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TO: Related departments of CCS Headquarters; Branches and Offices; and Ship Companies

## **Notice of Implementation of Bahamas Maritime Authority (BMA)**

### **Information Bulletin No. 23 Rev.4**

BMA recently issued the BMA Information Bulletin No. 23 Rev.4 to provide guidance and instructions on International Safety Management (ISM) Code.

#### **1. General**

“1.1. The ISM Code is mandatory for all ships, including self-propelled MODUs of 500 gross tonnage and above. The following vessels are not subject to the requirements of SOLAS:

- Cargo ships and MODUs of less than 500 gross tonnage, measured under the International Convention on Tonnage Measurement (1969);
- Offshore units which are not self-propelled;
- Pleasure yachts for the private use of their owner and not engaged in commercial trade.

#### **2. Extension of ISM to Ships Previously Measured at Less than 500 Gross Tonnage (GT)**

Noting the content of IMO Assembly Resolution A.791 (19) and IMO MSC Circular MSC.1/Circ. 1231, any ship measured as less than 500 GT under previous national arrangements but more than 500 GT under the International Convention on the Tonnage Measurement of Ships 1969 (Tonnage 1969 Convention) falls under the scope of the ISM Code.

#### **3. ISM Certification and Audit**

3.1. All Companies that operate vessels which are subject to the ISM Code are

required to implement and maintain an effective Safety Management System (SMS). This is to be confirmed by holding a valid Document of Compliance (DOC), which is normally issued by a Bahamas Recognised Organisation (RO) for the type(s) of ship(s) operated.

3.2. Any Company that holds a valid DOC issued by, or on behalf of, another Administration but requires a DOC to operate Bahamas registered ships shall apply to a Bahamas RO for an additional on-site verification audit, that encompasses confirmation of the requirements as outlined in paragraph 3.6 below, before active management of the vessel commences. Upon verification of the requirements in 3.6 below, a Bahamas DOC may be issued with date of validity harmonised to the existing DOC, whether interim or full term.

3.3. The Bahamas RO shall advise the BMA of any request for audit in connection with the first issuance of a Bahamas DOC. BMA will assess the suitability of the applicant prior to agreeing with the RO for the DOC audit to be carried out.

3.4. Where a Company is operating a fleet of ships under a number of different flags, special arrangements can be made to avoid multiple audits where another Flag State does not authorise a Bahamas RO to carry out ISM Code audits on their behalf. The BMA may authorise DOC audits performed by the Administration of the country where the Company has its operational headquarters, provided the Company operates ships under that national flag and the BMA has a written agreement with the Administration to conduct the audit and issue the relevant certificate. The Company shall apply directly to the BMA to take advantage of this facility.

3.5. A copy of the DOC, with verification of the completion of the required periodical audits, shall be carried on board all the Bahamas registered ships operated by the Company together with a valid Safety Management Certificate (SMC) issued by a Bahamas RO.

3.6. The following Bahamas national requirements shall be verified during Company and shipboard ISM audits:

- i. The Safety Management system (SMS) incorporates management procedures and operational instructions for achieving compliance with Bahamas national requirements, as found in BMA Information Bulletins, Bahamas legislation and the document "Bahamas National Requirements",
- ii. The availability, personnel's familiarity, and implementation of Bahamas national requirements,
- iii. Bahamas annual flag state inspections are scheduled and performed within the inspection due date and corrective action, in connection with any deficiencies

identified during these inspections is:

- promptly and effectively performed to prevent recurrence
  - reported to the BMA
- iv. Casualties and deficiencies that may affect the registration and validity of the statutory certification of the vessel are reported to the BMA and the relevant Classification Society
- v. Manning is in accordance with the Safe Manning Document and all Officers have applied for, or hold, a Bahamian Licence or Bahamian Endorsement to their national Licence appropriate to their duties,
- vi. If English is not the working language of the Company and ship, a correctly revised English version of the SMS is available on board and ashore at all times.
- vii. A Flag State file is being maintained on board in either hard copy or digital form. This file is to incorporate revised BMA Information Bulletins and notices, together with a revised copy of the document “Bahamas National Requirements.”

3.7. Auditors must be familiar with the Bahamas national requirements prior to undertaking audits of Bahamas flagged vessels and/or Companies operating such vessels.

3.8. ISM additional audits shall only be conducted after prior agreement with the BMA. When a major ISM non-conformity is identified during a scheduled audit of a Company or onboard any ship in its fleet, the BMA shall be notified to allow an appropriate course of action to be agreed.

3.9. A copy of all audit reports resulting in Major Non-Conformity and all ISM Code certification (DOC and SMC), issued on behalf of The Commonwealth of The Bahamas, shall be forwarded to the BMA by the Recognised Organisation.

3.10. Internal audits are required to be carried out by the Company on board and ashore at intervals of not more than 12 months. In exceptional circumstances, this interval may be exceeded by not more than three months. Noting that internal audit of office functions is able to be carried out at regular specific intervals, The Bahamas Maritime Authority will consider exceptional applications for exceeding the twelve month interval between audits for shipboard audit only. Companies claiming to be unable to carry out internal audit within the 12 month period should apply to the Recognised Organisation for acceptance to carry out the audit outside the necessary time frame, and within three months of the due date. The acceptability of any exceptional circumstances must be considered by the Recognised Organisation before any recommendation is made to BMA, in accordance with the procedure in BMA Information Bulletin No.8 (<http://www.bahamasmaritime.com/downloads/Bulletins/08bulltn.pdf>) In all cases there shall be not less than five internal audits of ship and office during the five year validity of certification.

#### **4. Maintenance of Valid Certification**

4.1. Bahamas DOC may be considered to be invalid and shall be withdrawn in the event that Bahamas flagged ships are no longer operated by the Company for a continuous period of more than three months. In the event that a DOC is required to be reinstated, Recognised Organisations should apply to BMA regarding extent of audit to be carried out.

4.2. Failure of managers to request any required audit within the specified time frame will result in the affected certificate being declared invalid and withdrawn. Certificates will also be withdrawn in cases where the BMA or RO becomes aware of any major failure in implementation or operation of the SMS.

4.3. Where a DOC has been withdrawn, an additional audit to the extent of an initial verification audit shall be carried out. When this verification audit is completed without any major non-conformity or evidence of systematic failure of the SMS, then a new DOC can be issued with the same validity date as the original DOC.

4.4. An invalid DOC also renders all associated SMC(s) invalid. However, the SMC(s) are generally re-instated on revalidation of the DOC without verifications being necessary on board the ship(s).

4.5. The exception is where the DOC verification audit reveals evidence to suggest that an on-board verification audit is necessary to prove effective operation of the SMS. In such cases, or where the SMC has been withdrawn for a major non-conformity, an additional verification audit to the extent of an initial verification audit shall be carried out. A new SMC with the same validity date as the original SMC shall be issued where this verification audit is satisfactory.

4.6. Recognised Organisations are required to apply the ISM guidance provided in related MSC and MEPC Circulars, except where that guidance is superseded by this bulletin.

4.7. In the event more than one Administration and/or Recognised Organisation is involved in the ISM certification process, any major non-conformity that leads to withdrawal of a Document of Compliance or Safety Management Certificate, or that has been allowed to be downgraded following satisfactory completion of corrective actions, should be reported by the involved Administration and/or Recognised Organisation to the other Administration and/or Recognised Organisation with details of actions taken.

#### **5. Duty of Owners to Advise the BMA**

5.1. In accordance with paragraph 3.1 of the ISM Code, if the entity responsible for the

operation of the ship is other than the Owner, the Owner shall report the full name and details of such entity to the BMA Registration and Technical departments. This notification, as well as any changes of the entity, shall be made using Bahamas form R104 or the form attached at Annex 1.

5.2. In the case of changes of ISM Designated Person Ashore (DPA) without any change of the Company identified in 5.1 above, this notification may be made using the form attached at Annex 2. The completed form is to be sent to the Inspections & Surveys department and will be acknowledged by email.

5.3. Owners of ships to which the ISM Code does not apply must ensure that there is a shore-based contact through which the BMA can communicate with the person(s) responsible for the operation of the ship. The Owner must inform the BMA of the relevant contact details of this person using the same procedures outlined in 5.1 and 5.2 above.

## **6. Extension of ISM principles and objectives to ships to which the ISM Code does not apply**

6.1. The BMA supports the intent of the ISM Code in securing safety of life at sea, preventing human injury or loss of life and avoidance of damage to the environment. While recognising that some ships are not required by SOLAS to comply with the ISM Code, the BMA notes that many Companies operating under the Bahamas Flag have obtained voluntary ISM certification.

6.2. The BMA further recognises the value that certification has in demonstrating the implementation of a socially and environmentally responsible management regime and therefore strongly recommends that all Companies operating ships to which the ISM Code does not apply achieve ISM certification (Document of Compliance and Safety Management Certificate(s)).

6.3. In the event of there being no ISM certified system implemented, Companies should have in place a Safety Management System, including a maintenance programme particularly for essential marine systems and equipment. In addition the competence of onboard personnel, both marine and in connection with operations carried out on board, must be maintained to an adequate level. These measures are necessary in order to ensure that the statutory obligations to ensure health, safety, security and protection of the environment are complied with. ”

## **SUMMARY**

Forwarding the BMA Information Bulletin No. 23 Rev.4, in which provides guidance and instructions of ISM Code implementation to ship-owners, managers, masters, Bahamas

Recognised Organisations and Bahamas Approved Inspectors.

### **ACTION REQUESTED**

All the auditors of CCS branches and offices are required to study of this notice and ensure the implementation of the requirements set in this notice when performing the audit. Auditors should pay more attention on the followings:

- 1) the request for audit in connection with the first issuance of a Bahamas DOC should be approved by BMA;
- 2) All the branches and offices should apply for BMA and copy with Certification Management Dept. of CCS HQ before conducting an ISM additional audit, and only conduct the audits upon the receipt of approval from BMA; and
- 3) When a major ISM non-conformity is identified, the Certification Management Dept. of CCS HQ should be informed, and the BMA shall be notified to allow an action of downgrade to be agreed.

Attachment: BMA Information Bulletin No.23 Rev.4, total 7 pages

<p><b>For any problem please contact the Certification Management Dept. of CCS Headquarters without hesitation</b></p>
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# The Bahamas Maritime Authority

## **BMA INFORMATION BULLETIN No. 23 Rev.4**

### **International Safety Management (ISM) Code**

#### **Guidance and instructions for Ship-owners, Managers, Masters, Bahamas Recognised Organisations and Bahamas Approved Inspectors**

*Note: This Bulletin is to be read in conjunction with IMO Assembly Resolutions A. 788(19) & A.791 (19); IMO MSC Circulars MSC/Circ.1059, MSC/Circ.762 & MSC.1/Circ. 1231 and MSC Resolution MSC.273(85).*

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in connection with any deficiencies identified during these inspections, is:

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## Annex 1 – ISM Code Declaration of Company

Under the ISM Code, a Company must be declared to the Administration. In accordance with Section 1.1.2 of IMO Resolution A.741(18), as amended (the ISM Code), "Company" means the Owner of a ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibility imposed by the Code. The undersigned affirms that:

Owner Name			
Address			
Telephone		Fax	
Email		IMO Registered Owner Number	

is the Owner of the following Bahamian registered ship(s)\*:

Ship Name	Official No.	IMO No.

In accordance with Section 3.1 of Assembly Resolution A.741(18), as amended, if the entity responsible for the operation of the ship is other than the above stated Owner, the Owner must report the full name and details of such entity to the Administration. If such is the case here, the undersigned affirms that:

Company Name			
Address			
Telephone		Fax	
Email		IMO Company Number	

is the "Company" responsible for all the requirements imposed by the Code for the Bahamian registered ship(s) listed above.

Signature & Name of Owner			
Date:			
	DD	MM	YYYY

BMA Stamp			
Date:			
	DD	MM	YYYY

\* Additional sheets may be added if necessary

## Annex 2 – ISM Code Declaration of Designated Person (DPA)

To ensure the safe operation of each ship and to provide a link between the Company and those on board, every Company, as appropriate, shall designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the designated person or persons shall include monitoring the safety and pollution prevention aspects of the operation of each ship and ensuring that adequate resources and shore-based support are applied, as required.

The undersigned affirms that \_\_\_\_\_ (name of the DPA) and \_\_\_\_\_ (name of alternate DPA) has/have been assigned pursuant to IMO Resolution A.741(18) (Section 4 of the ISM Code), as the Designated Person(s) for the following Bahamian registered ship(s)\*:

Ship Name	Official No.	IMO No.

and undertaken that the said Designated Person(s) will be available to Officers of The Bahamas Maritime Authority at any time, as follows:

Full address of the Designated Person(s) to which official correspondence and materials may be sent:

Company Name			
Address			
Daytime Telephone		Fax	
Out of Hours Telephone		Mobile Phone	
Email		Alternative DPA Email / Telephone	

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Signature and Title of Designated Person

Date (DD/MM/YYYY)

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Signature and Title of Senior Management of Company

Date (DD/MM/YYYY)

<p>Acknowledged by BMA (Stamp)</p>			
Date:			
	DD	MM	YYYY

\* Additional sheets may be added if necessary