

Carefully to Carry

SEPTEMBER 2006

Photography

It has long been the practice for surveyors acting for cargo receivers or underwriters to attend onboard vessels and request facilities for taking photographs. Members attention is often drawn to the Hague Rules, Article 3 (6) which reads:

"... In the case of any actual or apprehended loss or damage, the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods."

Photographs are usually a reasonable form of evidence. Therefore, claimants' request to take photographs cannot normally be denied. However photographs can be inclined and indeed, often intended to provide a false picture of the overall state of cargo. This may be achieved by taking only selected views designed to support a claimant's case and give the impression that the whole/majority of the cargo was damaged to the same extent as the cargo actually photographed. Clearly, no such facilities should be granted to any persons acting on behalf of cargo interests unless and until there is present a surveyor acting on behalf of the ship. On some occasions it may be necessary for the ship to employ a professional photographer in order to combat the possible distortions of claimants' photographic evidence.

Since about 1996, digital cameras have regularly been used by surveyors, some ships' officers and other interested parties. Digital cameras continue to improve and the achieved quality of the photographs can be equal to the traditional SLR camera. When using digital cameras taking selective views of a subject cargo is no longer necessary as most – if not all – digital cameras are supplied with photo-editing programmes which permit manipulation and possible falsification of the picture(s).

Whereas digitally reproduced photographs may be acceptable when electronically transmitted to provide essential, initial and urgent details of damages many clients refuse to accept them as part of a formal and final report.

Until English Courts accept photographic evidence reproduced digitally the use of digital photography, at least for the time being, should be used for urgent advices only and not in the preparation of formal evidence suitable for litigation.



"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.