



Friday 19th July 2013

Bulletin 902 - 07/13 - Master's Responsibility for Bad Stowage - Worldwide

The recent Admiralty Court decision in the Eems Solar (Yuzhny Zavoid Metall Profil -v- Eems Berheerder B. V. the Eems Solar 2013) has highlighted bad stowage and un-seaworthiness issues involving a cargo of steel coils shipped from China.

Hill Dickinson acted for the successful owners and their P&I insurers in defending a claim by Russian receivers for losses resulting from damage to steel coils due to cargo movement during the voyage.

The consignment of 411 steel coils was loaded at Xingang, China for Novorossiysk, Russia.

The Eems Solar is a small 2,600 dwt general cargo ship with a crew of only five. This was the vessel's maiden laden voyage following her delivery to owners from a shipyard in Vietnam. As such she was carrying no spare lashing equipment.

The cargo was stowed by charterer's appointed stevedores in some haste over a period of approximately seven hours during the early hours. The Master was not entirely satisfied with the way the stevedores had secured the cargo without locking coils in the single tier rows, as recommended in the vessels cargo securing manual.

Given the practical difficulties in arranging for shore cranes to re-stow the coils, the Master had little choice but to instruct the stevedores to double lash the coils in the single tier rows.

The claimant bill of lading holders alleged that the damage was caused by the un-seaworthiness of the vessel, on the grounds that she had not been properly equipped with additional lashing material and because the crew had failed to carry out cargo inspections during the voyage and/or re-secure the cargo properly.

The claimant's arguments were rejected by the court. It was accepted that the crew had carried out daily cargo inspections, weather permitting, notwithstanding the omission of any such record in the deck logs. Furthermore the court, sensibly, considered it unrealistic when the vessel was rolling and having to adopt anti-piracy zone manoeuvres to expect the crew to enter into the hold in order to attempt to re-lash 4-5 ton steel coils. The proximate cause was the failure to use locking coils. The receiver's claim failed because owners were not contractually responsible for loading and stowing the cargo.

The Admiralty Court's sympathetic and pragmatic approach to safety at sea is to be welcomed.

Further details of the case can also be found at:

http://www.hilldickinson.com/publications/marine,_trade_and_energy/2013/june/the_eems_solar_and_responsib.aspx

Source of information:

Solicitors Hill Dickinson

Stuart Kempson
stuart.kempson@hilldickinson.com

Peter McNamee
Peter.mcnamee@hilldickinson.com