

CHAPTER 45**COLLISIONS, GROUNDINGS AND OTHER NAVIGATIONAL INCIDENTS**

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This chapter has been equality and diversity impact assessed by the sponsor in accordance with Departmental policy. No direct discrimination or adverse impact was identified. This chapter is due for review at the next routine amendment exercise.

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CHAPTER 45

COLLISIONS, GROUNDINGS AND OTHER NAVIGATIONAL INCIDENTS

4501. General

1. The instructions in this section relate to the action to be taken by Commanding Officers of HM ships (including Royal Fleet Auxiliaries and other naval vessels owned or operated on behalf of the Crown) following a collision, grounding or other navigational incident including contraventions of the Rule of the Road. The instructions are to be read in conjunction with Annex 59B, 2013DIN06-023 and with **5928–5932**, when a party other than the Ministry of Defence is involved. The instructions in this section also relate to the action to be taken by Fleet Commander following notification of an incident.

2. **Incidents to be Reported.** The instructions apply to incidents involving HM ships in respect of the following:

- a. Incidents in which damage is caused to one of HM ships by either the movement of HM ship or by a vessel not owned by the Ministry of Defence.
- b. Incidents in which damage is caused by one of HM ships to property or another vessel, including HM ships and property owned by the Ministry of Defence.
- c. Incidents as in (a) and (b) where damage is caused by the wash of a vessel or by an appendage of a ship as opposed to the hull, e.g. damage caused to or by anchors, mooring lines, mine-sweeping gear, gangways etc.
- d. Near miss incidents or cases of alleged damage to property not owned by the Ministry of Defence where one of HM ships comes into such close proximity to another vessel or a structure that there is a possibility of damage having been done (see paragraph 6 of Annex 59B and 2013DIN06-023).
- e. Towage incidents, where damage is caused to or by commercial tug which has been hired to tow one of HM ships (see paragraph 7 of Annex 59B).
- f. Groundings, including collisions with rocks, river banks, canal walls, etc.
- g. Rule of the Road near miss incidents where the RN/RFA vessel may in any way be responsible. (2013DIN06-023).

3. **Damage to Fishing Gear.** If damage is known to have been caused to fishing gear through the navigation or operation of one of HM ships the brief facts should be reported promptly to the authorities specified in 2013DIN06-023. Occasions when ships may have caused damage to fishing gear are to be carefully noted as instructed in the Fishing Vessel Log (S. 1176).

4502. Immediate Action after Collision with a Ship or Property not Owned by the Ministry of Defence

1. **Mutual Assistance.** The Commanding Officer of a HM ship which has collided with another vessel shall render assistance to the other ship, her crew and passengers in so far as is possible without serious danger to HM ship, her crew or her passengers.
2. **Exchange of Particulars.** Commanding Officers should:
 - a. Provide the Master or person in charge of the other vessel with the name of HM ship and inform them that the ship is owned or chartered by the Ministry of Defence, London.
 - b. Obtain the name of the other vessel, her port of registry and, if appropriate, her next port of call.
 - c. Assure the Master that representatives of the vessel will be given an opportunity to attend a joint survey of any damage sustained by HM ship in the incident.
 - d. If appropriate, give the Master the name of the port for which HM ship is bound.
 - e. Obtain the name, address, telephone and fax numbers of the representatives of the vessel to whom the appropriate authority should refer about any possible claim. (see also [Para 4505](#) and paragraphs 5 and 10 of Annex 59B).
3. **HM Ships in Collision with Static Property.** Commanding Officers should:
 - a. Provide the owners of the structure or property or their representatives with the name of HM ship and inform them that the ship is owned by the Ministry of Defence, London.
 - b. Obtain the name, address and telephone number of the owners of the structure or property or their agents.
4. **Initial Report.** An initial report is to be made as soon as possible after the incident (see 2013DIN06-023, [Para 4505](#)).
5. **Liability.** The Commanding Officer of HM ship is to ensure that the owner's representative(s) of a vessel, structure or property damaged by HM ship are aware that damage has been, or may have been, caused. It is important, however, that the Commanding Officer does not admit liability for the incident and, except in cases where there is no doubt that the damage is cosmetic or superficial, does not admit to the *extent of the damage*. It should be made clear, therefore, that any contact with the representative(s) of the owners of the damaged vessel, structure or property is being made *without prejudice*. If the Commanding Officer is asked to sign a declaration that HM ship is liable for the damage caused in the incident, they are not to do so although they may admit, in writing if required, without prejudice and without specifying the extent of the damage caused, that HM ship collided with the vessel, structure or property in question. Commanding Officers may confirm that the Ministry of Defence will pay all fair and reasonable costs for which it is legally liable.

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6. **Inspection of Damage.** Commanding Officers should, if possible:
 - a. Inspect the damage with representatives of the owners of the other vessel, structure or property (see **Para 4508 [sub para 2](#)**).
 - b. List the extent of the damage.
 - c. Take photographs of the damage.

4503. Immediate Action after Collision by a Ship or Property not Owned by the Ministry of Defence

1. Exchange of Particulars, (see **Para 4502 [sub para 2](#)**)
2. **Report.** An initial report is to be made as soon as possible after the incident (see 2013DIN06-023, 4505).
3. Inspection of Damage. (see **Para 4502 [sub para 6](#)**).

4504. Immediate Action after Collision with a Ship or Property Owned by the Ministry of Defence

1. **Mutual Assistance.** (see **Para 4502 [sub para 1](#)**)
2. **Report.** An initial report is to be made as soon as possible after the incident (see 2013DIN06-023 **[Para 4505](#)**).
3. **Inspection of Damage.** When one of HM ships causes damage to another or to property owned by the Ministry of Defence, the Commanding Officer should, if possible:
 - a. Inspect the damage with the Commanding Officer of the other vessel or the authority responsible for the property.
 - b. List the extent of the damage to vessels and property.
 - c. Take photographs of the damage.

4505. Report and Incident Appraisal

1. An immediate report of all incidents are to be made iaw 2013DIN06-023.

4506. Response to Initial Report/Staffing Route

1. On receipt of the initial report NAVY COMMAND will inform all interested authorities, the administrative channel through which Form S.232 (if applicable) and the Ship's Investigation records and covering letter etc. are to be submitted. Other appropriate authorities may be informed of the outcome subsequently by the Fleet Commander.

2. Response to an initial report will normally be:
 - a. No further action - The incident will not result in pursuit or defence of a claim. The incident is of a minor nature and does not warrant administrative action and the Incident Appraisal have provided sufficient detail to capture lessons. Records of the incident may, however, still be required to be retained onboard or forwarded to NAVY COMMAND the administrative authority.
 - b. Forward a Ship's Investigation and covering letter - The incident will not result in pursuit or defence of a claim but the causes require investigation and, if applicable, administrative or disciplinary action. This will always be required as a pre-cursor to any Service Inquiry action.
 - c. Forward a Form S.232 (See 4507(3))for defensive purposes - The incident may result in a claim being made against the Ministry of Defence and the causes may require investigation and, if applicable, administrative or disciplinary action.
 - d. Forward a Form S.232 (See 4507(3)) to pursue a claim - The incident may result in a claim being made against another party and the causes may require investigation and, if applicable, administrative or disciplinary action.
3. NAVY COMMAND should consider the following when deciding the response to an initial signal:
 - a. HM ships should be instructed to raise Form S.232 for all incidents involving ships or property not owned by the Ministry of Defence. Form S.232 should be raised if there is any doubt over ownership of property or as to whether a claim will be raised either by or against the Ministry of Defence.
 - b. HM ships should be instructed to conduct an immediate investigation into the circumstances surrounding the incident if appropriate. However, if further disciplinary or administrative action is not likely to be required and where lessons can be captured effectively, consideration should be given to limiting the administrative burden to the initial signal and Incident Appraisal.
 - c. Consideration should be given to convening a Service Inquiry for incidents involving collision (not berthing/unberthing), grounding, serious damage, death or serious injury, and cases where serious professional negligence is suspected (see **5302**).
 - d. Investigations and records from serious incidents including those likely to result in investigation by national authority, public interest and scrutiny, Courts Martial or Fleet Commander's censure should be forwarded to the Fleet Commander.

4507. Written Reports into an Incident

1. **Ship's Investigations.** A Ship's Investigation with covering letter is to be forwarded as soon as possible after the incident when considered necessary by the Commanding Officer or when ordered by the NAVY COMMAND. The investigation report is to contain a narrative of the events connected with the navigational incident and should include any remarks the Commanding Officer considers relevant. The investigation report is to cover, in particular, the following points, where applicable:

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- a. In the case of a collision:
 - (1) Whether the lights exhibited and sound signals made by each vessel in collision complied with the International Regulations for Preventing Collisions at Sea, and whether there was any obstruction in the way of lights or inefficiency in making sound signals.
 - (2) The use made of radar if HM ship was in collision.
 - (3) Whether blame is attributable to those on board HM ship and, if so, to whom and in what respect, or whether it is attributable to the other vessel or another party (legal advice should be sought in death/serious injury cases).
 - (4) *How WAIS was being used at the time.*
- b. Whether a pilot was on board or tugs were being used at the time of the incident.
- c. Any classified information omitted from Form S.232 (if applicable).
- d. Whether a Service Inquiry is proposed.
- e. Whether the actions of personnel or vessels involved, either directly or indirectly, were contributory factors. However, Ship's Investigations/RM Unit Inquiries should not attribute blame (see JSP 832 Article 5.9 and Chapter 5 Annex C), or express a view on legal liability whether criminal or civil, but should concentrate on establishing the facts. The facts may have clear and adverse implications for one or more people, and the Ship's Investigation/RM Unit Inquiry should not shrink from stating the facts but, language which is emotive, or which is judgmental beyond what is necessary to establish the relevant events and their causes should be avoided. If in doubt legal advice should be sought.
- f. Any disciplinary action which has been taken or is proposed.
- g. Any lessons identified and precautions which should be taken to prevent recurrence.
- h. Any perceived shortcomings or strengths in materials, training, documentation, safety devices, equipment, manpower, planning, procedures and execution.
- i. Any injuries sustained.

2. A Ship's Investigation/RM Unit Inquiry may provide information which leads to a disciplinary or criminal investigation. The subsequent Service Police investigation may result in the recommendation of charges, but this is a separate issue to the conduct of the Ship's Investigation/RM Unit Inquiry itself.

3. **Form S.232.** A Form S.232 is to be raised when ordered by NAVY COMMAND. The Form S.232 will normally be forwarded with a Ship's Investigation and covering letter, although this may not always be the case (eg In some cases a thorough Incident Appraisal may suffice):

a. Original Form S.232 and covering letter accompanied by documents relating to any claim, such as photographs, a list of damage etc in all cases, to the Treasury Solicitor, Admiralty Litigation Section, 1 Kemble Street, London WC2B 4TS. The form S.232 may also be accompanied by a copy of the Ship's Investigation if directed.

b. One copy of Form S.232 accompanied by the original Ship's Investigation including enclosures relating to any claim, such as photographs and a list of damage forwarded to the appropriate authority, as directed by NAVY COMMAND.

c. One copy of Form S.232 with covering letter and enclosures thereto to – DS & C (Claims), 7th Floor, Lane A, St Georges Court, 2–12 Bloomsbury Way, London WC1A 2SH together, where directed, with a copy of the Ship's Investigation.

4. Answers on Form S.232 should be factual and relate strictly to the questions asked; they should be self contained and not include references to other documents or letters. Form S.232 is to be treated as 'unclassified'. Any classified information relevant to the incident, such as the use of classified equipments or techniques, is to be included only in the Ship's Investigation (to be classified accordingly).

5. **Other Documents.** The following documents are to be enclosed with the Ship's Investigation, covering letter and Form S.232 (if applicable):

a. Diagrams, including WECDIS screen shots, required by the instructions in Form S.232.

b. Copies of extracts from the documents listed in BR 45(4), Manual of Navigation which the Commanding Officer considers will clarify the report of the incident. Original documents, magnetic and digital media are not to be forwarded but are to be preserved as in sub para 6 below.

c. In cases of collisions with vessels or static property the original bridge tape transcript and/or MCA readout and WECDIS voyage data is to be forwarded. Records are to indicate whether the engines were in Bridge control or Engine Room/Machinery Control Room control.

6. **Damage Control.** Information covering the Damage Control measures implemented after damage sustained in a collision or grounding and on the performance of material and machinery are to be the subject of separate submissions by the ship to NAVY COMMAND CSOE. In addition, such damage reports should be forwarded to the Commanding Officer HMS EXCELLENT (for PHOENIX NBCD School), in accordance with BR 2170, Volume 1.

7. Records to be Preserved.

a. Whenever a grounding or collision or a narrow escape from a grounding or collision occurs and other parties are involved, care should be taken to preserve such of those books/documents listed in BR 45(4), Admiralty Manual of Navigation para 0123(i) as exist and apply to the case.

b. Entries are not to be erased, but if correction is found necessary, the entry should be crossed through so that the correction may be shown, and the alteration initialled. The chart or plot should not be amended or marked after a grounding or collision, but if marking of the chart is essential for the subsequent navigation of the ship, measures are to be taken to ensure that such marking is readily identifiable.

c. If HM ship should be paid off before any compensation claim arising from an incident is settled, the records should be forwarded to the Ministry of Defence, Directorate of Safety & Claims, with a communication identifying the incident to which they relate.

d. Vessels fitted with (W)ECDIS or ECDIS should ensure that the relevant copy is made of the voyage data on the system and passed with other documentary evidence to Navy Command. Vessels fitted with Voyage Data Recorders should similarly save a copy of the relevant period data and forward to Navy Command to aid in reconstruction of the incident.

4508. Incidents Involving Other (non MOD) Parties

1. This Article refers to incidents for which parties other than the Ministry of Defence may be liable in civil law. Such incidents will generally be collisions between one of HM ships and a merchant vessel, where the merchant vessel was underway at the time of collision and where the Ministry of Defence may have a claim against the owners of the other vessel. In such cases, the procedures outlined below are to be followed to ensure that the interests of the Ministry of Defence in any subsequent litigation proceedings are not jeopardised.

2. Joint Survey.

a. Detailed guidance about a joint survey is given in Annex 59B, paragraphs 14-22.

b. Collision damage to HM ship or to naval armament, stores, Service kit or personal effects should be left untouched until after the joint survey has been carried out. If this is impracticable, however, photographs should be taken which show clearly the extent of the damage.

c. Care is to be taken to ensure that the surveyor representing the merchant vessel or an independent surveyor does not sight classified equipment or material. If it is thereby impossible for the joint survey to be carried out, advice should be sought from the Ministry of Defence, Directorate of Safety & Claims, by signal (SIC LAL and Z4E).

3. **Costing of Repairs to HM Ship.**

a. **Repairs by officers and crew of HM ship.** If the damage is repaired by the staff of HM ship, the Commanding Officer is to ensure that the repairs are costed and that a detailed statement of the costs is prepared in accordance with **8505** and is forwarded through the appropriate authorities to the Ministry of Defence Directorate of Safety & Claims. If the repairs are temporary and permanent repairs are to be carried out by SFM or a contractor, the Commanding Officer is to ensure that costs of the temporary repair are forwarded to the Ministry of Defence Directorate of Safety & Claims with copies provided to the Ship Support Agency for the attention of the Platform Manager.

b. **Repairs by SFM/Contractors.** If external assistance is required to repair the damage, the Commanding Officer is to ensure that the Ship Support Agency is aware of the exact extent of the damage caused by the other vessel and of the requirement for the repairs to the damage to be costed. Details of the full cost of repairs, including all ancillary costs and expenses, travel and subsistence costs, should be forwarded as soon as practicable to the Ministry of Defence Directorate of Safety & Claims.

4. **Statements for the Treasury Solicitor.** In cases where liability is uncertain, as in collisions where both ships were underway, it may be necessary for a representative of the Treasury Solicitor's Department to attend on board HM ship to obtain information and evidence whilst the events are still fresh in the minds of witnesses. In such cases the representatives of the Treasury Solicitor's Department will contact the Commanding Officer of HM ship direct to arrange the time and place for the statements to be taken. The statements taken by the Treasury Solicitor in this way will be used solely for the purpose of the litigation between the Ministry of Defence and the owners of the merchant vessel. Such statements are not to be confused with, and are in addition to, statements enclosed with the Form S.232 or any statements required by HM ship's administrative authority to inquire into the incident.

5. **Loss or Damage to Stores.** Complete lists of all naval armament, victualling and medical stores lost or damaged as a consequence of the incident or while any repairs are being effected by the staff of HM ship are to be prepared at the earliest possible moment and sent to the Ministry of Defence Directorate of Safety & Claims. The lists need not be valued, but should be accompanied by a statement giving the proportion of the original value at the time of loss.

6. **Loss or Damage to Service Kit and Personal Effects.** Instructions for dealing with claims for compensation from personnel for Service kit and personal effects lost or damaged as a result of a collision or while effecting repairs are laid down in **5904-5908** and as amplified by current DINs.

7. **Loss of Use of HM Ship.** If as a result of the incident the planned programme of HM ship is affected in such a way that the Ministry of Defence is temporarily deprived of the use of the damaged HM ship then the Ministry of Defence has a valid claim against the other vessel for this loss of use.

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The quantum of this claim will be calculated by Ministry of Defence, Directorate of Safety & Claims, but to enable the claim to be calculated correctly, it is essential that the Commanding Officer of HM ship forwards the following information to the Ministry of Defence Directorate of Safety & Claims as soon as HM ship first resumes her operational role after repairs to the incident damage:

- a. Actual programme of HM ship from the date of incident to the date of the resumption of her operational role, giving dates of the passages to and from dockyard, and of repairs, trials work-up etc.
- b. Original planned programme during the period in a above, giving the date of the periods originally planned for patrol, maintenance, leave etc.
- c. Number of officers and crew of HM ship temporarily transferred to other vessels or establishments during the period in a above giving the appropriate dates, together with the total numbers of the officers and of the crew in HM ship before the incident.

4509. Action after Collision by Ships Operated on Behalf of the Crown, but not Owned by the Ministry of Defence (Leased Warships)

1. **General.** The general instructions at [Para 4501](#) apply to ships leased for operation by the Royal Navy. In addition, ALL incidents, including those concerning berthing and/or unberthing are to be reported.
2. **Initial Report.** An initial report is to be made as soon as possible after the incident (see [Para 4505](#)). The signal is to include the platform SIC and be repeated for information to the Intergrated Platform Team. The contents of [Para 1](#) and [Para 2](#) are to be communicated to the Ship Owner by the most expedient means.
3. **Liability.** The Commanding Officer of HM Ship is to ensure that the Owner's representative(s) are aware that damage has been, or may have been, caused. It is important, however, that the Commanding Officer does not admit liability for the incident and, except in cases where there is no doubt that the damage is cosmetic or superficial, does not admit to the extent of the damage. It should be made clear, therefore, that any contact with the representative(s) of the owner is being made without prejudice. The Commanding Officer may confirm that the Ministry Of Defence will pay all fair and reasonable costs for which it is legally liable.
4. **Inspection of Damage.** Commanding Officers should, if possible:
 - a. Inspect the damage to their ship with representative(s) of the owner.
 - b. List the extent of the damage.
 - c. Take photographs of the damage.
5. **Classification Society Structural Survey.** Commanding Officers should expect (particularly in cases of significant structural damage) requests by the Owner's representative(s) for Structural Survey as required under Classification Society Rules. This is an integral requirement of the safety assurance process, and is not conducted in anyway to ascertain blame.