

# Bulletin



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## **Loading of iron ore fines at Indian ports – protective pre-loading surveys**

Reference is made to the Association's bulletin of October 2009 dealing with the implementation of a precautionary survey programme and the subsequent circular of December 2010, more generally dealing with the safe shipment of iron ore fines from Indian ports including an overview of incidents involving liquefaction, obligations under the International Maritime Solid Bulk Cargoes Code (IMSBC Code), specific problems encountered at Indian ports and the Managers' recommended precautions.

Members are reminded of their overriding obligation to ensure that iron ore fines cargoes to be carried comply with the IMSBC Code and the Managers continue to recommend the precautions listed below:-

### **Recommended precautions**

1. Loading should not be commenced until the Master is in possession of all requisite cargo information and documentation/certificates that a shipper is obliged to provide under the IMSBC Code or local regulations and the Master is satisfied that the cargo is safe to load and carry.
2. Following consultation with the Association, a surveyor should be appointed on behalf of the ship in advance of loading to assist the Master. It may in any event be a local requirement to do so. However, it should be made clear to the port and competent authorities, shippers and charterers that the appointment of a surveyor by the ship is not intended to and does not relieve the shipper of his obligations under the IMSBC Code or local regulations.

The terms of the surveyor's appointment should include the following:

- (a) To assist the Master with compliance with his obligations under the IMSBC Code and local regulations.
  - (b) To contact and liaise with shippers to identify the stockpiles from which the cargoes are to be shipped on the subject vessel and to ensure that representative samples are correctly taken in accordance with sections 4.4 and 4.6 of the IMSBC Code.
  - (c) To take owners' own representative samples for testing in an independent competent laboratory.
  - (d) To compare the shipper's certificate with owners' own test results for TML and moisture content. Masters should be wary of moisture content certificates provided by the shipper's laboratory and moisture content percentages that are very close to the TML. If there is significant rainfall between the time of testing and the time of loading the shipper must conduct test checks.
  - (e) To monitor the loading operation from start to finish, paying particular attention to the weather conditions and the presence of any moist cargo, particularly in barges.
  - (f) To stop loading if further moisture and/or can tests are conducted, as necessary, on any parts of the cargo presented for shipment (sections 4.5.2 and 8.4 of the IMSBC Code).
  - (g) To monitor the stockpiles and/or barges to ensure that the cargo presented for shipment is from the designated and tested stockpiles and/or barges. This will involve keeping a careful tally and identification of barges offered for loading.
  - (h) To ensure loading is suspended during periods of rainfall.
  - (i) To examine carefully cargo offered for loading from uncovered barges and if in any doubt of the moisture content, conduct 'can' tests, particularly when rainfall has been experienced. The 'can' test is described in section 8 of the IMSBC Code as a spot check a Master can conduct if he is suspicious of the condition of the cargo, and is not meant to replace or supersede laboratory testing which is the responsibility of the shipper. Section 8 states that if the sample shows signs of liquefaction – i.e. flat surface with evidence of free moisture, arrangements should be made to have additional laboratory tests conducted on the material before it is accepted for loading. Nevertheless, cargo should never be accepted on the basis of the 'can' test alone. The test may indicate if cargo is unfit for shipment but cannot determine if a cargo is fit to be loaded – this can only be determined by laboratory testing.
- 3.** If the Master or his appointed surveyor is presented with any document seeking confirmation that the cargo is safe to carry they should refuse to sign it. The obligation under the IMSBC Code is on the shipper to declare that the cargo is safe to carry and signing such a document could prejudice a Member's rights of recourse against a shipper in the event of a subsequent casualty.

4. Report any commercial pressure to the Association so that this may be taken up by the International Group with the DGS.
5. Members should consider how they might protect themselves contractually before agreeing to carry iron ore fines, for example, by the use of an appropriate protective clause in the charterparty. Equally Members should not be pressurised into entering into charterparties which restrict their right to apply fully the provisions of the IMSBC Code, appoint independent surveyors of their choice or take and test cargo samples.
6. Members should refer to the Association any contractual and/or safe carriage concerns they may have relating to iron ore lumps and fines loaded in India.

Whilst the Managers continue to recommend and will assist with the appointment of a surveyor in advance of the loading of iron ore fines at Indian ports, substantial publicity has been given to the need for vigilance in this area and significant steps have been taken by the Indian government to regulate the safe loading of iron ore cargoes. It is now appropriate for the cost of any precautionary survey to fall to the individual Member and not upon the Club and so with immediate effect such survey costs will be for the Members' account.

It remains important that our correspondents, Pandi Correspondents PVT Ltd, be notified as soon as possible of the details of any planned loading of Indian iron ore fines so that surveyors can be appointed, samples taken and analysed in advance of the commencement of the loading operations.