

▶ BULLETIN

Barge Clause

The Club, as part of its specialism in small and specialised tonnage, continues to see growth in the number of barges entered. As with all types of vessels, due to the nature of their operation, barges have their own sets of risk. This is highlighted when considering the Club's claims experience where several barge related incidents have proven to be very expensive. After investigation it was found that a common underlying cause for most of these claims was a failure to treat the barge in the same way as a seagoing ship, despite the operating environment being the same. To address this issue and to clarify its position with regards to barges, the Club utilises the 'Barge Clause' on a barge's 'Certificate of Insurance'.

The wordings of this Clause are as follows:

Barge Clause

There shall be no right of recovery from the Association in respect of any claim where failure to fulfill these conditions is in any way causative irrespective of extent of that causation, unless any of the below requirements are a statutory condition, in which case the provisions of Rule 33 shall take precedence.

Barge(s) display Navigation Lights and Shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (as amended) and applicable local regulations.

Unless otherwise agreed by the Managers in writing –

Barge(s) must have an approved Cargo Securing Manual and all cargoes except bulk cargoes (e.g coal or gypsum) must be secured in accordance with this manual; or

Securing of all cargoes, except bulk cargoes (e.g coal or gypsum), has been found to be satisfactory by a marine consultant as part of a Marine Warranty Survey. A copy of such report is to be maintained with the Member.

Barge(s) to be operated at all times within the limitations imposed by the approved stability book and Load Line certificate, specific to each barge.

Sideboards, where fitted, to be maintained in a serviceable condition.

Tug, towing arrangements and gear to be in accordance with industry acceptable standards.

An explanation with regards to the various sections of the Barge Clause is as follows:

1. Navigation lights and shapes

The Club has experienced several claims of Members' barges being involved in collisions where the barges were not displaying appropriate navigation lights or daylight shapes in compliance with the International Regulations for Preventing Collision at Sea, 1972 (as amended) and applicable local regulations.

During our investigations, the reason for not displaying the lights / shapes was mainly attributed to either non-availability, theft or failure of the batteries of lights mid-voyage.

Unfortunately, in a court of law, the failure to display the lights / shapes is paramount and the reason for not displaying these may be immaterial; thereby rendering the defence of such cases as weak.

We recommend that every effort should be made to secure and stow the lights / shapes such as to deter their theft and consideration should be given to fitting heavy gauge retaining brackets.

With regard to navigation lights, some of our Members are using approved solar powered navigation lights which address the problem of the relatively short battery life of battery powered lights.

2. Cargo Securing Manual

A Cargo Securing Manual (CSM) is a SOLAS requirement and therefore may not be a statutory requirement for most barges. However, the Club, on the back of handling an increasing number of claims which have had their cause attributable to poor securing of cargo, requires all barges (except those only carrying bulk cargoes) to be provided with an approved CSM. The CSM is ordinarily approved by the Flag or Class/Certifying Authority of the vessel; however, in cases where these approvals are not possible (possibly due to it not being a statutory requirement) an approval by a suitable third party consultant would suffice.

▶ BULLETIN

It is important that the CSM is prepared as 'barge-specific' taking into account the nature of cargo ordinarily being carried on board, trading area of the barge, weather and external forces that the barge is expected to be subject to. We recommend that the services of a suitable third party consultant be called upon to assist Members in drawing up a CSM.

As an alternate to having an approved CSM, the Member may appoint a marine consultant (as part of a Marine Warranty Survey) to review and inspect the securing of all cargoes (except bulk cargoes). A report confirming that the securing of all cargoes is to the satisfaction of the surveyor (considering various factors such as nature and length of voyage, types of cargo, expected weather conditions etc) should be maintained with the Member.

3. Stability book and Load Line certificate

The Club has noted on several occasions that barges have been loaded beyond limitations imposed by their approved stability book and/or Load Line certificate.

This may partly be due to the personnel charged with loading the barge being unaware or unfamiliar with the barge's stability book and Load Line certification.

When a barge's actual freeboard is less than that assigned by the Load Line Certificate or if she is loaded beyond limiting stability conditions, she may be considered in breach of applicable statutory requirements / Club Rules and her entire P&I cover may be under review. Thus, it is essential that the Members ensure that personnel charged with loading the barge are familiar with the stability book and Load Line certificate and understand the operating limits imposed.

4. Sideboards

The Club has been exposed to several claims where poor or suspect conditions of sideboards have resulted in cargo either being lost overboard or having shifted. Such scenarios may give rise to further situations such as the barge losing stability, running aground, pollution risks and in extreme cases, the barge floundering or even capsizing.

Apart from containing cargo, side boards also protect cargo from "green seas".

In most cases, sideboards are not subject to Class inspections as they are not considered a 'Class item', however the Club requires that sideboards, when fitted, should always be maintained in a serviceable condition to avoid any doubt

being raised over a barge's cargo worthiness.

Unless they are purposely strengthened, sideboards are not designed to be used as a securing point for lashing general cargo and Members may refer to the approved CSM in such an instance.

5. Towing arrangements

The tug used to tow a barge, be it the Member's own or chartered in, must be of sufficient power to undertake the tow in accordance with industry standards. The Club has experienced claims involving the use of underpowered tugs which have been unable to control the barge sufficiently, especially when manoeuvring.

The towing arrangements, gears and connections must be sufficient for the nature of tow and the equipment must be well maintained, regularly inspected, tested and duly certified.

It is imperative that the barge operator ensures that the tug employed to tow the barge is seaworthy in every respect, including all aspects of navigation, manning, certification and structural condition.

Members may also refer to relevant Loss Prevention material, as below -

[Basic Stability for Small Vessels](#)
[Tug and Tow a Practical Safety and Operational Guide](#)
[Loading and discharging procedures for inland barges](#)
[Emergency Towing Poster](#)

London

White Chapel Building, 2nd Floor
10 Whitechapel High Street
London
E1 8QS

T +44 207 488 0911
F +44 207 480 5806
E info@shipownersclub.com

Singapore

6 Temasek Boulevard
#36-05 Suntec Tower 4
Singapore 038986

T +65 6593 0420
F +65 6593 0449
E info@shipowners.com.sg