

## Summary of the Detention Case 33-01-2019

### I. General

#### 1. Ground for detention

The ship was detained due to the following detainable deficiencies:

- 1) 04110 Abandon ship drills - RESCUE BOAT DRILL IS NEVER CONDUCTED
- 2) 04110 Abandon ship drills - LIFEBOAT MANEUVER ON THE WATER NEVER DONE BY THE EXISTING CREW

#### 2. Dispute

The flag State, concurred with view of the company, did not agree with the detention by the port State Authority and expressed views that:

1. The deficiency of rescue boat drill was incorrect because the vessel was provided with lifeboats also as rescue boats, rather than dedicated rescue boat, and, therefore, launching of rescue boat every month as required by SOLAS CH.III/Reg.19.3.4.6 should not be applied;
2. For the deficiency of launching/operating lifeboat in the water by the existing crew, the vessel had lowered both lifeboats till 1 meter above the water at a previous port on 25 June 2019 but was not permitted to launch the lifeboats in the water by the local authority; the vessel further intended to launch lifeboats at another port on 24 July 2019 but was also not permitted due to bad weather (*Note: This information/statement may not be reliable as there is no record found from the port, which proves permission from the vessel was sought.*); the above mentioned circumstances, in compliance with SOLAS CH.III/Reg.19.5, were recorded in the log-book and explained by the master but were not accepted by the PSCO; and
3. The vessel had been managed by the current company for more than one and half years and most of the crew onboard have sailed previously with its managed vessels; moreover, the lifeboat was launched and recovered satisfactorily after the detention and the detention was lifted on the basis of it.

Based on the above, the detention (code 30) should be reconsidered.

The port State Authority is of the opinion that:

1. The detainable deficiency of rescue boat drill was decided based on:
  - 1) SOLAS CH.III/Reg.19.3.4.6, which requires rescue boats should be launched and maneuvered in the water each month and at the least once every three months;
  - 2) crew onboard appeared not aware of difference between abandon ship/lifeboat drill and rescue boat drill until the PSCO requested demonstration of rescue of person in water; and
  - 3) "Guidelines for the detention of ships" (Appendix 2 to Res.A.1119(30)), which provided that the PSCO should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to abandon ship speedily and safely and effect rescue if necessary (1.2) and, if the result of any of these

assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention (1.3).

2. The detainable deficiency of lifeboat not maneuvered in the water by the existing crew was taking into account:
  - 1) SOLAS CH.III/Reg.19, which requires every crew member with assigned emergency duties shall be familiar with these duties before the voyage begins and every crew member shall participate in at least one abandon ship drill and one fire drill every month;
  - 2) during previous 10 port calls, lifeboats were not maneuvered in the water and all crew members, including the 2<sup>nd</sup> engineer and the boatswain assigned onboard from the beginning of 2019, have not maneuvered in the water after joining the vessel; and
  - 3) 1.2 and 1.3 of the "Guidelines for the detention of ships" (Appendix 2 to Res.A.1119(30)).

Based on the above, the detention was correct.

## **II. Opinions of the panel**

### Opinions in favour of the detention

Two panel members considered the detention justified with the opinion that:

1. Although it may not always be feasible to launch lifeboat into the water in many places nowadays due to strict port regulations and commercial pressure, the master of the ship, supported by his prudent shipping company, should always keep it under control and be able to find time and place to launch a lifeboat;
2. It appeared that the master of the ship did not pay necessary/enough attention to the matter, based on the evidence that the extract of logbook on 25 June 2019 was not checked/confirmed by the master (i.e. without signature); and
3. In accordance with SOLAS CH.III/Reg.19, the deficiency of "drill/lifeboat maneuver on the water never done by the existing crew" should be treated as a detainable deficiency.

Taking the above into account, the detention is justified; even one of the detainable deficiencies would be deleted/removed. However, one of the panel members among the two expressed observation that there is lack of objective evidence on whether a detailed inspection had been conducted.

### Opinions not in favour of the detention

Seven panel members were of the view that the detention was not justified based on the following:

1. Although the fact, as pointed out by the PSCO, that lifeboats were found not launched into the water by the existing crew would be an issue, it should be considered as a clear ground for more detailed inspection or the need for conducting a lifeboat drill but not a direct/immediate ground for detention;

2. Copies of log book entries and some detailed information provided by the company could be mitigating factors preventing full lifeboat drills being carried out; PSCO should take the aforementioned factors into account when making decision of detention;
3. In accordance with 1.2 and 1.3 of “Guidelines for the detention of ships” provided in Appendix 2 to Resolution A.1119(30), PSCO should have the option of requesting a drill at the point of establishment of the “Clear ground”/the observation of the deficiency before detaining the vessel; and
4. As appealed by the company, PSCO detained the vessel, based on the judgement that crew were unable to abandon ship speedily and safely and effect rescue, but lifted the detention only on the basis of completion of the lifeboat drill; therefore, the detention would not be necessary if PSCO request a lifeboat drill at the first point.

Based on the above, the detention is not justified, although there appears to be some communication breakdown in this specific case as the master should have been able to provide the records and information provided by the company.

### **III. Conclusion**

The majority of the panel members (7 of 9) are of the opinion that the decision of detention was not justified. Therefore, the port State Authority would be asked to re-consider the decision of the detention.