



Maritime Salvage & Intervention

## The Secretary of States Representative for Maritime Salvage and Intervention (SOSREP)

The current SOSREP is Hugh Shaw, who took up the post on the 1st of January 2008. Hugh has over thirty years experience in the maritime industry, beginning his career as a deck officer with Mobil Shipping Company and then moving up the ranks within HM Coastguard prior to reaching the position of District Controller at Forth Maritime Rescue Coordination Centre. In 2003 he became the MCA Counter Pollution and Salvage Officer for Scotland and Northern Ireland. Prior to being appointed to his current position, Hugh spent 4 years as Deputy to his predecessor in the SOSREP post.

### Role and Responsibilities

The role of the SOSREP is to represent the Secretaries of State for the Department for Transport (in relation to ships) and for the Department of Energy and Climate Change (in relation to offshore installations) by removing or reducing the risk to safety, property and the UK environment arising from accidents involving ships, fixed or floating platforms or sub-sea infrastructure. SOSREP's powers extend to UK territorial waters (12 nautical miles from the coast/baseline) for safety issues and to the UK Pollution Control Zone (200 miles or the median line with neighbouring states) for pollution. SOSREP is empowered to make crucial and often time-critical decisions, without delay and without recourse to higher authority, where such decisions are in the overriding UK public interest.

Working closely with the MCA, its parent organisation the Department for Transport (DfT) and the Department of Energy and Climate Change (DECC), SOSREP's key responsibilities include:

- acting at the earliest point during a shipping or offshore incident to assess the risk to safety, to prompt the end of any such incident and to ensure that increasing risk is evaluated and appropriate measures taken to prevent or respond to escalation;
- monitoring all response measures to significant incidents involving shipping and the offshore industry;
- if necessary, exercising ultimate control by implementing the powers of intervention, acting in the overriding interests of the UK and its environment;
- participating in major national and international exercises;
- reviewing all activities after significant incidents and exercises.

## Incident/Intervention Statistics

The first SOSREP, Robin Middleton, dealt with a total of 672 incidents during his tenure in the post from October 1999 to December 2007. He issued a total of 62 Directions.

The annual incident and direction figures for the current SOSREP, Hugh Shaw, are detailed in the table below.

Year	2008	2009	2010
<b>SOSREP Incidents</b>	171	97	37
<b>Directions Issued</b>	18	6	6

## History

The SOSREP role was created in 1999 as part of the Government's response to Lord Donaldson's review of salvage and intervention and their command and control. This review and its subsequent report were prompted by the SEA EMPRESS incident in 1996.



SEA EMPRESS 1996

The Donaldson review was specific about dividing the Government's response to maritime incidents into four clearly defined and separate areas of activity:

- Search and Rescue: The activity of preserving and saving life.

- Salvage: All activities to do with the salvage and removal of vessels and plant that could adversely affect the environment.
- Cleanup at sea: Activities aimed at containing and removing oil or other pollutant that has spilled into the marine environment.
- Cleanup onshore: Activities aimed at containing and removing oil or other pollutant that have been washed ashore.

In the course of his report, Lord Donaldson observed that “salvage by committee”, as witnessed during the SEA EMPRESS incident, was generally ineffective and inefficient. In his opinion, what was needed in such emergencies was a single voice, able to make and enforce decisions on behalf of the UK Government and in the overriding public interest and if necessary to override any and all other interested parties. Thus was born the idea of a “SOSREP” – the Secretary of State’s Representative.

Donaldson recommended that the SOSREP should be free to act on behalf of the Secretary of State, independently and without recourse to higher authority. Indeed, he could not be more explicit in saying that:

*‘We cannot overemphasise that whilst the Chief Executive and Ministers will ultimately be accountable for the decisions of SOSREP, whilst operations are in progress they must either back him or sack him’*

Another important aspect of the SOSREP role was to remove the option of ignoring a situation. In all cases where he is aware of a shipping casualty, SOSREP is deemed to have adopted and be tacitly approving every action and decision relating to the salvage, whether he has actively intervened or not.

## Legislation

The need for specific powers designed to enable government to intervene in the public interest when facing the threat of marine pollution became clear following the TORREY CANYON incident in 1967.



TORREY CANYON 1967

The period between this and the Sea Empress incident in 1996 saw the creation of a statutory basis for State Powers of Intervention. By the time the Donaldson review was published, many of the powers of Intervention and Direction had already been established through legislation such as:

- The Merchant Shipping act 1995 as amended by the Merchant Shipping and Maritime Security Act of 1997 and
- The Dangerous Vessels Act of 1985.

These powers meant that the Secretary of State or his duly authorised representative (SOSREP) could intervene in any salvage situation, or situation where there is a specific risk of pollution.

In 2002, and following the introduction of The Offshore Installations (Emergency Pollution Control) Regulations, the SOSREP also became the representative for the Secretary of State for the Department of Trade and Industry (now the Department for Energy and Climate Change – DECC), for dealing with incidents from the oil & gas offshore sector within the UK Continental Shelf..

The Marine Safety Act 2003 updated the powers of direction in the Merchant Shipping Act with new consolidated powers. The Act extended the powers of the Secretary of State whereby he can (through SOSREP) intervene and issue Directions for the purpose of preventing / reducing risk to safety, within UK territorial waters (12 nautical miles). The 2003 Act also extended the scope of who may be issued with a direction to include riparian owners (a person who owns land on the bank of a natural watercourse or body of water) and managers of berths, wharves and jetties who can be directed to make their facilities available for use during a salvage or counter pollution operation, where their use may assist in protecting the marine and coastal environment.

Further details on the legislation governing the Powers of Intervention can be found [here](#) .

## Intervention in Practice

### Shipping Incidents

Once an accident has occurred and MCA/HM Coastguard has decided that the trigger point is nearing where intervention action may be necessary, an Initial Caution may be issued by the MRCC Watch Manager to the Master or person in charge of a vessel. This Initial Caution advises that the SOSREP is monitoring the situation, outlines the seriousness of the situation, offers advice and assistance and explains the significance of the Powers of Intervention.

If after a reasonable period of time, the threat to safety and/or the environment has not been significantly mitigated, a Formal Caution may be issued by the SOSREP advising in further detail, the specific implications of the intervention powers being exercised.

If a Direction is ultimately deemed necessary, the nature of the Directions SOSREP may give could not be wider ranging. They could be of any kind whatsoever provided they are for the purposes of safety and/or preventing pollution or the risk of pollution and are in respect of the ship or its cargo.

One form of Direction often used by the SOSREP is for the purpose of establishing a Temporary Exclusion Zone (TEZ). This specifies an area either geographically or in terms of a defined radius around a casualty that must not be breached without the express permission of SOSREP.

The Powers of Intervention allow SOSREP to issue Directions to a Harbour Master. Any such Direction overrides any other Directions which may already have been issued by the Harbour Master to a casualty. Unlike a Port or Harbour Authority, SOSREP is not subject to local political pressures (although he will ultimately be answerable to the Secretary of State for his actions). This can take the weight off a Harbour Master in times when difficult decisions have to be made which, although potentially detrimental to the harbour environment, are in the overall national interest.



YEOMAN BONTRUP 2010

### Salvage Control Unit

Depending on the gravity of the threat posed by the casualty, SOSREP may decide to establish a Salvage Control Unit (SCU). The SCU is a small group of key people with an interest in the management of the incident. Its membership may include:

- SOSREP;
- A Salvage Manager representing the salvage company appointed by the ship owner;
- The Harbour Master if the incident involves a harbour or its services;
- A single representative nominated by agreement between the ship owner and the insurers (both for the physical property and their liabilities);
- A Counter Pollution and Salvage Officer (CPSO) from the MCA, providing a link between OCU and other response cells;
- An Environmental Liaison Officer, nominated by the chair of the local Environment Group;
- A personal Salvage Advisor, if SOSREP decides to appoint one.

SOSREP may also appoint a Marine Casualty Officer, drawn from a pool of experienced MCA surveyors. The MCO acts as SOSREP's 'eyes and ears' on board a casualty and monitors compliance with any Directions that have been issued.

### Offshore Incidents

Incidents occurring at an offshore installation fall under the remit of the installation's oil spill response plan. In general, when there is a release of oil

from an installation, the tasks of containing and responding to the oil on the water are identical to when a ship spills oil.

The Offshore Installation Manager is in control of implementing the emergency plan at the installation, while on shore, the company activates its Emergency Response Centre. The role of the Emergency Response Centre is to support the installation manager offshore and the duty DECC Environmental Inspector attends the Centre if circumstances demand.

The company has a duty to implement its plan to contain the spill and minimise the environmental damage caused. In a major spill, or where there is a threat of significant pollution, the duty DECC Environmental Inspector or duty MCA CPSO informs the SOSREP who monitors the progress of the incident as it is being managed at the operator's Emergency Response Centre. In consultation with the duty DECC Environmental Inspector, SOSREP decides whether to establish an Operational Control Unit (OCU). If an OCU is established the duty DECC Environmental Inspector informs the operator and initiates action to set up the OCU.

### Operations Control Unit

In the case of an incident involving an offshore installation, an Operations Control Unit (OCU) is established to monitor operations to contain any potential pollution within the installation and its reservoir. The Unit only assumes control, if and when, SOSREP issues a direction.

The approved oil spill contingency plan for the installation must identify the location for the OCU and this needs to be in close proximity to the operator's Emergency Control Centre. This OCU requires the same support and structure as an SCU and similar links to other operational units engaged in other tasks including search and rescue, at sea clean up and shoreline clean up, as appropriate. The administrative support required by the OCU will be provided by DECC and the MCA.

In addition to the SOSREP, other members of the OCU include:

- SOSREP Assistant (DECC Environmental Inspector);
- Emergency Operations Manager - acts as a link between SOSREP and the Emergency Response Centre where there is a line to the Offshore Installation Manager;
- Operator's Representative - represents the interests of the owner, operator, contractors and liability underwriters of the offshore installation;
- MCA Counter Pollution and Salvage Officer - supports the SOSREP and provides link between OCU and other response cells;
- Environmental Liaison Officer - nominated by the Chair of the Environment Group, advises the SOSREP on the environmental implications of any proposed actions;
- DECC Strategic Adviser – provides the SOSREP with advice on the importance of the installation to strategic supplies and other matters of public interest;

- SOSREP specialist or technical advisors – provides advice as circumstances require.

There needs to be timely written records of all the SOSREP's decisions. All response units should receive copies of these as soon as practicable. Also, where the SOSREP and OCU do not accept the advice provided by the Environment Group they should record the reasons in writing and pass this to the Environment Group and any other response units formed.