



The Bahamas Maritime Authority

BMA INFORMATION BULLETIN No. 120

ACTION TO BE TAKEN CONCERNING PORT STATE OR FLAG STATE DETENTION

Instructions for Ship-owners, Managers, Masters, Bahamas Recognised Organisations and Bahamas Approved Nautical Inspectors

Note: This Bulletin is to be read in conjunction with BMA Information Bulletin
No 85 and IMO Resolution A. 787(19) as amended

1. The Bahamas Maritime Authority & Port State Control (PSC)

- 1.1. All Companies¹ operating Bahamian registered ships will understand the importance and benefit of maintaining, and consistently improving, the current low rate of PSC detention and the position of the Bahamas as a less targeted (white list) Flag State of the major PSC Memorandum of Understanding (MOU).
- 1.2. The BMA is committed to ensuring that all Bahamian registered ships are fully compliant with International Convention requirements and National regulations at all times and is fully supportive of the objectives of the PSC process in eliminating sub-standard shipping when applied in a fair and equitable manner.
- 1.3. The following has been prepared to advise the actions to be taken when vessels are subject to detention.

2. Notification after Detention

- 2.1. The Company is required to immediately notify the BMA, the Classification Society and / or Recognised Organisation issuing the affected certificate and the ISM issuing body, of any detention of a

¹ The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code. For ships which the ISM Code is not applicable, the Company is the Managing Owner in accordance with Section 52 of the Bahamas Merchant Shipping Act.

Bahamian registered vessel. In addition, the Company is required to invite the Classification Society and relevant Recognised Organisation on board to assist in clearing up the deficiencies.

- 2.2.** The initial report to the BMA must include:
- A full copy of the PSC report (Form A and B);
 - Confirmation of notification to Classification Society and Recognised Organisations as appropriate;
 - Advice of actions taken or planned to rectify all deficiencies at the earliest opportunity.
- 2.3.** Good communications are essential to enable prompt resolution of matters related to PSC detention. It is important that the BMA receive the initial report promptly so that an assessment of the detention can be made. Subsequent action in section 3 below may be modified according to the result of BMA's review of the initial report.
- 2.4.** The Company is required to perform a formal analysis of the root causes and take the appropriate corrective actions to prevent similar deficiencies arising in future. The report of this analysis and corrective actions (final report) is to cover all of the deficiencies raised at the detention and should also include comments from the Master or Chief Engineer on the deficiencies.
- 2.5.** The final report must be submitted to the BMA at the earliest opportunity, but not later than three weeks from the date of detention.

3. Policy and Process of the BMA after a Detention

- 3.1.** Reports and correspondence related to every detention will be reviewed by the BMA. Where appropriate, additional survey and / or additional audit of the ISM Safety Management Certificate (SMC) and/or the ISM Document of Compliance (DOC) may be required to verify that the Safety Management System is operating effectively.
- 3.1.1.** If the detention occurs within the survey window for a related annual survey, the survey must be completed prior to the vessel sailing.
- 3.1.2.** If the detention occurs within the survey window for a related renewal, periodical or intermediate survey, that survey must be conducted to the extent possible, except for Safety Equipment, Safety Radio and IOPP, which must be completed. Where a survey is incomplete, a schedule for

completion of surveys at next convenient port must be set and may not be delayed until the end of the window.

- 3.1.3.** If the detention does not occur within any related survey window, the Recognised Organisation Surveyor, after clearing the deficiencies, will carry out a general examination of the vessel and may decide, using professional judgement, whether an additional survey is necessary. The extent of such additional survey will be at least to the extent of annual survey.
- 3.2.** If a ship has been justifiably detained twice within a period of 24 months, an immediate additional ISM SMC audit to the extent of initial audit will be required to ascertain the effectiveness of the Safety Management System on board. Furthermore, an additional ISM DOC audit to the extent of annual audit will be required not later than 30 days from the date of the detention.
- 3.3.** If a ship has been justifiably detained three times within a period of 24 months, all statutory certificates will be suspended. In order to reinstate these, renewal surveys should be carried out with no outstanding items or recommendations to the extent possible, and an additional ISM SMC audit to the extent of initial audit will be required. Furthermore, an additional ISM DOC audit to the extent of initial audit will be required not later than 30 days from the date of the detention.
- 3.4.** Furthermore, if a ship is justifiably detained for a fourth time within a period of 24 months, the vessel will be deleted from the Bahamas Register. The DOC of the Company, issued on behalf of the Administration, will be re-examined.
- 3.5.** The imposition of a Flag State Detention will have the same effect, for the purposes of this process, as a Port State Detention
- 3.6.** The BMA will also decide the scope and extent of additional inspection or survey or additional audits of shipboard and shore based Safety Management Systems of a Company, when a significant proportion of the Company fleet is justifiably detained by PSC.
- 3.7.** The BMA may appoint approved inspectors, auditors and observers as considered to be appropriate, to participate in any of the above surveys, audits or Flag State inspection at owners' expense.

4. Audit by Recognised Organisations

- 4.1** Recognised Organisations, when conducting ISM audits, should take into account all deficiencies found in the course of the PSC inspection leading to detention. The audit should identify any specific failure of

the Safety Management System which may be attributed as a causal factor to the deficiencies arising. The audit should also ensure that an appropriate corrective action plan is in place, which is to be implemented and verified within the shortest practicable time frame.