

Carefully to Carry

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Cargo pre-loading surveys

An instruction that the surveyor should 'carry out a preloading survey' is inadequate and leaves the surveyor in doubt as to how far his duties extend

A shipowner is under an obligation to care for the cargo he is contracted to carry and he should therefore determine, at the stage when he takes delivery of the cargo, that the cargo he receives is exactly as described in the shipping documentation and, if not, should either refuse to ship the cargo or document the anomalies.

In most contracts of carriage, the shipowners' responsibilities begin at the time of loading and it is therefore important to inspect the cargo at this stage. Pre-shipment inspection of cargo is intended to determine and document the condition of the cargo at this time. This inspection is commonly referred to as the pre-loading survey. This survey can be carried out by the ship's master and officers, owners' representatives, or surveyors instructed by the owners depending on the trade and nature of the cargo. It is at this time that decisions have to be made, if the cargo is not as described in the shipping documentation, whether to reject the cargo or accept the cargo and adequately describe any differences on the mates' receipts and bills of lading. Early notification of any deficiencies to the shippers is desirable together with owner's intentions on rejection of the cargo or clausuring the mate's receipts and bills of lading. This notification can be given direct to the shippers but is more commonly given to the agents, stevedores or charterers, depending on the owners' contractual relations.

Masters and deck officers employed by owners who trade their ships in liner services are usually trained to take care of pre-shipment inspections. Liner companies usually employ cargo superintendents, so if there is a problem the cargo superintendent can be called upon to assist. They may also have their own network of contracted surveyors who can be called upon quickly if an unusual cargo is to be loaded. Ships employed in the main bulk trades, (oil, grain, ore etc.) or specialised ships such as gas carriers and ro-ro vessels usually have sufficient and adequately trained masters and officers onboard to take care of any pre-shipment inspections that are necessary. It is however, the tramp operator who is chartered to carry steel products, paper products or break bulk cargoes, where the master and the ship's officers have little or no experience of these products



"The carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried."

Hague Rules,
Articles iii, Rule 2

Carefully to Carry Advisory Committee

This report was produced by the Carefully to Carry Committee – the UK P&I Club's advisory committee on cargo matters. The aim of the Carefully to Carry Committee is to reduce claims through contemporaneous advice to the Club's Members through the most efficient means available.

The committee was established in 1961 and has produced many articles on cargoes that cause claims and other cargo related issues such as hold washing, cargo securing, and ventilation.

The quality of advice given has established Carefully to Carry as a key source of guidance for shipowners and ships' officers. In addition, the articles have frequently been the source of expertise in negotiations over the settlement of claims and have also been relied on in court hearings.

In 2002 all articles were revised and published in book form as well as on disk. All articles are also available to Members on the Club website. Visit the Carefully to Carry section in the Loss Prevention area of the Club website www.ukpandi.com for more information, or contact the Loss Prevention Department.

that problems are often encountered. In many instances loading operations commence immediately upon the ship's arrival and there is little time for the ship's personnel to inspect the cargo. The ship's personnel will be unfamiliar with the port and the system of loading; they will not know the agents, who almost always will be the charterer's agents, and they will be put under pressure by the charterers and possibly a cargo superintendent employed by the charterer to load their ship as quickly as possible. It is in these circumstances that the employment of a competent local surveyor can be most useful and cost effective.

If owners decide they require a surveyor to attend their ship to carry out a pre-loading survey then the instructions given should be comprehensive, precise and given as early as possible allowing sufficient time for the surveyor to conduct an efficient survey. This will avoid confusion and disagreement at a later date when the surveyor presents his report and invoice. An instruction that the surveyor should 'carry out a preloading survey' is inadequate and leaves the surveyor in doubt as to how far his duties extend. In these circumstances the surveyor would simply inspect the cargo on the quay, possibly prior to the ship's arrival if all the cargo had been delivered, and report to the master on its condition and present his written report. Most surveyors would take their duties a little further and advise the master on the clausing of the mate's receipts and give advice on loading and stowage, if requested by the master, but more precise instructions would avoid confusion. Instructing and informing the surveyor should therefore include:

Relevant details in the contracts of carriage (charterparties)

These include:

- Clauses relating to damaged cargo, e.g. sometimes clauses state that damaged cargo should not be loaded or that specific clausing only is permitted on the bills of lading.
- Clauses relating to the responsibility for loading and stowage.
- Clauses relating to the issue of the mate's receipts and bills of lading.

Precise instructions on the survey

- Whether the cargo should be inspected on the quay just before loading or in the transit shed or elsewhere prior to the ship's arrival etc. The nature

of the cargo and time factor will probably determine this. In many cases the owners, charterer or ship's agent will not know where the cargo is stored in the port or when it is to be delivered. In this case the surveyor should be instructed to survey all cargo to be loaded as near to the time of shipment as possible.

- Information to be given to the master before the signing of the mate's receipts and whether the surveyor should formulate suitable clauses relating to any damage. Usually the surveyor should be instructed to be present when the master signs the shipping documents. At this time the surveyor can assist with any language problems and any disputes with shippers, agents or charterers in the clausing of mate's receipts and/or bill of lading.

Other additional services connected with loading

- Inspection of ship's hatchcovers and ship's ventilation system. (The findings of this inspection should be reported in a separate report or confidential side letter. This is to avoid any adverse information being disclosed if the pre-loading report is used in a cargo dispute).
- Advising the master on loading, stowage and securing.
- Monitoring the loading, stowage and securing.
- Advising and reporting on handling damage caused by stevedores.
- Advising on the tallying of the cargo and the issue of cargo documentation.
- Advising if the cargo can be loaded in rain.

If early instructions are given, the surveyor will have time to contact the agents and stevedores to find out the exact nature of the cargo, when it is arriving at the loading berth, and the proposed stowage on the ship.

Most shipowners will be aware that the employment of a competent surveyor for a 'precautionary' pre-loading survey in certain circumstances can eliminate or reduce problems and claims and the money spent is well worthwhile. The UK P&I Club and correspondents can assist and advise owners in arranging these surveys and in some exceptional circumstances will pay for the survey. This is particularly the case with finished or semi-finished steel products when the Club will always pay for a pre-loading survey if notified by the owners but not any associated services.