

## **Welcome to TT Talk, No. 88 in the series.**

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### **1. US grants for port security**

The US Department of Homeland Security (DHS) has released the application guidelines for the latest port security grant (PSG) programme. A total of just over USD 168 million is available for grants. Applications are due by Friday, August 4, 2006.

As the American Association of Port Authorities (AAPA) expected, in this round the DHS has expanded the number of port areas eligible for funding, bringing the total to 101. Public entities are required to provide a 25 percent match for funding provided, while private entities have to make a 50 percent match.

The full application guidelines are available on the website of the AAPA at [http://www.aapa-ports.org/govrelations/FY2006\\_PSGP\\_070306.pdf](http://www.aapa-ports.org/govrelations/FY2006_PSGP_070306.pdf). You can view all information about round 6 on AAPA's website at <http://www.aapa-ports.org/govrelations/issues/crime.htm>.

### **2. Parking and Breakfast - Truckstop Guide for England**

Truck drivers in England will be able to park safely and enjoy a full English breakfast at 102 official truckstops across the country listed in a new directory published by the UK Highways Agency, the body responsible for the management and maintenance of major roads and motorways in England.

Although the UK economy is highly dependent upon the movement of freight, little coordinated information exists to help heavy goods vehicle (HGV) drivers take their statutory breaks or overnight stops at appropriate facilities.

The Highways Agency Truckstop Guide for England includes details of facilities catering specifically for lorry drivers, recognised by local authorities as official rest areas.

All truckstops listed in the guide have overnight parking, toilets, food and refreshments and the guide helpfully gives locations and motorway junction exit numbers for drivers' convenience. The guide gives details of individual truckstop facilities including opening times, costs and security provision.

The handy A5 size ring-bound guide contains information in six languages and is free of charge to the operators and drivers of HGVs. Copies are available at the stops listed or they can be obtained from the Highways Agency by email to [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk). A web version is planned for later in the year.

The minister for roads, Dr Stephen Ladyman, said: "The freight industry plays a vital part in supporting our economy, making sure we have the goods that we need when we need them."

"Truck drivers do an essential job but they need to take regular breaks to help them stay alert and refreshed. The Highways Agency Truckstop Guide will help to make drivers' lives a little easier, telling them where facilities are and helping to ensure their safety and that of other road users."

### **3. Why Himalaya?**

Prompted by the recent articles in TT Talk on the use of Himalaya clauses, a reader asks why they are so called. This was itself a useful reminder to the editor that many readers are unfamiliar with the dark alleys and byways of English legal history.

The clause takes its name from the 28,000 GRT P&O liner Himalaya built in 1949 to provide a comfortable, if slow, means of transport from UK to India and Australia in the days before mass air travel, and the case of *Adler v Dickson*. In the early 1950s, Mrs Adler, a passenger on the ship, was disembarking when the gangway collapsed, throwing her some 5 metres to the ground and causing her serious injuries. The ticket conditions contained an exclusion clause which meant that P&O's liability for the accident was extremely limited, so Mrs Adler instead sued the master, Captain Dickson, and the bosun for compensation.

In its decision in 1955, the English court of appeal stated that it was permissible for an exclusion clause to extend to protect the principal's employees and agents but such extensions had to be explicit. Although P&O could therefore have written the exclusion clause on its tickets so that neither it nor any of its employees would have been liable, it had not done so. Consequently the court upheld Mrs Adler's claim against Captain Dickson and awarded her damages. Himalaya clauses are therefore designed to ensure that claims can only be pursued against the principal carrier, and only in accordance with the other conditions of the contract.

Himalaya made its last journey, to the breakers' yard in Taiwan, in 1974, but its name lives on in law books and bills of lading.

Readers with nostalgia for these lovely old ships can find pictures of Himalaya on [http://www.simplonpc.co.uk/PO\\_Himalaya\\_1949.html](http://www.simplonpc.co.uk/PO_Himalaya_1949.html)

### **4. Fireworks explode in China**

With cargo beginning to move from China to fulfil the demand for fireworks as part of New Year celebrations, we are indebted to Haz News for the following reports, which underline the potential threats to shipping posed by the carriage of fireworks from Chinese ports.

On May 17 a violent explosion shook Xia'ning New Port, Changsha, capital of Hunan Province. Reportedly involving containers of fireworks, the blast threw debris 500 metres and damaged buildings 2 km away. There were various reports of casualties and number of containers involved, but no deaths reported.

Haz News comments that this is the latest in an escalating number of firework-related incidents that have prompted shipping lines to restrict or refuse firework shipments. Such decisions have angered importers around the world, who argue that some of the major incidents have not been proved to be caused by fireworks. For the ship operator, of course, it makes little difference whether the incident was caused or merely exacerbated by fireworks as the result is much the same.

Experts point out that properly manufactured and packed fireworks are relatively safe but a Chinese study in 2005 found that only 57 per cent of fireworks met basic quality standards, with banned chemicals and poor packaging among the deficiencies that could lead to serious incidents during transport.

The scale of the problem is further shown by the report that, in eastern China, an elderly man who used his home as an illegal fireworks factory was one of seven people killed when the workshop exploded. The six-room home of 72-year-old Ma Diansheng was blown apart by the explosion. The Xinhua news agency said Mr Ma had been using his house as a factory to produce fireworks illegally. Thirteen others, most of them over 50 years old, were injured in the explosion

It was reported on June 15 that a village official had been detained for allegedly serving as a protection umbrella over an illegal fireworks factory. Ma Dianming, head of the Mazhuang village committee in Taihe county, is the younger brother of the owner of the illegal factory killed in the explosion. Police allege that he admitted covering up illegal fireworks production, providing finance and helping to store explosives.

We understand that the Anhui provincial bureau of work safety has issued an emergency circular ordering all fireworks makers to suspend production until late September following the fatal explosion. The bureau demanded a thorough safety check of the province's 330 registered fireworks factories and a strict ban on illegal production.

There is a general trend in the market for more and more forwarders and NVOCs to refuse any firework shipments, and so shippers are now searching the market for companies who are still willing to carry on the risk of transporting them.

The Club's loss-prevention advice to members in China is that they must carry out a thorough integrity check on all firework shippers before accepting any such shipments. Only shipments manufactured by established factories which fulfil all safety and quality requirements may be accepted. A site visit should be made by the member's sales staff to check on the manufacturer's management standards. If in doubt, firework shipments should be refused - in general the lost profit will be much less than the cost of management time alone in dealing with any problems. Members should be even more cautious when new customers offer firework shipments and also be on their guard for possible mis-declarations of cargo. Of course, if the member's preferred ocean carriers themselves refuse to accept fireworks, then the member will have little option but to turn the business away too.

## **5. Smelly incident in Canada: no bears involved**

Following the incidents of the dead boar and the electrocuted beaver comes this warning from Canada that sitting in the office contemplating a weekend game of golf can have unexpected consequences. It also serves as a reminder that materials do not have to be hazardous to have potentially serious effects and that they can occur in the unlikeliest of circumstances.

Hundreds of people had to be evacuated recently from an office building in downtown Toronto after an accidental spill on the 18th floor of the Scotia Tower triggered a security alert. The spilt material caused a number of office workers to start coughing while others reportedly complained of burning eyes. The incident prompted building officials to clear several levels while they determined what the chemical was and if it was dangerous.

It transpired that the substance was a strong-smelling bear repellent designed to protect people from bear attacks, reportedly part of a golf promotional package that had been delivered to an executive in the tower. It is unclear how or why the repellent was released as no bears had been seen in the building.

[http://toronto.ctv.ca/servlet/an/local/CTVNews/20060620/building\\_evac\\_060620/20060620?hub=TorontoHome](http://toronto.ctv.ca/servlet/an/local/CTVNews/20060620/building_evac_060620/20060620?hub=TorontoHome)

## **6. Conclusion**

There will be no edition of TT Talk in August as detailed consumer research has revealed that many readers are on holiday then. Your editors are therefore taking a break: TT Talk will be back refreshed and reinvigorated, in early September. We hope you enjoy the break and apologise to our readers in the southern hemisphere who have to carry on working throughout the winter.

Our email systems will remain on 24-hour duty and, if you would like to have further information about any of the above items, or have any comments you would like to make, please write to the editor at [tt.talk@ttclub.com](mailto:tt.talk@ttclub.com). We look forward to hearing from you.

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