

SOLAS 101
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What is SOLAS?

- International Convention for the Safety of Life at Sea (SOLAS), 1974
- Generally regarded as the most important International Convention concerning the safety of merchant ships
- Main objective – to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety
- Flag States are responsible for ensuring compliance and certificates are to be issued as prescribed in the Convention
- Port State Control – means that Contracting States may inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply. Nine regional agreements have been developed, eg. Indian Ocean MOU, Paris MOU.
- Tacit acceptance procedure – amendments come into force on a specified date unless, before such date, objections are received from an agreed number of Parties. This increases effectiveness.

IMO

- Formally established in Geneva in 1948
- Specialised agency of the United Nations
- IMO Convention came into force in 1958
- Initially concerned with maritime safety
- 1960 - Adopted a new version of SOLAS
- 1967 – **Torrey Canyon** disaster – 120,000 tonnes of crude oil spilled – pollution became an important issue
- Convention for the Prevention of Pollution from Ships, 1973 (MARPOL)
- Modified by Protocol of 1978 (MARPOL 73/78)
- Covers accidental pollution, operational oil pollution and pollution by goods in packaged form
- Civil Liability Fund Conventions – 1969, 1971 (CLC Limits) and 1992

IMO (cont.)

- Mission Statement
- “... to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This will be accomplished by adopting the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO’s instruments with a view to their universal and uniform application.”

Legal Matrix

- International Convention
- Assented to by Contracting Parties – an international agreement
- Binding on Contracting States – binding on citizens of Contracting States once implemented into local law
- SOLAS is managed by committees
- One such committee is the Maritime Safety Committee (MSC)
- MSC has various sub-committees
- E.g. Sub-Committee on Carriage of Cargoes and Containers (CCC)
- MSC adopts Codes and amendments to Codes
- Codes usually include (a) mandatory provisions and (b) guidelines / recommendations

Legal Matrix – South Africa

- South Africa acceded to SOLAS on 23 May 1980 and it came into force on 25 May 1980
- Accession is the acceptance of an offer to become a party to a Treaty already negotiated and signed by other States
- From time to time, South Africa incorporates Codes of SOLAS into local legislation
- By this process, SOLAS Codes are incorporated into South African law
- E.g. the International Ship and Port Facility Security (ISPS) Code was implemented through the Merchant Shipping (Maritime Security) Regulations 2004 (to Merchant Shipping Act, 1951)(MSA)
- South African Maritime Safety Authority (SAMSA) circulates marine notices to the industry advising of the implementation of such regulations
- SAMSA Act, 1998 – one of SAMSA's objectives is to ensure safety of life at sea and property. SAMSA must administer legislation, including MSA

SOLAS - Chapters

- SOLAS consists of various Chapters
- **Chapter I – General Provisions**
- Surveys of ships / issuing of documents
- **Chapter II-1 – Construction – Subdivision and Stability, Machinery and Electrical Installations**
- Watertight integrity and bilge pumping arrangements
- Subdivision between adjacent bulkheads
- Maintenance of machinery and electrical installations essential for the safety of the ship, passengers and crew
- Ships should have adequate strength, integrity and stability to minimise risk of loss of the ship or pollution to the marine environment

Chapters

Chapter II - 2 – Fire Protection, Fire Detection and Fire Extinction

- Detailed fire safety provisions
- Division of ship into main and vertical zones by thermal and structural boundaries
- Separation of accommodation spaces from remainder of ship
- Restricted use of combustible materials
- Detection of any fire in zone of origin
- Containment and extinction of any fire in space of origin
- Protection of means of escape
- Access for firefighting purposes
- Availability of fire extinguishing appliances
- Minimisation of possibility of ignition of flammable cargo vapour

Chapters (cont.)

- **Chapter III – Life-Saving Appliances and Arrangements**
- Requirements for life-saving appliances and arrangements, including requirements for lifeboats, rescue boats and life jackets according to type of ship
- **Chapter IV – Radio Communications**
- Global Maritime Distress and Safety System (GMDSS)
- Ships of 300 GT and upwards required to carry safety equipment
- Emergency position indicating radio beacons (EPIRBs)
- Search and rescue transponders (SARTs)
- Contracting States to provide radio communication services

Chapters (cont.)

- **Chapter V – Safety of Navigation**
- Navigation safety services to be provided by Contracting States. Ships to be sufficiently manned
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 – sets qualification standards for Masters, officers and watchkeeping personnel on ocean-going merchant ships
- Mandatory Carriage of Voyage Data Recorders (VDRs) and Automatic Ship Identification Systems (AIS) – crucially important evidence in maritime casualties
- **Chapter VI – Carriage of Cargoes**
- Covers all types of cargo except liquids and gasses in bulk which, owing to their particular hazards to ships or persons on board, may require special precautions

Chapters (cont.)

- **Chapter VII – Carriage of Dangerous Goods**
- Regulations are contained in three parts:
- **Part A** – Carriage of dangerous goods in packaged form
- Provisions for classification, packing, marking, labelling of dangerous goods
- Documentation and stowage of dangerous goods
- Contracting States required to issue instructions at National level
- International Maritime Dangerous Goods (IMDG) Code mandatory
- **Part A – 1** – Carriage of Dangerous goods in solid form in bulk
- International Maritime Solid Bulk Cargoes Code (IMSBC)
- **Part B** – Construction and equipment of ships carrying dangerous liquid chemicals in bulk
- International Bulk Chemical Code (IBC)

Chapters(cont.)

- **Part C** – Construction and equipment of ships carrying liquefied gasses in bulk
- International Gas Carrier Code (IGC)
- **Chapter IX – Management for the Safe Operation of Ships**
- Makes mandatory the International Safety Management (ISM) Code which requires a safety management system to be established by the shipowner or any person who has assumed responsibility for the ship
- **Chapter X – Safety Measures for High-Speed Craft**
- Makes mandatory the International Code of Safety for High-Speed Craft (HSC)
- **Chapter XI – Special Measures to Enhance Maritime Safety**
- Provides for enhanced surveys, ship identification number scheme and operational requirements of Port State Control

Chapters (cont.)

- **Chapter XI-2 Special Measures to Enhance Maritime Security**
- International Ship and Port Facilities Security Code (ISPS Code)
- Part A is mandatory
- Part B contains guidance
- Master's judgment over decisions necessary to maintain security of the ship, not to be constrained by owner or charterer
- Contracting States to ensure port facility security assessments to be conducted
- Port facility security plans to be developed, implemented and reviewed in accordance with ISPS Code

Marine Insurance & SOLAS

- Marine Hull Policy
- Clause 13 requires the insured to hold a valid Document of Compliance in respect of the insured vessel and a valid Safety Management Certificate as required by Chapter IX of SOLAS
- Failing compliance, the insurance shall terminate automatically at the time of breach, unless underwriters agree to the contrary
- International Hull Mortgagees' Interest Clauses 11/5/04
- If the insured vessel is in breach of Chapter IX of SOLAS, insurance is subject to automatic termination
- **Lindsay** judgment of Supreme Court of Appeal dealt with a warranty in a Hull and Machinery policy which referred to regulations appertaining to the safety of vessels. These regulations were taken from the STCW code of SOLAS.
- Ultimately, this judgment turned on the specific wording of the warranty clause

SOLAS – Current trends

- 94th session – MSC – November 2014
- Amendments to SOLAS Chapter VI to require mandatory verification of gross mass of containers (VGM)
- Either by weighing the packed container or by weighing all the packages and cargo items, including mass of securing material and adding to container's tare mass, using a certified method approved by a competent authority
- Signed off by authorised representative of shipper as verifying mass
- Came into force on 1 July 2016
- SAMSA Marine Notice 30/2016
- Innocent misdeclaration of mass by shipper? Error in weighing container?
- 3rd session – Sub-committee on Carriage of Cargoes and Containers (CCC), September 2016 – recorded high rate of compliance by shippers (95%)

Current trends (cont.)

- 98th session – MSC – June 2017
- Scoping exercise to determine how safe, secure and environmentally sound operation of Maritime Autonomous Surface Ships may be introduced into IMO instruments, recognising rapid technological developments
- Cyber risk management in safety management systems – applicable in first annual verification of Document of Compliance after 1 January 2021
- Piracy – updated statistics
- GMDSS modernisation plan
- Revised performance and standards relating to operational safety, including those relating to the implementation of an e-navigation strategy

Thank You