The following article was written by the Club for inclusion in the International Tug and Salvage magazine and is reproduced here for the benefit of all our Members.

The risks faced by tug and salvage vessels are varied due to the environments they operate in, especially when operators are engaged in contracts with charterers.

Each operation can present a complicated chain of liabilities either in contract or common law. Adequate cover must be put in place for liabilities arising out of pollution, collision, personal injury and damage to third party property.

The Shipowners' Club’s own experience from their 4,500 entered tugs would seem to indicate that claims from both harbour tugs and those engaged in deep sea operations are increasing in both frequency and in value. There has been a marked increase in the number of crew claims arising from towage and property incidents.

Claims arising from injury from tow lines are unfortunately common, ranging from the minor to fatal. Handling wires in a live situation requires skill and awareness by the tug crew. In one incident a crew member suffered hand and arm injuries when placing the tow wire through a fairlead and the tug took a sheer, tensioning the wire. The resultant injury resulted in a significant claim.

Loss of tow claims are often expensive, particularly when the tow is not recovered. A common cause of tow loss is a lack of attention by the tug's crew in monitoring the tow. For example, a barge carrying valuable cargo sank in rough weather because a door had been left unsecured and the void spaces flooded. Even during the rough weather, the tug crew failed to properly monitor the tow, only realising what was happening when remedial action was impossible.

In many cases a tow loss is the result of the tow wire parting, often in bad weather. If the tug can keep the tow in visual or radar 'sight' there is a good chance of recovery. Again, success depends to a large extent on crew awareness and equipment maintenance. Club surveys make special provision for the inspection of towing arrangements, paying attention to the tow wire and back up arrangements.

Loss of control of the tow and consequent third-party damage can have a devastating result. Recently a tug lost control of its tow and the subsequent collision between the tow and a tanker at anchor resulted in a major pollution. In that incident an official inquiry found that the towing wire was not fit for purpose. Several other incidents have been caused by uncertificated wires, shackles or other equipment being used inappropriately.

Unfortunately, tug Masters are occasionally asked to take command of a tug when he is not familiar with the propulsion system. In one incident the post incident inquiry found that the tug Master was not familiar with the manoeuvring characteristics of the tug because the propulsion system in use was ‘different’ and the Master had not been properly trained.

Girting a tug is as dramatic as it is sudden and the consequences can be tragic as recorded in a recent case when three crew members were lost following the capsize of a tug when manoeuvring a bulk carrier. There are examples of girted tugs being recovered and re-entering service, but when they become a CTL or ATL the Club may be faced with an expensive wreck removal claim.

Modern tug design and propulsion systems allow tugs to be used in an ‘indirect towing’ mode when escorting ships tethered or made fast. More often than not, records show a full girting could have
been avoided had the tugs access doors and skylights been properly closed thereby maintaining watertight integrity.

Not surprisingly, claims arising from collision involving tugs are the most common category of claims against Club Members. The causes of collisions are varied. Machinery breakdowns at critical times have contributed to a tug colliding with a tow during close manoeuvres.

More often than not, the closeness of a manoeuvre is a contributing cause. Bad weather, such as fog and strong winds, make the control of a tug very difficult notably when moving in and out of the lee created by the towed vessel.

Overall, claims arising from towage incidents can be very expensive and this highlights the need to ensure that suitable contracts are in place to ensure the clear division of liabilities between the tug and tow. It is essential that the tug and tow should operate within a clearly understood contract such as the United Kingdom Standard Towing Conditions, Towcon or Towhire.

The success of a tow will depend heavily on the quality and ability of the crew. A well trained crew, properly versed in safety issues, properly managed and motivated, will go a long way to ensuring a successful tow and a reduced claim record.

The Loss Prevention Department has been researching claims causation in respect of the claims experienced and advising Members on how to avoid exposure to such claims. The experience gained from analysing claims can be passed on to Club Members as a meaningful tool in claims control and overall tug safety.

Source of information: International Tug & Salvage