

Summary of the Detention Case 26-01-2016

General

Ground for detention

The ship was detained due to the following detainable deficiencies:

11131 On board training and instructions - THERE IS OBJECTIVE EVIDENCE THAT THE FREEFALL LIFEBOAT NOT MANOEUVRED INTO THE WATER IN THE VESSEL ENTIRE LIFE (8MONTHS);

11131 On board training and instructions - THERE IS OBJECTIVE EVIDENCE THAT THE RESCUE BOAT NOT MANOEUVRED INTO THE WATER IN THE VESSEL ENTIRE LIFE (8 MONTHS).

Dispute

The flag State supported the appeal by the company of the ship, which provided the views that:

1. The detention was based on “subjective” interpretation and “assumption” of the PSCO, rather than any factual observation which is unreasonable and is considered unjustified;
2. The PSCO was looking for photographs showing maneuvering of life-boat whereas there is no regulation under SOLAS requiring photographs to be taken;
3. The PSCO’s decision was based on a misunderstood verbal statement a Jr. officer who clarified in writing that vessel carried out lifeboat and rescue boat drills, strictly in accordance with the SOLAS Ch. III Reg.19; and
4. The PSCO had no real cause of concern with vessels emergency preparedness as he chose not to witness the ship’s lifeboat/rescue boat drill and lifted detention based on a few photographs sent by the Master.

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

The port State Authority is of the opinion that:

1. It is considered that there were objective evidences showing the freefall lifeboat and the rescue boat had not been maneuvered into the water during the ship's entire life (8 months), as recorded in the Inspection;
2. Those evidences are not subjective information based on interpretations, misunderstanding, assumptions or judgment of the PSCO during the inspection; on the contrary, the facts are based on the words expressed literally by the 3rd Officer that the lifeboat and abandon ship drills were not executed with lowering and maneuvering the boat into the water, and because of that, the PSCO compared what was expressed by 3rd Officer with the pictures existing on board, noting that his statement coincided with the pictures exhibit as evidence showing boats hanging but not lowered and maneuvered in the water. These are factual observation;

3. According procedures, PSCO also asked for evidence of the records of these drills, which were found in the record book column "nature of drill or muster" indicating that it had executed the corresponding "Lifeboat/Rescue Boat launching and maneuvering"; but at the same time, it was clearly established that there was no coincidence between the records of the record book and the other two existing factual evidences (the statement of the 3rd Officer to PSCO and the pictures shown to PSCO); and

4. As pointed the above, the ship did not comply with SOLAS Regulation III-19 because operations of launching and maneuvering the boats in the water had not been carried out therefore it was detained.

Based on the above, the detention was correct.

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. The entries made in the Official Log Book relating to the lowering and maneuvering of both the lifeboat and rescue boat are considered fully satisfy the relevant SOLAS requirements;

2. There is no requirement for photographic evidence to be provided in support of the log book entries;

3. The suspicion and points raised by the PSCO would be considered as a "clear ground" for more detailed inspection rather than the direct/immediate ground for detention;

4. There is no information and evidence provided by the PSCO that, during the inspection, the crew were found not be able to "abandon ship speedily and safely and effect rescue if necessary; and

5. Based on the above, the detention does not fulfill the criterion of "Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements." as provided in the Guidelines for the detention of ships (Appendix 2 to Res.A.1052(27)).

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.