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## INCIDENTS INVOLVING THE IOPC FUND

### RIO ORINOCO

Submitted by the United Kingdom Delegation

- 1 The United Kingdom delegation has submitted to the IOPC Fund a copy of the Flag State Inspector's report into the grounding of the Rio Orinoco. This vessel was registered in the Cayman Islands, a dependent territory of the United Kingdom.
- 2 An extract from this report is attached for the information of Executive Committee Members. Copies of the full report are available from either the UK delegation or the IOPC Fund secretariat.
- 3 Following legal action brought by the Cayman Island authorities, the owners of the vessel were fined CI\$ 1,000 (Cayman Island dollars) for appointing an unqualified Master and CI\$ 30,000 for allowing an unfit ship to go out to sea. In addition, CI\$ costs were imposed to reflect the costs of the Cayman Island Marine Survey Department for investigating the casualty.

\* \* \*

It is questionable as to whether the ship should have been at sea in this state, and indeed this was the underlying reason why the voyage was not completed.

#### **VIII. DEFICIENCIES: SUMMARY**

During the course of this investigation it has become clear that 'Rio Orinoco' was being operated in an unsatisfactory manner in the time leading up to the casualty.

Specific areas include:-

a). failure to comply with the Merchant Shipping (Manning of Ships) (Cayman Islands) Regulations, 1989:-

i) in that the senior officers did not hold Cayman Licences (Regulation 9).

ii) The specified crew members did not hold qualifications required by Part IV.

iii). The ship did not hold a Safe Manning Certificate. (Regulation 4).

iv). There was no Radio Officer on board, as required by Schedule Part I - Table A.

(and also required by S.26 of The Merchant Shipping (Radio Installations) Regulations 1980, as applied in the Cayman Islands).

b). failure to comply with ss. 30 + 31 of the Merchant Shipping Act 1988, as it applies in the Cayman Islands. (references to dangerously unsafe ships and unsafe operation).

## IX. CONCLUSIONS

The two main areas of substandard ship operations are individually serious matters, and collectively add up to an unacceptable whole.

Taking them in order (reference to Section VIII):

a) i) Senior Officers: in the particular case of the Master S.A. Douglas:- had the company complied with Cayman regulations in applying for a Cayman licence for this officer the application would have revealed his unsuitability to take command of 'Rio Orinoco'. The qualifications he holds were unacceptable both on the grounds of limiting vessel size and areas of operations, and also on the basis of the issuing State. (see below).

The manning deficiencies mentioned at a) ii & iv of Section VIII are also deficiencies from the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ('S.T.C.W.') and as an officer holding (limited) qualifications from the USA, (who are not party to STCW), Capt. Douglas was probably completely unaware of his responsibilities in this field.

It is put forward that one of the two prime causes of the grounding was because the master was in a situation for which his formal qualifications and past experience had not prepared him. Nevertheless it is the writer's opinion that Douglas was to a large extent a victim in the circumstances, and those holding prime responsibility are the management company, who employed him.

b) Investigation has shown that the engine-room installations were in a neglected state. Some systems were completely inoperative, others kept working with difficulty by an overworked ship's staff.

By his own submission the Chief Engineer Laurie was hard-pressed to keep the plant running, and in the final analysis his inability to do so resulted in Rio Orinoco dragging ashore. As in the case of the Master, it is the writer's opinion that Mr. Laurie was to a large extent the victim of circumstance, and the consequences of long-term neglect and poor superintending must be laid at the door of the management team of the owning company.

To sum up, the investigation has brought to light instances of poor operational procedures some of which amount to contravention of specific regulations for which penalties are laid down.

As the result of this the vessel lies (as at February, 1991) aground off Anticosti Island, having resisted efforts to refloat her, and now declared a constructive total loss. Luckily no lives were lost or injuries sustained.

With this background, this report is submitted for decision as to whether it is appropriate to lay prosecution charges against individuals, the owning company or their agents.

W.P. ABLEY

INSPECTOR

GEORGE TOWN

FEBRUARY 8TH, 1991