



Ship Type: All Trade Area: USA

Bulletin 259 - 08/02 - Guard Requirements - New Orleans - USA

We are advised that the USCG in New Orleans (at the request of the Immigration and Naturalisation Service - INS) are requiring numerous foreign ships arriving in New Orleans to hire a guard service for the duration of the vessel's stay (for owners' account). We understand the INS request for guard service depends on whether any of the crew members are in a "detain on board" status. This status is most frequently assigned when either the individual crew member does not have a US visa or the ship does not have a crew visa. The guards (normally two are required) have to board at the Southwest Pass Sea Buoy and remain on board until passing the buoy again out bound.

For an extended port stay charges for guard hire and launch services can be substantial. Under a typical charterparty, the provisions of the crew and extra expenses relating to crew are typically for owners' account, while the ordinary of port charges (which in some charterparties include compulsory watchmen) are for charterers' account. In at least one instance, owners and charterers agreed after the event to divide the guard expenses equally between them.

As a result of this development Members may find it prudent to negotiate in advance as regards who should be responsible for these guard charges if the ship is placed on restriction by the Coast Guard. If this is done, Members may find it beneficial to insert a rider clause in the charter to this effect in order to eliminate uncertainty and possible litigation.

Source of information:

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