

ROBIN MIDDLETON

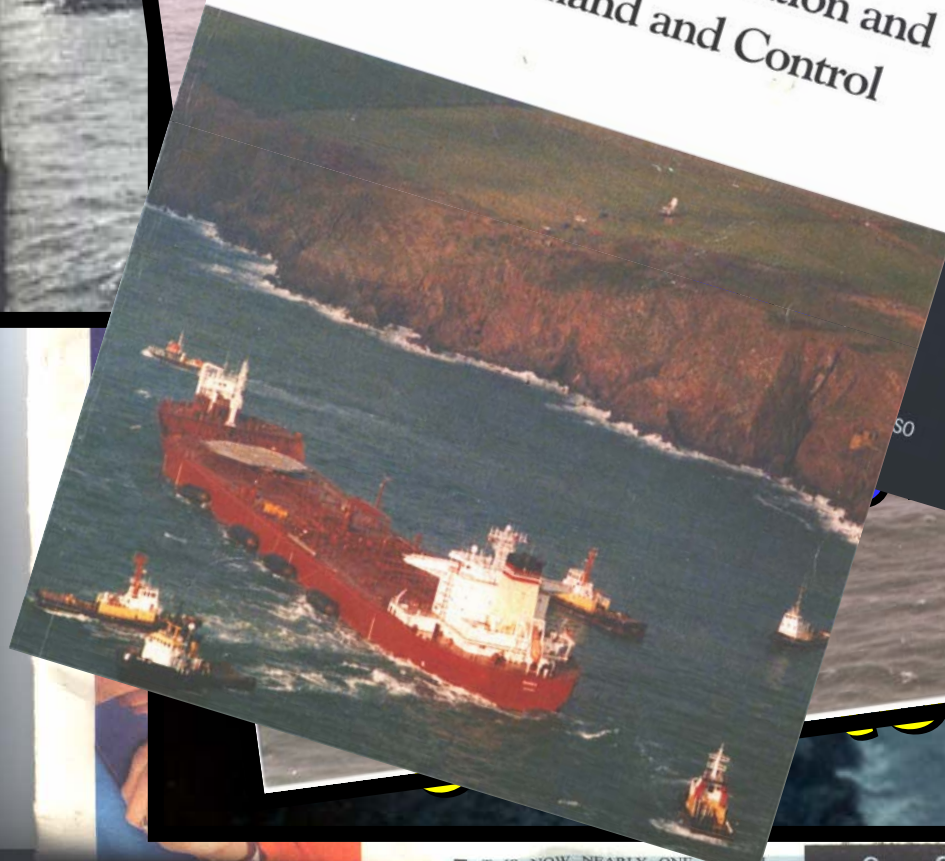


Maritime Salvage & Intervention

THE SOSREP

March 1967

Lord Donaldson's Review
of Salvage and Intervention and
their Command and Control



**SAFER SHIPS,
CLEANER SEAS**

Report of Lord Donaldson's Inquiry
into the prevention of pollution from
merchant shipping



Lord Donaldson's Review

Four conclusions fundamental to the report:

- 1) The involvement of Ministers in Operational decisions is not a practicable option;
- 2) The 'Trigger' point is when there is "a threat of significant pollution" to the UK's pollution control zone, territorial waters or coastline;
- 3) Officers from Maritime and Coastguard Agency as a whole should play a much larger part in operations in response to a threat of significant pollution than has been the case in the past;
- 4) Response to the threat of significant pollution from or involving an offshore installation, compatible with same from shipping casualty – need for legislation.

Lord Donaldson's Review

**Ultimate control of salvage by a
Secretary of State's
Representative acting in the
overriding public interest**

- SOSREP -

The SOSREP Function

- One person to act as representative of Secretary of State
- Free to act without recourse to higher authority
- Ultimate voice
- Decisive voice
- Ultimate control
- Cannot choose to ignore a situation

Development of the SOSREP role



THE UK EXPERIENCE

>570 incidents with SOSREP directly involved includes 26+ installations

38 Notices of Direction served

27 Significant incidents required NCP to be invoked

5 Marine protest / terrorism

15 SCUs in major national and international exercises

13 10 2004

THE POWERS

Powers of Intervention

- The Merchant Shipping Act 1995
- Amended by the Merchant Shipping and Maritime Security Act 1997
- The Dangerous Vessels Act 1985

MARINE SAFETY ACT 2003

Powers of Intervention

Schedule 3A, paragraph 1, MSA 1995 as amended

SHIPS: POWER TO INTERVENE AND ISSUE DIRECTIONS

**For purposes of preventing / reducing risk to safety
or of pollution by a hazardous substance**

- ☐ Directions to take any action of any kind whatsoever
- includes destruction of a vessel
- ☐ Safety – applies in UK Waters (12nm)
- ☐ Pollution - applies up to 200 miles from UK
coast or international median line

Powers of Intervention

Schedule 3A, paragraph 22 (2), MSA 1995 as amended

“HAZARDOUS SUBSTANCE”

- ☐ Means oil
- ☐ Includes pollution by any other substance which is prescribed by the Secretary of State by Order
- ☐ Includes any other substance which creates a hazard to health, harms living resources or marine life, damages amenities or interferes with lawful use of the sea

Powers of Intervention

Schedule 3A para 3, MSA 1995 as amended

POWER TO REQUIRE SHIPS TO BE MOVED

For purpose of securing safety of a ship, other ships, any persons or property, or reducing such risk

- ☐ Directions that ship is / is not to be moved from a specific place, or over a specific route
- ☐ Can direct a ship to be removed from UK Waters
- ☐ Directions to owners / master / person in possession of ship
- ☐ Applies in UK waters only (12 nm)

Powers of Intervention

Schedule 3A para 2, MSA 1995 as amended

DIRECTION TO PERSONS IN CONTROL OF COASTAL LAND OR PREMISES

**For purpose of removing, or reducing a risk to
safety or of pollution following an accident**

- ☐ Direction to grant access or facilities in relation to any ship, anything which is or was on the ship including any person

- ☐ Includes:
 - * Permitting persons to land
 - * Making facilities available for undertaking repairs or other works
 - * Making facilities available for the landing, storage and disposal of cargo or of other things

Powers of Intervention

The Offshore installations (Emergency Pollution Control) Regulations
2002

OFFSHORE INSTALLATIONS: POWER TO INTERVENE AND ISSUE DIRECTIONS

**For purpose of preventing or reducing the risk of
pollution**

- ☐ Applies all of MSA 1995 powers to offshore installations
- ☐ Directions can be given to operators, managers, servants or agents of operators of **ANY** offshore installation
- ☐ Applies UK Continental Shelf

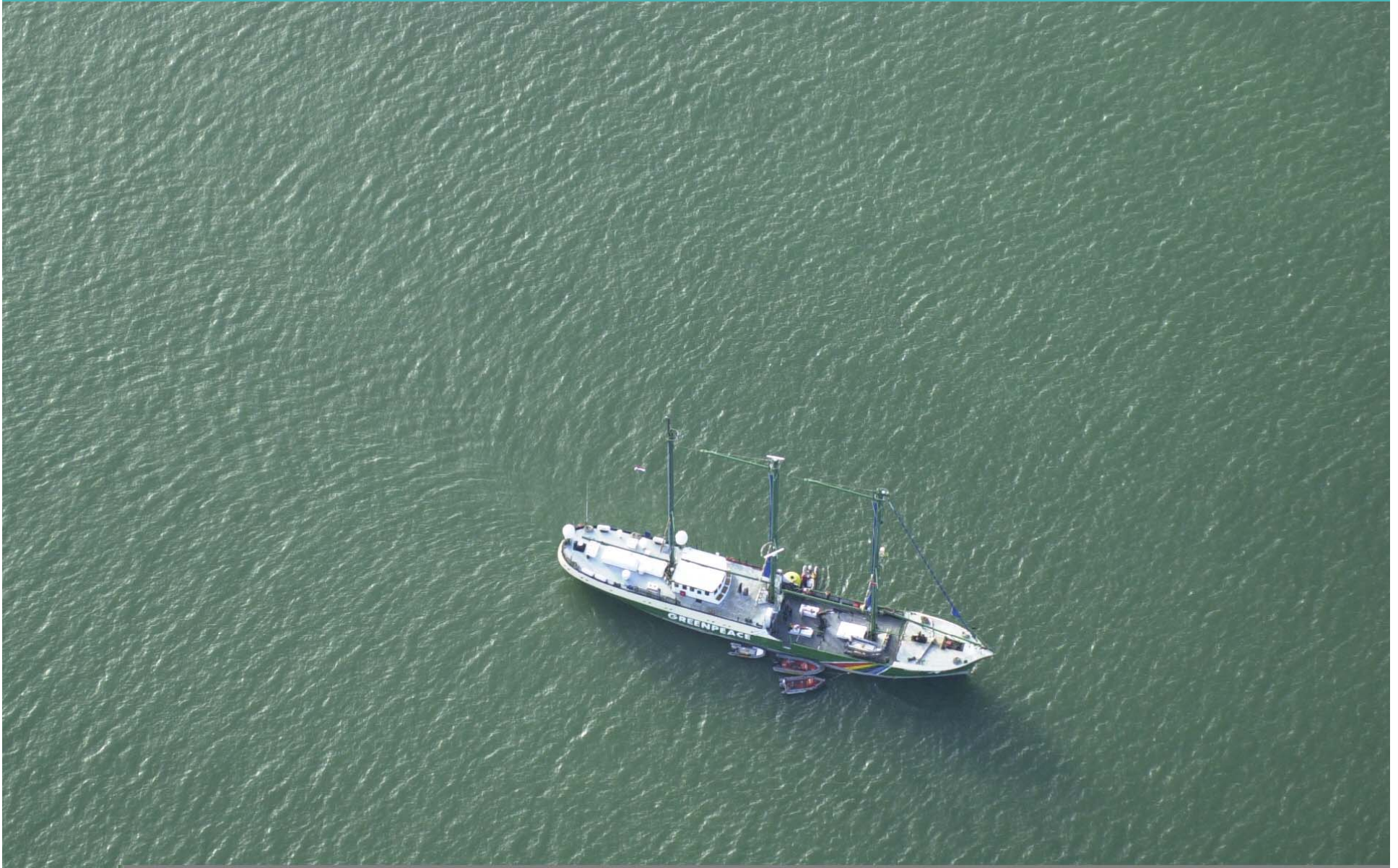
Powers of Intervention

Schedule 3A para 4, MSA 1995 as amended

ACTION IN LIEU OF A DIRECTION

Where SoS is entitled to give a direction, or has given one, which has not achieved, or is not likely to achieve, a sufficient result

- ☐ Can take such action as appears necessary or expedient for the purpose of which a Direction was, or could have been, given
- ☐ Persons can enter land or make use of facilities
- ☐ Can do anything which could be authorised by a Direction
 - * Includes taking control over a ship or offshore installation
 - * Includes making arrangements for destruction





Powers of Intervention

S.100A MSA 1995 as amended

POWER TO ESTABLISH TEMPORARY EXCLUSION ZONES

For purpose of preventing significant damage to persons or property, or pollution or reducing such risk

- ☐ Applies to any ship, structure or other thing
- ☐ Must be wrecked, damaged or in distress
- ☐ Zone may be defined geographically or in relation to a casualty
- ☐ Cannot include areas outside of UK Pollution Zone (200 miles)
- ☐ Must be reviewed

Responsibility

PURPOSE	WHAT RISK?	HOW?	TO WHO?
Remove risk	To safety	Issuing Directions	Persons in charge of:
Reduce risk	Of pollution by a hazardous substance	Establishing exclusion zones	<ul style="list-style-type: none"> Ships
	To safety of property	By taking control	<ul style="list-style-type: none"> Offshore installations
	Damage to amenities		<ul style="list-style-type: none"> Ports and harbours
	Interference with lawful use of the sea		<ul style="list-style-type: none"> Coastal facilities

Capability

Extent of powers	Delivery	Enforcement	Offences
<p>Take or not take any action regarding a ship/installation</p> <p>Move or not move ships</p> <p>Prevent cargo discharge</p> <p>Leave UK Waters</p> <p>Give access to coastal facilities</p> <p>Restrict access to/from specified area</p>	<p>Verbal</p> <p>In writing if practical</p>	<p>Can take control</p> <p>Can authorise persons:</p> <ul style="list-style-type: none"> • To enter land • To use facilities • To execute any Directions • To take control of a ship/installation • To destroy a ship/installation <p>Previous Direction unnecessary for the above</p>	<p>Non-compliance</p> <p>Obstruction</p>

THE SYSTEM

The First Phase - Prevention



THE "SOSREP SYSTEM"

SEARCH & RESCUE

SALVAGE

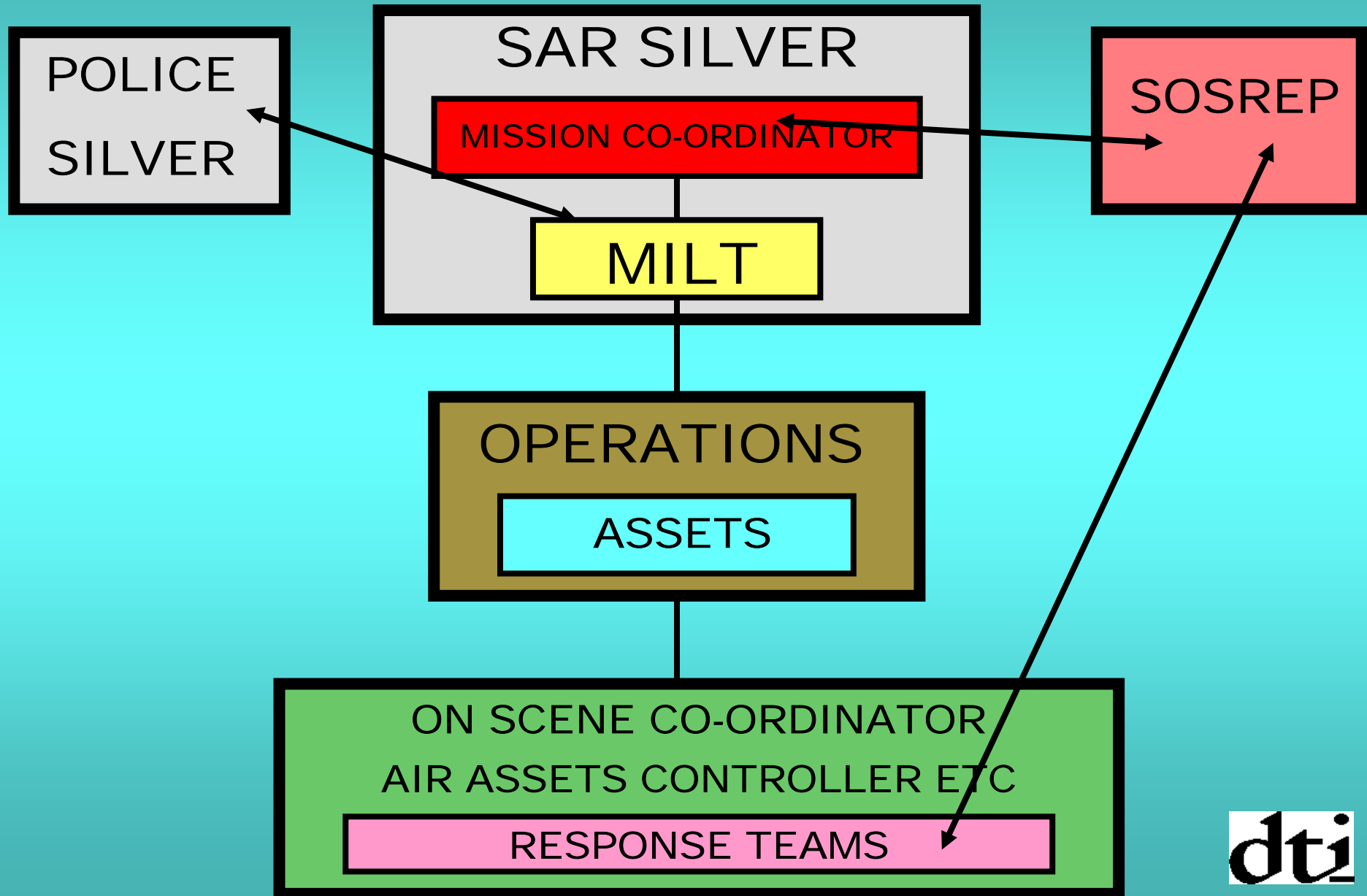
SOSREP

RESPONDERS ON CASUALTY

SALVAGE CONTROL UNIT

CLEAN-UP

SEARCH & RESCUE



RESPONSE TO TERRORISM

**GOVERNMENT
CABINET OFFICE**

STRATEGIC

POLICE COMMANDER

STRATEGY TEAM

SOSREP

TACTICAL

OPERATIONAL

UK DIRECTORY OF PLACES OF REFUGE



Lessons: The System

- The UK “System” consists of an operational team + assets + support – it is not a single person
- Advantages of being part of the UK coastguard service
- Advantages of being kept constantly busy

Lessons: Strategic Issues

- **Single Command works**
- **Directions not necessary every time**
- **Involving owners and insurers**
- **Keeping the environment on the agenda**
- **The place for “politics” (local and national)**
- **Involving “cost-recovery” from the outset**
- **Allocating Places of Refuge**
- **Wash ups and debriefs**

Lessons: Practical Issues

- Prevention by quick involvement
- Pre-determined to “help” responders
- Location of SCUs
- SCU – everybody works in the same room
- Total involvement of owners and insurers
- Between incident liaison
- Use of “independent expertise”
- Interaction with Harbour Masters

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- Informing the media

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- Informing the media
- **Informing the local community**

Lessons: Some Problems

- **Enforcement of Directions and intervention**
- **Container-ships and cargo manifests**
- **Restrictions on powers of intervention (eg gas platforms)**
- **Termination of SCOPIC**
- **Legal definitions (“ship”; “wreck”; “national waters” etc)**
- **Keeping unwanted personnel out of the communications link**



Lessons: International Cooperation

- **Provision of resources**
 - Bon Agreement (SESAM / ILV Granuaile)
 - Mancheplan
 - Norbrit
- **Working with other nations**

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- **Joint technical inspections (EVER DECENT)**
- **International trust (IEVOLI SUN; ECE; Ghost Ships)**

Lessons: Other National Systems

- The French model
- PoR in Denmark
- Problems faced by Federal States

Lessons: Trends

- **Directions to ships are now unusual**
- **IT enables the team to monitor events as they happen**
- **PoR issues mean that it is becoming more probable that directions will be issued to ports**
- **P&I Club involvement from the start**
- **AIS has helped identify “stoppers”**
- **More use is being made of the stockpiles**

Lessons: Bigger Issues

- **Politics must be kept out at all costs**
- **There is unlikely to ever be an “international SOSREP”**
- **Keeping the salvage industry going**
- **Responder immunity is an issue**
 - **SOSREP is liable**
 - **Persons acting on SOSREP instructions are liable**
 - **EC law**
 - **UK law**
- **The development of Safety as a driver**
- **Some definitions need to change**
- **Jurisdiction is not always clear**
- **We need the HNS Convention**