

FEATURE CASUALTY – Classic General Average

Hilmi K

General cargo vessel, Built 1982, 3,054 dwt

Date of Casualty 21 June 2014

Voyage Hereke, Turkey to Batumi, Georgia

Cargo 1,879 m³ of mdf wooden blocks

Type of Casualty Cargo shift

Type of Claim General average claim

As the general cargo vessel *Hilmi K* was on a voyage from Hereke to Batumi loaded with a cargo of wooden blocks, she reportedly encountered heavy weather which caused a shift in the cargo stow. The vessel took on a 20° list to starboard and there was some concern that the cargo would shift further causing the vessel to capsize. In an attempt to stabilise the vessel, the crew released the lashings securing the deck cargo and jettisoned the cargo overboard. The vessel sought shelter at Kandira Anchorage and has since proceeded to Eregli, Turkey where the remaining cargo will be re-secured and the damage to the vessel repaired.

This is a classic General Average situation. The basic concept of General Average is that the parties to a common maritime adventure or voyage will share proportionally (by reference to the value of their property at destination) any loss/sacrifice and expenditure which has been made, both voluntarily and reasonably, with the intention to save the whole of the property in an emergency. In this case, the *Hilmi K* suffered a cargo shift and the crew believed the common safety of the ship and cargo was at risk. Their action in jettisoning the deck cargo, is considered as a General Average Act; they in effect sacrificed

the deck cargo for the benefit of the ship and remaining cargo. Through the mechanism of General Average, the owner of the deck cargo lost overboard can potentially claim compensation for their losses from the owners of the property (being the ship and remaining cargo) who benefitted from the GA act.

To claim losses relating to the jettison of cargo the York Antwerp rules require that the cargo is being carried on deck as "a recognised custom of the trade", which is now most often the case. In practice shipowners declare General Average and take steps to obtain security for their claim from the other property. An Average Adjuster would then be appointed to collect security and collate details of the property values, sacrifice losses and any additional expenditure incurred, which in this case would be expenses incurred at the port of refuge, Eregli. In due course they will prepare an adjustment setting out the values and contributions due from each party to the voyage. The result is that all parties, including the owners of sacrificed property, ultimately bear the same percentage of loss by reference to their property values. Contributions may be resisted if there is a defence to General Average.

It is worth noting that the shipowner is duty bound to protect the interests of any creditors in GA, in this case the owners of the jettisoned cargo. In practice this would be by collecting adequate security. If the shipowner chooses not to declare General Average or collect security they will be liable in damages to the creditors. The Master of the *Hilmi K* is in effect the agent of the owners of jettisoned cargo for the purposes of exercising the lien and should not release the other cargo without obtaining adequate security.



NEW CASUALTIES

Elpida GR/Sea Rose

Elpida GR – Bulk carrier, Built 2003, 52,579 dwt

Sea Rose – Bulk carrier, Built 1995, 45,700 dwt

Date of Casualty 16 June 2014 – late notification

Voyage to Chittagong, Bangladesh / Chittagong to Mongla, Bangladesh

Cargo Unknown

Type of Casualty The *Elpida* dragged its anchor whilst at Chittagong Outer Anchorage and struck the *Sea Rose*. Both vessels are reported to have suffered severe damage.

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



He De/Guo Dian 2

He De – Bulk Carrier, Built 2009, 32,993 dwt

Guo Dian 2 – Bulk Carrier, Built 1986, 51,406 dwt

Date of Casualty 17 June 2014 – late notification

Voyage Dalian to Shanghai, China / Tang Shang to Shanghai, China

Cargo Unknown

Type of Casualty Collision off Shanghai leaving both vessels damaged with water ingress. The Donghai Rescue Bureau dispatched tugs *Donghaijiu 101* and *Donghaijiu 115* to assist.

Type of Claim Collision damage claim, possible salvage claim
P&I West of England / n/a



Factofour/Cervantes

Factofour – Self-propelled barge, 6,438 ts

Cervantes – Self-propelled barge, 725 ts

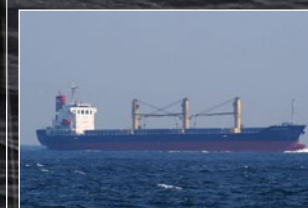
Date of Casualty 18 June 2014

Voyage Duisburg, Germany to Antwerp, Belgium / to Rotterdam

Cargo General containerised cargo / Unknown

Type of Casualty Collision at the approach of the Maas-Waal-Canal near Weurt causing damage to both vessels.

Type of Claim Collision damage claim



Glorious Earth

Bulk carrier, Built 2013, 26,102 dwt

Date of Casualty 18 June 2014

Voyage Nakhodka, Russia to Fukuyama, Japan

Cargo 25,000 m³ of coal

Type of Casualty Allision with a pier at an oil storage facility located to the north of Kanmon Straits. The vessel had been reported to be suffering engine difficulties.

Type of Claim Allision damage claim
P&I Japan Shipowners

Credo

General cargo vessel, Built 1971, 3,134 dwt

Date of Casualty 20 June 2014

Voyage Eregli, Turkey to Kherson, Ukraine

Cargo Unknown

Type of Casualty Engine failure causing the vessel to drift towards the shore at Eregli. Local port tugs provided assistance to prevent the vessel grounding.

Type of Claim Possible salvage claim

Lord Vishnu

Vehicle carrier, Built 2008, 17,341 dwt

Date of Casualty 21 June 2014

Voyage Singapore to Moji, Japan

Cargo Likely in ballast

Type of Casualty Collision with two bunker barges at the Sudong Holding Anchorage in Singapore causing the car carrier to sustain holes in her port side amidships.

Type of Claim Collision damage claim
P&I Gard



Vågfsjord

Ferry, Built 1999, 20 dwt

Date of Casualty 21 June 2014

Voyage Bodø to Væran, Norway

Cargo n/a

Type of Casualty Grounding on rocks off Væran, Norway. A passenger injured as a result of the impact

Roose + Partners

NEW CASUALTIES - Continued - edition (66)



FISHING VESSELS

Asannat Z582

Fishing vessel, no other details

Date of Casualty 21 June 2014

Type of Casualty Engine failure and subsequent grounding off the coast of Middelkerke, Belgium. The MRCC coordinated the salvage by the *Brandaris* which refloated the vessel and towed it to Oostende.

Type of Claim Possible hull damage claim

Demiku

Fishing vessel, no other details

Date of Casualty 22 June 2014

Type of Casualty Fire whilst berthed at the port of Victoria on the Seychelles. The vessel suffered severe damage to the wheelhouse. The vessel was due to unload her cargo of tuna the following day.

Type of Claim Fire damage claim and cargo damage

Johanna Maria SCH118

Fishing vessel, no other details

Date of Casualty 23 June 2014

Type of Casualty Major fire whilst at the port of Scheveningen, the Netherlands. The fire was brought under control after some 12 hours.

Type of Claim Fire damage claim

Pia Glanz L654

Fishing vessel, Built 2010, 123 gt

Date of Casualty 24 June 2014

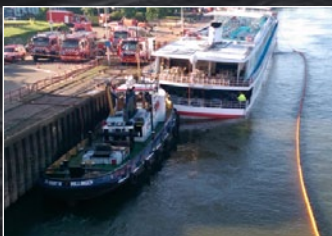
Type of Casualty Sinking 65 nm southwest of Egersund following water ingress into the engine room. The crew were safely evacuated.

Type of Claim Total loss claim

was airlifted to hospital. The ferry was refloated and towed to Sarv ar where she underwent a damage survey. She has since been towed to Svolv ar for repairs.

Type of Claim Hull damage and passenger claims

P&I Gard



Britannia

River cruise ship, no other details

Date of Casualty 21 June 2014

Voyage Unknown

Cargo n/a

Type of Casualty Water ingress and

partial sinking whilst on the IJssel River. Salvors controlled the water ingress and patched a hole in the aft of the vessel, which has since been towed to Amsterdam for repairs.

Type of Claim Hull damage and possible salvage claim

Huckleberry Finn

Passenger ro-ro, Built 1988, 5,500 dwt

Date of Casualty 21 June 2014

Voyage Rostock, Germany to Trelleborg, Sweden

Cargo n/a

Type of Casualty Allision with the Quay at Rostock causing a gash of 7m in



CASUALTY FOLLOW-UP

Thor Horizon – edition 64 & 65 – Marine Claims Office of Singapore advise that there has been no General Average declaration in relation to the fire which occurred on 9 June 2014 whilst the vessel was off the coast of Finland.

the vessel's port side. The ro-ro also had an accident on 6 June – see edition 64.

Type of Claim Allision damage claim

P&I Gard

Graf

Combined ore and oil carrier, Built 1986, 3,280 dwt

Date of Casualty 22 June 2014

Voyage Astrakhan to Arkhangelsk, Russia

Cargo In ballast

Type of Casualty Grounding on the Volga river. Salvage operations to refloat the vessel are underway.

Explorer – edition 65 – a second tug was required to assist the LNG carrier after the engine room fire left the vessel without propulsion off Mumbai on India's west coast. The vessel was confirmed to be in ballast at the time.

Type of Claim Possible hull damage and salvage claim



Nelly V

Self-propelled barge, no other details

Date of Casualty 24 June 2014

YACHTS

Rebecca

Super Yacht, Built 1999, 152 gt

Date of Casualty 18 June 2014

Type of Casualty Grounding in West Loch Tarbert on Harris. Two crew members were injured as a result of the impact.

Type of Claim Hull damage and personal injury claims

Polar Bear

Motor Yacht, Built 2011,

Date of Casualty 19 June 2014

Type of Casualty The yacht, with an estimated value of USD24million, caught fire whilst undergoing



Voyage Unknown

Cargo Gravel

Type of Casualty Grounding on the River IJssel. The barge was lightened before being freed by tugs.

Type of Claim Possible hull damage and salvage claim

Maranta

Self-propelled barge, no other details

Date of Casualty 25 June 2014

Voyage Bonn to Cologne

Cargo Soya

Type of Casualty Grounding on the Rhine at Cologne. Traffic on the River was interrupted when a passing

repairs in Chula Vista, San Diego. The yacht was destroyed by the fire which was thought to have started whilst welding works were being carried out. Click [here](#) to see a video of the fire.

Type of Claim Total loss claim

Carib Lady

Yacht, no other details

Date of Casualty 20 June 2014

Type of Casualty Grounding on a sandbar off Breskens. The vessel was refloated and towed to a shipyard for repairs.

Type of Claim Hull damage claim



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vessel was struck by one of the attending vessels. The cargo will have to be lightened.

Type of Claim Possible hull damage and salvage claim