

Ref : DMA/AIFI/98/C 1018

Date: 13/05/2019

Dear Captain

Good Day,

Kindly find the attached informative document titled

**"QITAPI-LP-07-2019(Improper Passage Planning can Render a Ship Unseaworthy)"**

for your kind attention and necessary precaution measures.

You are requested to confirm receipt, discuss the contents in the next consolidated meeting on board & keep a copy in the file DA-11 .

Best Regards,

Capt. A. Amini

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(Note: This e-mail has been sent as BCC <blind carbon copy to : All R.O.D.-SMC Vessels, to eliminate the lengthy list that would result if this e-mail is printed)

**Loss Prevention Circular QITAPI-LP-07-2019**  
***(Improper Passage Planning can Render a Ship Unseaworthy)***

This following is a court case study which can be used to learn lessons for members & the navigators. The UK Admiralty Court has recently rejected a ship-owner's claim for general average after concluding that the vessel was unseaworthy due to an error in the passage plan.

► **The Incident:**

Whilst departing from the Chinese port of Xiamen, A container vessel grounded on the rocks after departing from the marked fairway. General average (GA) was declared, but some of the cargo interests refused to contribute voluntarily.

They argued that errors within the ship's passage plan had rendered the ship unseaworthy (i.e. there had been actionable fault for the purposes of Rule D of the York-Antwerp Rules).

Cargo interests criticized the passage plans in a number of respects, but the critical error was a failure to record "*all areas of danger*" as per IMO Guidelines for Passage Planning. In particular, the passage plan did not reflect a recent Notice to Mariners advising of depths on the approaches to Xiamen which were less than charted.

► **The decision:**

The judge decided that a prudent owner, knowing of the defective passage plan, would have not allowed the vessel to depart Xiamen. The judge also decided that, since the unseaworthiness constituted crew negligence prior to the commencement of the voyage, this meant that "Due Diligence" was not exercised by agents of the carrier. The judge rejected legal arguments that passage planning was not an aspect of seaworthiness.

Unseaworthiness has traditionally been understood as arising from a physical or systemic defect with the ship, her equipment or systems. Put another way, there must be an attribute of the ship itself which threatens damage to cargo rather than an error in how the ship is operated. A ship might be unseaworthy if it can be proved that damage resulted from the incompetence of her crew, but a one-off error in a navigational aspect of a voyage does not usually render a ship unseaworthy. The decision here clearly sets out, however, that for a vessel to be seaworthy, an appropriately & carefully prepared passage plan is required at the commencement of the voyage.

► **Practical passage planning:**

The case has highlighted the importance of proper berth-to-berth passage planning. Remember that passage planning is much more than just putting courses on a chart or ECDIS. Navigating officers should always remember A.P.E.M from the IMO guidance on voyage planning, which is exactly the same systematic approach as the Plan-Do-Check-Act Basis (PDCA Cycle) in an ISO based management system that most shipping companies & shore based sections hold certificates of & must be quite familiar with:

*Proclaiming that our expertise have taken utmost care for the authenticity of the information in this document & provision of guidelines as well as notices; whilst permitting the use of the promulgated info & data in training, familiarization and any other possible and legitimate loss prevention activities; QITA Mutual Insurance accepts no liabilities or claims whatsoever arising from or related to the inadequate and inappropriate use or incorrect construing of the furnished knowledge and thus advises all recipients to exert all necessary practices & Due Diligence in carrying out their management & operational activities upon and through which QITA Mutual Insurance is providing professional support & assistance.*

### **Appraisal:**

Gather all relevant information for the intended passage.

Check that all the charts are up to date and all temporary and preliminary notices are read and noted as appropriate on the chart and in the passage plan. Navigation warnings are vital and important ones should also be noted in the plan, and removed when no longer applicable.

*Items that are often forgotten in this section include stability considerations and ensuring the crew are well-rested and competent for the passage to be undertaken.*

### **Planning:**

Once armed with all the relevant information from the appraisal, a full and comprehensive plan must be made.

The plan must be clear and understood by all using it. Therefore mark on the charts all the vital information considered in the appraisal. Such items must include all no-go zones, emergency anchorages, points of no-return and safe speeds. For a vessel operating with ECDIS only, safety limits must be set up correctly.

### **Execution:**

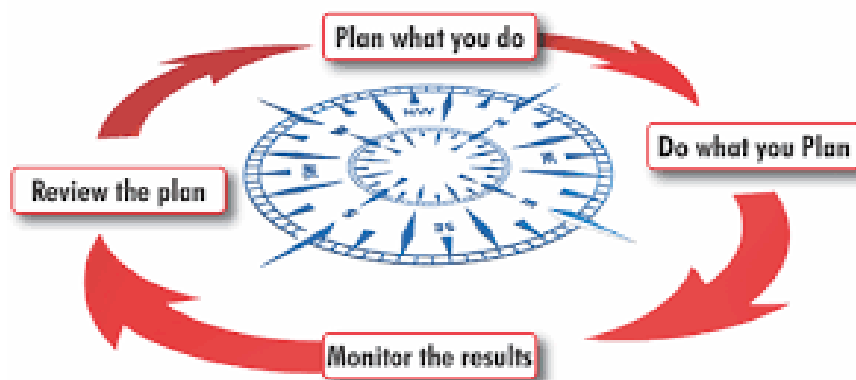
Once the entire bridge team have read and agreed the plan and the Master has endorsed it, it's time to execute the plan.

Remember that the plan isn't set in stone - weather, unexpected traffic and new navigational hazards can raise the need for changes. Alterations to the plan should be made following a risk assessment and the changes agreed and logged. Record any additional mitigation measures needed, such as extra lookouts or lower than planned speed for restricted visibility.

### **Monitoring:**

The vessel's passage must be closely monitored throughout the voyage. This is even more critical when under pilotage as the risks are often greater due to the proximity of navigational hazards. Close monitoring of the course using a variety of methods will show when the vessel is approaching alterations, no-go zones or other navigational hazards.

## **A Systems Approach to Passage Planning**



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