

Circular Ref: 2017/0005

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Narrow Channel and Crossing Rule

In a recent case *Nautical Challenge Ltd v Evergreen Marine (UK) Ltd (The “Alexandra 1” and The “Ever Smart”)* - QBD (Admlty Ct) (Teare J, sitting with Nautical Assessors) [2017] EWHC 453 (Admlty) - 13 March 2017, it was decided that crossing rule did not apply in the present case where one vessel is entering the narrow channel, and another vessel is coming out of the narrow channel.

The Court commented that in the interests of safety, which was the foundation of the Collision Regulations, the crossing rules could not have been intended to apply where one vessel was navigating along a narrow channel, and another vessel was navigating towards that channel with a view to entering it.

Facts

On 11 February 2015, a collision occurred between the claimant's VLCC Alexandra 1 and the defendant's 75,246 grt container vessel Ever Smart just outside the dredged channel by which vessels entered and exited the port of Jebel Ali in the UAE. Both vessels were laden.

The collision was at night but there were clear skies and good visibility of 10 to 12 miles. There was an easterly/north easterly wind of force 3.

The damage suffered by Alexandra 1 in the way of her bows amounted to over US\$32 million. The damage suffered by Ever Smart to her port bow amounted to some US\$4 million.

The dredged channel leading out from Jebel Ali lay on an axis of 315/135 degrees and was about 8.5 nm in length and slightly less than 2 cables in width. It was marked by lateral buoys, from buoys no 1 at the seaward end to buoys no 12 at the outer breakwater. At the seaward end was the designated pilot boarding area, a circular area with a 1 nm radius. It was common ground that the dredged channel was a narrow channel for the purposes of rule 9 of the Collision Regulations.

Andrew Liu's FDD department advice for the clients is:

- (a) Continuous training of seafarers is needed to prevent such accidents using case studies.
- (b) The Defendant vessel was held 80% responsible and good lawyers managed to reduce the culpability by 20%. The need for collation of evidence on board cannot be overstated. Lack of availability of evidence will go against the party to any litigation.
- (c) FDD department has conducted a few courses for the seafarers.

Source of Information: Andrew Liu & Co., Ltd www.andrewliu.com.hk