

## Bulletin 403 - 03/05 – Fender & Berth Damage Claims – Alexandria / El Deikhela - Egypt

The Club has recently been notified of several similar claims which in each case has involved a last minute demand of a cash payment as compensation for fender damages allegedly caused by ships using berths at Alexandria and El Deikhela. We understand that ships entered in other Clubs have also been affected.



In each case the port authority has waited until the ship is ready to depart before making a demand in the region of US\$5,000/US\$10,000. Owners have often paid the money to avoid expensive delays, even though the cause and extent of the damages have not been confirmed.

Strict liability for damages to fixed and floating objects applies in these ports. However, evidence of the ship's responsibility should obviously be forthcoming. It is recommended that as a matter of routine the following precautions are taken:

- When the pilot comes on board he should be questioned whether he is aware of any existing damage to either fenders or to the quay at the location where the ship is to be berthed. A record should be kept of any information he provides.
- If it is suspected that claims have been submitted for pre-existing damage. Masters are recommended to draw the port authority's attention to such damages and to record details in a written report and in the logbook. The taking of 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 berth in order to prevent ranging damage. Some berths at El Deikhela are not sheltered and leave ships vulnerable to pitching from some wind directions.

The Alexandria port authority tend to refer the valuation of a claim to a technical committee and it is not unknown for claim values to be overstated and to include additional administrative costs and diving expenses. These deliberations can take quite some time and often the final claim is based upon the price of a fender when new. Ships have sometimes been detained until the committee has reported.

Any such claim should be reported by the master to the local correspondent and the owners should report the matter to the Managers' claims handling team. Efforts will be made to secure the claim and release the ship from detention whilst investigations are carried out. It has been possible on occasions to obtain permission from the port authority to undertake repairs on behalf of the ship. Such an assessment can reduce the expenditure below that which the port authority would otherwise claim. The port authority has accepted such repairs as being satisfactory and subsequently released the Association's guarantee.

