



Friday 22 January 2009

Bulletin 620 - 1/09 - Pre-existing berth damage - Europe

A recent incident involving an entered vessel acts as a reminder to Members of the importance of masters to be vigilant to, and document evidence of, any pre-existing damage to berths, before making contact with the berth.

The image (right) is a photograph of damage to a berth at a North-European port, taken from the vessel as she made her approach. The pilot on board had advised the master of the pre-existing damage and recommended he protect the vessel from any claims by photographing the damage and reporting it straight away.



In this incident the terminal dropped its case against the vessel. The Association handles a number of claims each year where a claim is unfairly brought against the vessel for damage that is understood to have been caused prior to the vessel's arrival.

In many cases members prefer to pay the claim, often in tens of thousands of US dollars, in order to avoid delay to the vessel, even though the damage was obviously not caused by the member vessel.

These claims and delays can be prevented by due diligence on the part of the master. If it is suspected that a claim has been or could be submitted for pre-existing damage, the following precautions should be taken:

- The master should draw the port authority's attention to such damages and record details in a written report and in the logbook. A video recording or dated photographs may prove useful in defeating any unjustified claim.
- A close watch should be kept of mooring arrangements whilst at the berth in order to prevent ranging damage. This is particularly important at berths not adequately protected from sea swell and weather conditions.

Where there is risk of damage to the vessel, it may be necessary to protest that the berth is unsafe, and request another berth be allocated.

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