

Summary of the Detention Case 19-01-2014

General

Ground for detention

The vessel was detained due to the following detainable deficiency:

07111-Personal equipment for fire safety-SAFETY LAMPS (3P/S) FIREMAN OUT FIT -OUT OF ORDER.

Dispute

The flag State did not agree with the detention by the port State Authority and expressed views that:

1. Although the deficiency was marked with code 30 in Form B of the inspection report, the PSC officer checked answer "No" for the detention status in the inspection report Form A; and
2. The deficiency of low intensity of safety lamps for fireman out-fit should not be considered a detainable item as the spare bulb and batteries were readily available.

Based on the above, the flag State, India, is of the opinion that the detention was not justified.

The port State Authority is of the opinion that:

1. In accordance with the SOLAS Ch. II-2 Reg.10 and FSS Code, the low battery of safety lamps of fireman out-fit should be a detainable deficiency;
2. Before start of the inspection, the master confirmed that all equipment on board was in order; and
3. The indication of no detention in Form A was just a misprint.

Opinions of the panel

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. From the procedural aspects, the PSC officer/Port State Authority did not inform the master and company of the vessel of the detention properly since, based on documentation received, there was no notification of detention and notification of release issued to the vessel; furthermore the Form A and Form B were contradict with each other; therefore the master and company were not aware the detention;
2. From the technical aspects, the fire-fighting equipment was in place and complete, although the safety lamps found low intensity, and the ship had sufficient spares, batteries and resources to replace the equipment / lamps without unduly delaying the fire-fighting capability; and
3. In accordance with IMO Res. A.1052(27), a deficiency can be considered to be detainable if there was absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of ... fire fighting equipment; since low intensity of safety

lamps itself could not be concluded as the totally failure of the fireman out-fit, the deficiency appeared not serious enough to warrant the detention.

Conclusion

The panel members are of the unanimous 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.