Fishing vessel, IMO 8033792, Built 1982, 40 dwt

**Date of Casualty** 24 July 2017

**Type of Casualty** Engine breakdown in the Barents Sea. Tug *Murmannbya* has been tasked to assist.

**Type of Claim** Salvage type claim

### Lady Washington ▣

Tall ship, Built 1989, 210 dwt

**Date of Casualty** 24 July 2017

**Type of Casualty** Ran aground in Sequim Bay, north west Washington, USA in the Strait of Juan de Fuca. Vessel was refloated with tug assistance.

**Type of Claim** Possible salvage claim

Access all our previous casualty newsletters here 

### Kaifan/Unison Star

*Kaifan* – Product tanker, IMO 9656046, Built 2014, 46,327 dwt

*Unison Star* – Bulk carrier, IMO 9579391, Built 2011, 38,190 dwt

**Date of Casualty** 24 July 2017

**Voyage** Kuwait to Chittagong / At Chittagong awaiting orders

**Cargo** No details

**Type of Casualty** Collision at the Chittagong outer anchorage.

**Type of Claim** Collision damage claim

**P&I** Swedish Club / Japan Club



### A'rosa Riva ▣

Passenger cruise vessel, IMO 8979295, Built 2004, 260 dwt

**Date of Casualty** 24 July 2017

**Type of Casualty** Suffered a fire whilst on the Danube near Schonbuhel, Germany. There were 150 passengers and 39 crew members on board. Eight people were injured.

**Type of Claim** Fire damage claim

### Soli Deo Gloria

Fishing vessel, IMO 8701428, Built 1988, 857 dwt

**Date of Casualty** 25 July 2017

**Type of Casualty** Fire erupted during maintenance work at the port of Urk.

**Type of Claim** Fire damage claim

## CASUALTY FOLLOW-UP



**CMA CGM Simba** – edition 183 – The UK's Marine Accident Investigation Branch have found that an unexpected manoeuvre by the CMA vessel and lack of proper communications was a factor in the capsizing and sinking of the tug *Domingue* in Tulear, Madagascar on 20 September 2016. The prevailing tidal conditions caused the CMA CGM Simba to move towards a mooring dolphin and the Master's action avoiding the dolphin set about a chain of events leading to the sinking. The tug was also ill-equipped.

**Elsa** – edition 209 – Salvors Koole-Mammoet have removed the last pieces of the motor yacht from Ladder Bay. A final inspection of the area was completed on 15 July 2017 and Ladder Bay has been reopened.

**St Gregory ▣** – editions 220 & 222 – Megatugs Salvage, who were contracted to tranship the cargo of sulphur from the damaged vessel, have completed the operation. The vessel will be towed for repairs.

**BBC Ontario** – editions 221 & 223 – salvors have now recovered a total of five wind turbine blades. 16 remain lost or missing and the salvors are continuing with sonar sweeps of the area to try to locate them.

**ACX Crystal** – editions 221 & 222 – the containership and most of her crew were allowed to leave Yokohama for Thailand on 25 July 2017 after repairs to the collision

damage were completed. The captain and some crew members remained for additional questioning.

**Kea Trader** – editions 224 & 225 – salvors have commenced the operation to drain the vessels bunkers, approximately 800 m<sup>3</sup>, from the vessel. The vessel has 130 containers of general cargo on board including medicines, cars and bricks. Divers have inspected the vessel's hull which has been found to be in better condition than anticipated. Hydrographic surveys of the grounding area have also been undertaken.

**Eric Haney** – edition 224 – the sunken tug has been raised from the river bed and moved to dry-dock for repairs.

**Laura Maersk** – edition 225 – the disabled box ship has been towed back to Unalaska by the tug *Gretchen Dunlap* where she will undergo repairs.

**Mosvik** – edition 225 – the vessel departed the port of Kiel in the evening of 19 July 2017 and continued with her voyage. The cargo which was recovered from the water remains in storage in Kiel.

**Lucky Seven ▣** – edition 225 – an attempt to refloat the vessel which is aground off Miramar is expected to be undertaken at the end of this week. Arianth Ship Breakers are coordinating the operation. Most of the fuel on board has been removed.



## LOF NEWS

### Navios Orbiter ▣

Bulk carrier, IMO 9286865, Built 2004, 76,602 dwt

**Date of Casualty** 12 July 2017 – Late notification

**Voyage** Lisbon Portugal to Amsterdam, Netherlands

**Cargo** 55,000 m<sup>3</sup> of soya beans

**Type of Casualty** Engine breakdown in the North Atlantic 141 nm from Cascais. Tsaviris Salvage were contracted on LOF terms and a tug towed the vessel back to Lisbon.

**Type of Claim** LOF salvage claim and possible General Average declaration

**P&I** London Club

### Ptolemeos

Bulk carrier, IMO 9104081, Built 1995, 45,712 dwt

**Date of Casualty** 19 July 2017

**Voyage** Khor Fakkan, UAE to Chittagong and Mogla, Bangladesh

**Cargo** Cement clinker

**Type of Casualty** Immobilized some 400nm south of Bangladesh due to main engine failure. Five Oceans Salvage were contracted on LOF terms and dispatched the tug *Capricorn* from Colombo. The vessel is under tow to Chittagong and is expected to arrive on 28 July 2017.

**Type of Claim** LOF salvage claim and General Average declaration

**P&I** West of England



### Mistral

General cargo vessel with container capacity, IMO 9045651, Built 2000, 7,322 dwt

**Date of Casualty** 20 July 2017

**Voyage** Constantza Romania to Hamburg, Germany

**Cargo** Hungarian Waxy Maize

**Type of Casualty** Suffered mechanical problems whilst transiting the English Channel. The vessel anchored awaiting tug assistance. She was subsequently towed to Hamburg under an LOF salvage contract by the tug *Lingestroom*. The owners have declared General Average and Blue Seas Adjusters have been appointed.

**Type of Claim** LOF salvage claim and General Average declaration

**P&I** Hanseatic

### Melite

Bulk carrier, IMO 9284881, Built 2004, 76,436 dwt

**Date of Casualty** 25 July 2017

**Voyage** Indonesia to unknown destination

**Cargo** 70,000 m<sup>3</sup> of coal

**Type of Casualty** Aground off Indonesia. Smit Salvage have been contracted on LOF terms to save the vessel.

**Type of Claim** LOF salvage claim

**P&I** UK Club