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## INFORMATION BULLETIN No. 157

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### The Nairobi International Convention on the Removal of Wrecks, 2007

#### Guidance and Instructions for Bahamas Recognised Organisations, Bahamas Approved Nautical Inspectors, Ship Owners, Managers and Masters

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#### 1. Purpose

- 1.1. This Bulletin provides information on the Nairobi International Convention on the Removal of Wrecks, 2007 ("the Convention") and its application to The Bahamas.
- 1.2. This Bulletin should be read in conjunction with [The Nairobi International Convention on the Removal of Wrecks, 2007](#) and the [Merchant Shipping \(Wreck Removal Convention\) Regulations, 2015](#).
- 1.3. This Bulletin also outlines the application process for the issue of Wreck Removal Insurance Certificates to Bahamian and non-Bahamian ships.
- 1.4. The Convention entered into force for The Bahamas on **05 September 2015**.
- 1.5. [Effective 01 March 2017, responsibility for the issue of Wreck Removal Insurance Certificates will be transferred from the Inspections & Surveys department to the Registration department.](#)

#### 2. Application

- 2.1. Except where specified below, the Convention applies to the following ships:
  - i. All Bahamian ships, irrespective of trading area;
  - ii. All ships whilst in The Bahamas' Convention Area.

- 2.2. The Convention does not apply to warships or ships owned or operated by a State and engaged only in Government non-commercial service.
- 2.3. The Convention does not apply to platforms which are fixed on location and engaged in the exploration, exploitation or production of seabed mineral resources.
- 2.4. For the purposes of the Convention, the Bahamas Maritime Authority (BMA) interprets "platforms which are fixed on location" to mean offshore units whose primary service is in operations for the exploration, exploitation or production of resources beneath the sea-bed (e.g. MODUs, drill ships, jack-up platforms, accommodation platforms, Floating Production, Storage and Offloading units (FPSO), purpose built or permanently converted Floating Storage and Offloading/Floating Storage Units (FSO/FSU), Floating Liquefied Natural Gas Production Units (FLNG), etc.) whilst fixed on location. When the unit is not fixed on location (e.g. for repositioning voyages), the Convention applies: this includes self-propelled and non-self-propelled voyages.

### **3. Definitions**

- 3.1. For the purposes of this Bulletin, the definitions of the terms used are as found in Article 1 of the Convention.
- 3.2. **"Bahamas' Convention Area"** means the exclusive economic zone (EEZ) of The Bahamas including the territorial sea and archipelagic waters of The Bahamas as described in Sections 3, 4(1) and 4(2) of *The Archipelagic Waters and Maritime Jurisdiction Act, 1993*;

### **4. Introduction**

- 4.1. *The Nairobi International Convention on the Removal of Wrecks, 2007* was adopted on 18 May 2007 and entered into force on 14 April 2015.
- 4.2. The Bahamas acceded to the Convention on 05 June 2015 and, accordingly, the Convention entered into force for The Bahamas on **05 September 2015**.
- 4.3. The Convention provides the legal basis for a State Party to remove, or have removed, any wrecks located in its Convention Area, which pose a danger or impediment to navigation and which may harm the marine environment, damage the coastline or related interests.

- 4.4. Subject to the limitations and exceptions specified in Articles 10 and 11 of the Convention, the registered owner of a ship is liable for the costs involved in locating, marking and removal of a wreck deemed to be a hazard in a State's Convention area.
- 4.5. The Convention requires the registered owner(s) of a ship over 300 gross tonnage to maintain insurance or other financial security to cover their liability for costs involved in the location, marking and removal of wrecks.
- 4.6. The Convention requires ships of State parties and those trading to any State Party to carry a Wreck Removal Insurance Certificate, issued by a State Party, evidencing that acceptable insurance or other financial security is in place.
- 4.7. The Bahamas is prepared to issue Wreck Removal Insurance Certificates for ships registered in States that are not party to the Convention, provided that the Bahamas Maritime Authority (BMA) is satisfied that the contract of insurance or other financial security satisfies the requirements of the Convention.

## **5. Wreck Removal Insurance Certificates**

### *5.1. Bahamian ships*

- 5.1.1. All Bahamian ships of 300 gross tonnage and above, including those registered with the Port Department under the Boat Registration Act, require a valid Wreck Removal Insurance Certificate attesting that insurance or other financial security is in place to cover the registered owner's liabilities under the Convention.
- 5.1.2. Wreck Removal Insurance Certificates for Bahamian ships must be obtained only from the BMA. Please see paragraph 9.
- 5.1.3. Notwithstanding paragraph 5.1.2, the BMA will recognise Wreck Removal Insurance Certificates issued to Bahamian ships prior to 5 September 2015 by another State Party until they expire or until 20 February 2016, whichever is earlier. Upon expiry or after 20 February 2016, as appropriate, Wreck Removal Insurance Certificates must be obtained from the BMA.
- 5.1.4. Where the registry of a Bahamian ship has been suspended as a result of registration in a foreign country for the duration of a bareboat charter in

accordance with s.25 of the Merchant Shipping Act, the ship will be deemed a non-Bahamian ship and subject to the requirements of the State of the ship's registry. Wreck Removal Insurance Certificates, if required by the State of the ship's registry or if the ship is trading to a State Party to the Convention, may be issued to the ship in accordance with paragraph 5.2.2.

## 5.2. *Non-Bahamian ships*

5.2.1. Non-Bahamian ships of 300 gross tonnage and above calling at ports in The Bahamas require a valid Wreck Removal Insurance Certificate attesting that insurance or other financial security is in place to cover the registered owner's liabilities under the Convention.

5.2.2. Wreck Removal Insurance Certificates for non-Bahamian ships must be:

- i. For a ship registered in a State Party, issued by or under the authority of that State;
- ii. For a ship registered in a country which is not a State Party, issued by the BMA (see paragraph 10) or by or under the authority of a State Party.

## 5.3. *General*

5.3.1. Wreck Removal Insurance Certificates must be carried on board at all times. Ships found not to be in possession of a valid Wreck Removal Insurance Certificate may be detained and/or the owner, master or operator may be liable to a fine of up to \$10,000 (ten thousand dollars).

5.3.2. For compulsory insurance purposes, a "Blue Card" issued by a recognised Protection & Indemnity Club, which is a member of the International Group of P&I Clubs, or banking corporation or financial institution of similar international standing, which can be verified, will be evidence of insurance cover being in place and will be used as the basis for the insurance of a Wreck Removal Insurance Certificate by the BMA.

## **6. Reporting of Wrecks**

6.1. Where a ship is involved in an accident or maritime casualty resulting in a wreck in The Bahamas' Convention area, the Master or operator is required to report the wreck immediately to the Port Authority in The Bahamas.

- 6.2. The report shall state the name and principal place of business of the registered owner and all relevant information necessary to allow the Port Authority to determine if the wreck poses a hazard, including the following:
- i. The precise location of the wreck;
  - ii. The type, size and construction of the wreck;
  - iii. The nature of the damage to, and the condition of, the wreck;
  - iv. The nature and quantity of the cargo, in particular any hazardous or noxious substances;
  - v. The amount and types of oil on board, including bunkers and lubricating oils.
- 6.3. Reports should be made to the New Providence Port Authority by email to [portdepartment@bahamas.gov.bs](mailto:portdepartment@bahamas.gov.bs), and copied to the [BMA Inspections & Surveys department tech@bahamasmaritime.com](mailto:BMA%20Inspections%20&%20Surveys%20department%20tech@bahamasmaritime.com).
- 6.4. Where a Bahamian ship is involved in an accident or maritime casualty resulting in a wreck in an area other than The Bahamas' Convention area, the Master or operator is required to report the wreck immediately to the BMA and to the relevant authorities of the affected State(s).

## **7. Locating and Marking Wrecks**

- 7.1. When a report of a wreck in The Bahamas' Convention area is received, the Port Authority will advise mariners and nearby States of the nature and location of the wreck.
- 7.2. If the wreck is deemed to constitute a hazard, the Port Authority will arrange for the location of the wreck to be marked and publish such markings.

## **8. Removal of Wrecks**

- 8.1. Where a wreck in The Bahamas' Convention area is deemed to be a hazard, the Port Authority may issue a wreck removal notice to the registered owner of the ship.
- 8.2. The wreck removal notice will specify a reasonable deadline for the removal of the wreck by the registered owner and may contain conditions for the removal of the wreck to ensure safety and protection of the marine environment.

- 8.3. In the event that the registered owner does not remove the wreck within the deadline specified in the wreck removal notice, or if the hazard becomes severe and immediate action is required, the Port Authority may arrange for removal of the wreck at registered owner's expense. The registered owner may also be liable to a fine not exceeding \$10,000.

**9. Applications for Wreck Removal Insurance Certificates – Bahamian Ships**

- 9.1. All applications for a Wreck Removal Insurance Certificate for a Bahamian ship shall be made by the registered owner or the operator of the ship and must be accompanied by the following:
- i. Certificate of Entry (Blue Card) or other Proof of Financial Security;
  - ii. The applicable fee
- 9.2. The fee for the issue of a Wreck Removal Insurance Certificate for a Bahamian ship is USD150.
- 9.3. All Wreck Removal Insurance Certificates will be returned to the applicant via courier, unless otherwise agreed with the BMA. The courier fee is USD60.
- 9.4. Where the BMA refuses to issue a Wreck Removal Insurance Certificate, the applicant will be advised in writing of the reason for refusal within fourteen (14) days from the date of such refusal.
- 9.5. Applications will be processed in the order they are received by the BMA.

**10. Applications for Wreck Removal Insurance Certificates – non-Bahamian ships**

- 10.1. All applications for a Wreck Removal Insurance Certificate for a non-Bahamian ship shall be made by the registered owner or the operator of the ship and must be accompanied by the following:
- i. Completed Application Form R218 ([download here](#));
  - ii. Certificate of Entry (Blue Card) or other Proof of Financial Security;
  - iii. The applicable fee;
  - iv. Transcript of Register dated not more than five (5) days before the application is submitted to the BMA.

- 10.2. Where a Transcript of Register cannot be obtained (e.g. where the registry of the ship does not issue transcripts), or of the transcript does not contain sufficient information to issue a Wreck Removal Insurance Certificate, a copy of the latest Continuous Synopsis Record must be submitted with the application.
- 10.3. Completed and signed R218 forms are to be submitted to the BMA at its Nassau, London, New York, Hong Kong or Piraeus offices. To speed up processing, an electronic copy of the form may be submitted by email to [reg@bahamasmaritime.com](mailto:reg@bahamasmaritime.com) with the original to follow by post.
- 10.4. The fee for the issue of a Wreck Removal Insurance Certificate for a non-Bahamian ship is USD300.
- 10.5. All Wreck Removal Insurance Certificates will be returned to the applicant via courier, unless otherwise agreed with the BMA. The courier fee is USD60.
- 10.6. Where the BMA refuses to issue a Wreck Removal Insurance Certificate, the applicant will be advised in writing of the reason for refusal within fourteen (14) days from the date of such refusal.
- 10.7. Priority will be given to applications for Wreck Removal Insurance Certificates for Bahamian ships. Applications for non-Bahamian ships will be processed as time allows and in the order received.

## **11. Revision History**

Rev.2 (22 February 2017) – Addition of paragraph 1.5 for change of responsibility from Inspections & Surveys department to Registration department

Rev.1 (02 November 2015) – New paragraph 2.4 and amendment to para. 6.3

Rev.0 (14 September 2015) – First issue