

SOUTH AFRICA BANS LANDING OF STOWAWAYS

Ingosstrakh's P&I Correspondent for South Africa region P&I Associates South Africa, updates on new regulation issued in respect of stowaways.

Back in the days, any unlawful person gained access to a vessel was immediately declared as a stowaway or trespasser and removed from the vessel for repatriation. New regulation with an immediate effect says that from now on, no stowaways would be permitted to be landed in South Africa. Any person declared as a stowaway in a South African port will have to sail with the vessel and removed on route or at the next port of call.

We, therefore, urge Insureds to pay special attention and not allow any person to board their vessel if that person is not in possession of a TNPA (Transnet National Port's Authority) port permit. Private security should be arranged to check permits at the bottom of the gangway to prevent stowaways running past the security desk, and two guards should be stationed on the quayside on the fore and aft mooring ropes.

REMINDER OF RESTRICTIONS ON VESSEL CALLS TO NORTHERN CYPRUS

Cyprus based lawyers I.Elias & Co LLC remind on existing restrictions on vessel calls to Famagusta, Karavostasi and Kyrenia.

Insureds shall be aware that the Council of Ministers of the Republic of Cyprus issued an Order in 1974 (Order P.I. 265/74) declaring the ports of Famagusta, Karavostasi and Kyrenia in Northern Cyprus closed to all vessels. Section 15 (2) of the Cyprus Ports Authority Law 38 of 1973 (as amended in 1979) sets out the sanctions for vessels arriving at or departing one of the closed ports:

“The master and/or the owner of a ship which arrives and departs from a port closed for such ship or enters or stays therein in contravention of an Order under subsection (1) shall be guilty of an offence and be:

- liable to imprisonment not exceeding two years;
- or to a fine not exceeding seventeen thousand eighty six euro (€17.086);
- or to both such imprisonment and fine;

and in the case of a ship registered in the Register of Cyprus Ships, the Court dealing with the case has the power to order her deletion from the Register of Cyprus Ships."

Therefore, if a vessel is found to have called to, or drifted into waters of, one of the above closed ports, she can expect to face penalties from the Republic of Cyprus if she thereafter calls to any of the legal/ open ports of Cyprus (Limassol, Larnaca and Vassiliko). Such penalties include the imprisonment of the master, a fine and the vessel being struck off the Cyprus Flag Register, if she was sailing under the Cyprus flag.

If the Master has changed between the call to the closed port and to the open port, the new Master cannot be arrested or fined. If the previous master remains on board in any capacity, he will be arrested and fined.

The vessel may face such penalties even if she calls at an intermediate non-Cypriot port between her calls to one of the closed ports and to an open Cypriot port.

Additionally, there are insurance implications to be borne in mind e.g. a breach of trading warranties in the vessel's Hull and Machinery or P&I policies or a breach of warranty of legality i.e. a call to a closed port being deemed an "illegal voyage".

The Greek Authorities also impose restrictions on Greek flagged, Greek owned, Greek managed or Greek crewed vessels calling to any port in Northern Cyprus. Penalties range from fines to imprisonment. Members with any Greek connection whatsoever (Flag, Management, crew, etc.) are therefore strongly advised against calling at ports in Northern Cyprus.

REMINDER ON RECENT AMENDMENTS IN THE TURKISH REGULATIONS REGARDING MARINE POLLUTION

We refer to recent Ingosstrakh Circular 02-17-19-01 issued in respect of amendments regarding fines for marine pollution in Turkey, and full version of which is available [here](#).

Recently, we have experienced a case of pollution generated from the vessel during routine checkup of a fire hose in the aft part of the vessel, which led to a slight spillage of dirty water to the sea. Environment Protection officers were conducting random checks in the port on a boat on the same time, noticed, and even recorded the infringement. As a result – Owners were fined in the region of USD 200,000.

In the light of the above, it's strongly advisable for prudent Owners to ensure their personnel and crew is properly instructed and trained to be extra careful while navigating in Turkish waters.

As we have advised in our previous circulars, all the evidences that may support Owners' position should be collected including photographs, video footage, statements of eyewitnesses etc. Reacting immediately and taking necessary steps for cleaning by vessel's means is also of advantage in further mitigating of the potential losses of vessel interests.

The need of immediate report about any of pollution incident to Ingosstrakh remains of paramount importance for further handling of the case in professional effective manner and also further reimbursement of Owners' actual and reasonably incurred losses.