

Summary of the Detention Case 03-01-2006

General

Ground for detention

The vessel was detained due to the following detainable deficiencies:

1. Emergency generator unable to start on load - Automatic
2. Emergency lighting in steering compartment - defective
3. Emergency steering unable to operate at local control
4. Forward port bow holed in way of bosun store
5. Forward port bow holed in way of fore bulbous bow compartment
6. Navigation lights - D.C. power supply defective

The deficiency on the emergency generator was because of mis-adjustment of the timer. Deficiencies on lighting in steering room, emergency steering gear and navigation lights were consequences of failure of emergency generator. Deficiencies 4 & 5 were damages caused by accident/collision during voyage.

Dispute

The flag State pointed out the two main aspects of the detention, i.e.: problem with the emergency generator and structural damages resulted from accident. The flag State is of the opinion that:

1. Although the adjustment on the timer for automatic starting of emergency generator had not been proper, the ship's emergency generator was in good condition operated by manually and complied with the regulation of SOLAS 1974; and the emergency generator could supply satisfactorily emergency source to the navigation lights and emergency lighting to steering gear compartment;
2. The ship had good manner for her damage and the accident according to paragraph 2.6.7 of Res. A.787(19) as amended and, as the flag State, it could not find reasonable explanations for why the damages resulted from the accident are detainable deficiencies.

Opinions of the panel

After review of information/materials provided, panel members reached unanimous general opinion that the detention was justified. It was pointed out by panel members that:

1. Although the ship is not required to comply with automatic starting requirement (SOLAS 1981 Amendments) based on its year of build, however, as the ship was fitted with such device, it should have been operable;
2. Even if the emergency generator could be started manually, it should be considered defective since it could not produce any power (as indicated in the letter on 12 June and confirmation made by Malaysia);

3. It is clear that the flag State did not respond timely as it was required for the case of allowing a vessel to proceed to the next port for rectification of detainable deficiencies and the Port State had to detain the vessel to ensure rectification of the deficiencies;
4. It may not be necessary to record deficiencies 2, 3 & 6 additionally since they were consequences of failure of the emergency generator; and
5. SOLAS references corresponding to deficiencies were incorrectly quoted by the PSC officer.

Conclusion

All panel members agreed that the Port State Authority need not be requested to re-consider the detention.