

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

In Brief

The SOSREP role was a new post in 1999, it was created as part of the Government's response to Lord Donaldson's review of salvage and intervention and their command and control.

On behalf of the Secretary of State for the Department for Transport (DfT) he is tasked to oversee, control and if necessary to intervene and exercise “ultimate command and control”, acting in the overriding interest of the United Kingdom in salvage operations within UK waters involving vessels or fixed platforms where there is significant risk of pollution. Adoption of this principle represents an international first for the UK.



20-01-2007 - MSC Napoli, beached in Lyme bay to prevent structural failure and the loss of cargo/bunkers in the English Channel.

The 1st Secretary of States Representative, Robin Middleton, was appointed to his position in October 1999 and then from the July 2002 he was also appointed as the SOSREP for the Department for Business Enterprise & Regulatory Reform (BERR, in it's previous form, the DTI) in relation to Offshore Installations.

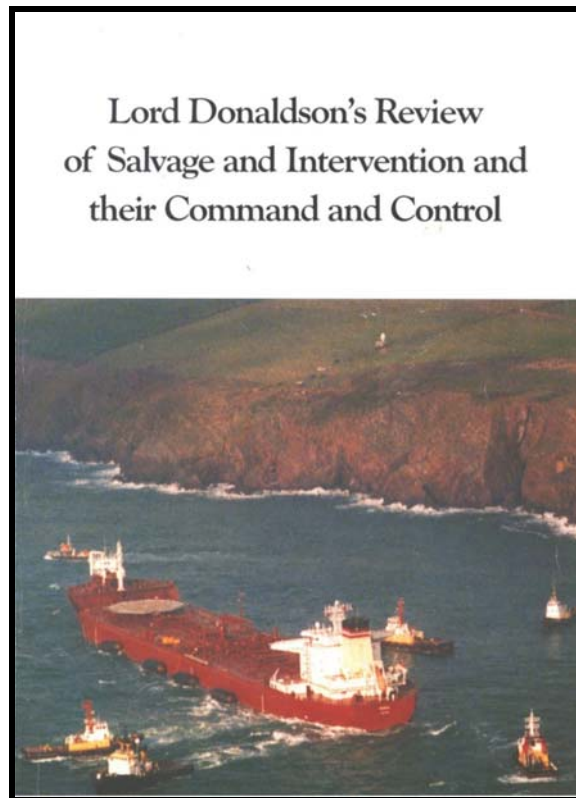
Present

As of May 2008 the SOSREP has been involved in:

- 775 Incidents.
- 65 Notices of Direction issued.
- 33 NCP / SCU invoked (National Contingency Plan / Salvage Control Unit).
- 5 Counter Terrorism / Marine Protest incidents.
- 25 Major National / International exercises.

History – The Role of SOSREP

In March 1999 Lord Donaldson's Review of Salvage, Intervention and their Command and Control was published.



1999 - Lord Donaldson's Review of Salvage and Intervention.

The review made 26 recommendations of which:

- 23 have been accepted by Government,
- 3 are to be considered further and
- None were rejected

There were also four conclusions of the Review Panel, which are fundamental to the Report and influence the National Contingency Plan (NCP):

- The involvement of Ministers in operational decisions is not a practical option.
- The “Trigger Point” for Intervention is when there is a significant threat of pollution to the UK’s pollution control zone, territorial waters or coastline.
- Officers of the MCA as a whole should play a much larger part in operations in response to a threat of significant pollution than had been the case in the past.
- They should be able to take early steps to make salvage assistance available.
- They should be trained to acquire specialist knowledge of salvage and counter- pollution.
- There was a clear need for compatible powers to shipping in respect of pollution from or involving offshore installations.

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.

Key to the Review was a major change in relation to salvage operations in that the “*Ultimate Control*” of any salvage operation where there is a threat of significant pollution of the UK environment must be exercised by a SOSREP acting in the overriding public interest.

This SOSREP should be:

- on site, able to act without delay and
- free to act without recourse to higher authority.

The review is clear...

“SOSREP must be a considerable and, preferably, charismatic figure”.

And it is an important point to note – SOSREP’s duties are in respect of **salvage** only.

So what's new about the SOSREP role?

Well nothing really, the desirability of 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.



18-03-1967 - Torrey Canyon.

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 become available 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 could “Intervene” in any salvage situation, or situation where there was a specific risk of pollution.



15-02-1996 - The Sea Empress incident at Milford Haven.

What was new:

- That for the first time ever there would be one person specifically identified to act as the Secretary of State's Representative at all times.
- That for the first time the Secretary of State's Representative could not choose to ignore 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.

In other words the "no action" option actually involves positive approval of and responsibility for the existing plan of action.

Lord Donaldson is quite clear about ministerial involvement during operations they must either back him or sack him!

It means that whatever the path or process of any salvage operation there is just one clearly identified person who has the full responsibility for its outcome.

There have been references to SOSREP being yet one more voice of interference in what will always be a difficult situation, where there are many powerful influences vying for control or input into the path of events.

Those interests will often comprise combinations of:

- Owners,
- Salvors,
- Insurers,
- P&I Clubs,
- Harbour Masters,
- Environmentalists,
- Local Authorities,
- Enforcement agencies and many others.

The fact is that we now have a situation where every interest has only one person through whom their input may be turned into reality, SOSREP.

In September 2003 SOSREP gained new powers when the Marine safety act 2003 replaced previous powers of direction in Sections 100 A to E and sections 137 to 141 of the Merchant Shipping Act with new consolidated powers. This extended the powers of the Secretary of State whereby he can issue directions to riparian (a person who owns land on the bank of a natural watercourse or body of water) owners and managers of berths, wharves and jetties 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.

How it works

The MCA is able to maintain 24-hour readiness for a response through the Coastguard network, almost always the first point of contact in a marine emergency. The Counter Pollution response is embedded into this system, this is how it works:

The Counter Pollution Unit is under the control of Toby Stone – it consists of a headquarters team:

- Graeme Proctor – Counter Pollution and Salvage Mariner.
- Kevin Colcomb – Environmental Scientist Lead.
- Neil Chapman – Environmental Scientist Advisor.
- Gail Robertson – Counter Pollution Resource Lead.
- Richard Skeats – Claims Advisor.
- Josh Billinge – MIRG Support.

and 3 Counter Pollution and Salvage Officers (CPSO's) based in regional centres:

- Donald McDonald is based at Liverpool and covers the Wales and West of England.
- Jim Dickson is based at Glasgow and covers Northern Ireland and Scotland.
- Ian Jackson is based at Thames and covers the East of England.

To support the work of these officers they have the ability to mobilise equipment and resources, these include:

- Four ETV's (Emergency Towing Vessels) permanently stationed at strategic locations around the UK. These have been selected for their particular ability to respond to salvage and towage requirements in their area of operation.



The Anglian Princess, an ETV.

- The MCA has call-off agreements, Coastguard Agreement for Salvage and Towing (CAST) with various tug and salvage organisations around the coast.
- The MCA also holds stockpiles of equipment ready for instant mobilisation to the scene of an incident.



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At any time one of these officers is on duty and is the first point of contact by the Coastguard Service in relation to any incident where there is a risk of pollution.

In many cases this will be negligible and most reports are of small oil slicks and vessels which have lost power or suffered minor damage and present no immediate threat to the environment. In these cases the action may be as simple as keeping a watching brief and, if there are signs that a more serious situation may develop notifying SOSREP in readiness.

However in all cases, in the first instance, the CPSO's or CG Watch Manager has to decide on what level of response is required and activate it. The response level may be classed as "Local" "Regional" or National" with each level requiring the mobilisation of greater and more expensive resources.

As stated many incidents are small but examples of more difficult developing incidents would be:

- A shipping casualty which poses risk of significant pollution and requires a salvage operation.
- A spill of oil/hazardous substance at sea from a ship which requires the use of seaborne or airborne equipment to contain or disperse it.
- A spill from an offshore installation which requires more resources than the operator has the capacity to deploy.
- A spill within a harbour authority area that requires deployment of resources or action which is beyond the capacity of the harbour Authority.
- A Local Authority requests the deployment of national shoreline equipment.

Intervention

Once SOSREP or HMCG has decided the trigger point is nearing and it may be necessary to Intervene he will advise the parties in charge of a casualty, or to whom directions are likely to be given, accordingly.

Initial intervention is likely to follow a prior warning to the casualty or her owners that the powers of Intervention may be exercised.

This will be accompanied by an offer of help from the MCA and a request for information about the situation and the Master's intentions.

Initial intervention is likely to be a formal Direction that the owners/salvors plans and intentions are submitted to and approved by SOSREP.

The process of "Intervening" means that the secretary of State can then issue specific "Directions" to certain specified persons or bodies including:

- Masters,
- Owners,
- Salvors and
- Pilots.

And in certain circumstances

- Harbour Masters and
- Harbour Authorities.

The nature of the “Directions” could not be wider ranging. They could be of any kind whatsoever provided they are for the purposes of preventing pollution or the risk of pollution and are as respects “the ship or its cargo”.

Somewhere near this point SOSREP will establish a SALVAGE CONTROL UNIT (SCU).

The SCU is a small group of key people, normally they will include:

- SOSREP,
- A Salvage Manager representing the on-board Salvage Master,
- The Harbour Master if the incident is in or near a harbour or if his harbour is likely to be used as a place of refuge to which the casualty may be brought,
- An Owner’s Representative,
- A CPSO with expertise in pollution cleanup – this person will also liaise with the Marine Response Centre which will be co-ordinating the at sea cleanup,
- An Environmental representative – who will advise SOSREP and form the liaison with the various environmental group members,
- A personal Salvage Advisor who SOSREP has engaged,
- A SCU manager to establish and maintain the SCU’s capabilities.

This team will interact with an on-board team who will normally consist of:

- The Salvors,
- SOSREP’s representative (a Marine Casualty Officer) and
- In certain cases a Shipowners Casualty Representative (for SCOPIC purposes).

How could it affect a Harbour Master?

SOSREP does have the power to issue directions to a Harbour Master, indeed under the Dangerous Vessels legislation SOSREP could give Directions to a Harbour Master for the purposes of securing the safety of any person or vessel which override Directions which may already have been issued by the Harbour Master to a casualty.

Experience has shown that SOSREP is in fact likely to “Intervene” and issue Directions in most significant cases (you may care to consider what you would do if you knew that you were responsible for all actions whether or not you got involved!).

In practice we have found that Harbour Masters are more than capable of handling situations and can get on with their own tasks unimpeded. In these instances the fact that Directions may have been issued to a ship’s Master, owner or salvor have been of benefit to the Harbour Master as it has ensured that he has up to date information and removes many of the “normal” interfering influences.

In addition, unlike a local 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 could serve to take the weight off a Harbour Master in times when difficult decisions have to be made in respect of a casualty which, although they could be detrimental to the harbour environment, would be in the overall national interests.

An example might be whether to bringing a leaking vessel into a boomed harbour which may cause damage to the harbour and its' activities, but would effectively contain the spillage. In this case the decision could be inescapable and the Harbour Master may well be pleased that SOSREP could be persuaded to take the responsibility.

Experience has shown that this relationship works. This has been confirmed by feedback from Harbour Masters, the SOSREP himself and external observers.