

Summary of the Detention Case 18-03-2013

General

Ground for detention

The vessel was detained due to the following detainable deficiency:

07106-Fire detection and alarm system-FIRE ALARM PANEL, DEFECTIVE.

Dispute

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

1. The deficiency would not be considered as a deficiency is serious enough to jeopardize the ship's seaworthiness, or is an immediate threat to the safety of crew on board, or is an unreasonable threat of harm to the environment; and
2. The deficiency was found before the inspection and some mitigative measures had been taken by the ship and the shore management. Therefore action code 15 or 17 would be appropriate instead of 30-Detention.

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

The port State Authority did not reply officially to the appeal on reconsideration of the detention nor provide additional/supporting information to the review panel.

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 deficiency recorded is considered generally as a detainable item in accordance with Appendix 2 to Resolution A.1052(27), which includes the clear reference of "Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system";
2. There are no objective evidence showing that the master or the company had properly informed the failure of fire detection system either to the Port State Authority before the vessel arriving at the port or to the PSC officer before starting the PSC inspection, therefore the procedures prescribed under IMO Res.A.1052 (27) 2.3.7.2 could not be applied;
3. If the port State Authority and the PSC officers were dully notified of the failure of fire detection system and measures taken before the inspection, this detention could possibly be avoided; and
4. It appeared that the lack of appropriate/valid reply from the port State Authority to the appeal might also be one of causes for this review case.

Conclusion

The panel members are of the unanimous opinion that the decision of detention was justified generally. Therefore, the port State Authority would not be requested to re-consider the decision of the detention.

However, the panel members wish to recommend the port State Authority to review and improve its arrangements for dealing with detention appeals so as to ensure the appeals being reviewed and replied in an appropriate and responsible manner.