



INFORMATION BULLETIN No. 85

Port State Control (PSC) Inspections

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

1. Purpose

- 1.1. This Bulletin provides guidance on the management of Port State Control (PSC) Inspections.

2. Application

- 2.1. This Bulletin is applicable to all Bahamian ships subject to PSC inspections.

3. The Bahamas Maritime Authority & Port State Control

- 3.1. Companies¹ operating Bahamian ships will understand the importance and benefit of maintaining, and improving, the current low rate of PSC detentions and the position of The Bahamas as a less targeted flag (white list) of the major regional PSC Memoranda of Understanding (MOUs).
- 3.2. The Bahamas Maritime Authority (BMA) is committed to ensuring that all Bahamian ships are fully compliant with international Convention requirements and national regulations at all times and fully supports the objectives of the PSC process in eliminating sub-standard shipping, when applied in a fair and equitable manner.

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 Merchant Shipping Act.

- 3.3. The BMA recognises that there are occasions when a PSC detention may have been avoided or reconsidered with a better understanding of the inspection process.
- 3.4. The following comments have been prepared for the information of Companies and their ships, and to provide guidance on management of the PSC inspection process.

4. Preparation for PSC Inspections

- 4.1. Bahamian registered ships are required to be operated and maintained in accordance with the provisions of the relevant international Conventions and Codes and/or Bahamas requirements.
- 4.2. It is the responsibility of the Company and the Master of the ship to ensure that the ship complies with the relevant requirements and that the ship and her crew are prepared for PSC inspections.
- 4.3. A number of bodies, such as Classification Societies, P&I Clubs, etc., have produced checklists and guidance relating to preparation for PSC inspection. Companies may find these useful as an aid to ensuring that the vessel is routinely prepared for PSC inspections.
- 4.4. PSC inspections should be carried out in a manner consistent with:
 - i. International Maritime Organization (IMO) Assembly Resolution A.1119(30) [*Procedures for Port State Control 2017*](#)²; and
 - ii. International Labour Organization (ILO) [*Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*](#)³.
- 4.5. It is important that the Master and senior officers are familiar with the PSC process. The BMA recommends that a copy of A.1119(30) is carried on board to assist with professional participation in the PSC process.
- 4.6. Companies are urged to ensure that their safety management system incorporates procedures to prepare for, and to deal with, PSC inspections and detentions.

² Available at: <http://www.bahamasmaritime.com/wp-content/uploads/2018/03/A-30-Res.1119-PROCEDURES-FOR-PORT-STATE-CONTROL-2017.pdf>

³ Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_101787.pdf

- 4.7. Particular attention should be paid to:
- 4.7.1. Appendix 2 ("Guidelines for the Detention of Ships") of A.1119(30), which provides an indicative list of deficiencies which are considered to be of such a serious nature that they may warrant the detention of the ship;
 - 4.7.2. Section 5.2 ("Examples of circumstances that may require the detention of the ship") of the ILO *Guidelines for port State control officers...*, which provides examples of the kinds of circumstances that could warrant the detention of the ship.
- 4.8. The Master should recognise that PSC Officers (PSCOs) have an expectation that their attendance on board will be given full and prompt attention. It is therefore important to establish a professional working relationship with the PSCO and provide the necessary support during the inspection.
- 4.9. On conclusion of the inspection, the Master should, where appropriate, discuss the PSC report with the PSCO with reference to the relevant international Conventions or Codes, the justification for the deficiencies and/or the timeframe given for rectification of deficiencies.
- 4.10. Failures and breakdowns of equipment need not be a cause for detention provided that the Flag State and Recognised Organisation have been advised as soon as the breakdown is experienced, and the Port State has been alerted prior to arrival. Such reports may be the trigger for PSCOs to attend on board and so the ship must be prepared for this attendance.
- 4.11. Deficiencies identified at PSC inspections should be closed out directly with the PSC authority involved. In some MoUs rectification of deficiencies will be confirmed at the next scheduled PSC inspection in that MoU.
- 4.12. It should be noted that if a ship has open deficiencies the targeting factor may be increased increasing the possibility of further PSC inspections.
- 4.13. Most of the PSC MoUs provide information on inspections, targeting criteria, Code of Conduct for PSCOs and appeal/complaint procedures on their websites. Please refer to Annex 1.
- 4.14. The BMA has observed occasional inconsistencies in approach and interpretation between and within various Port States, however it should be noted that there is no formal appeal or review process for non-detainable deficiencies.

- 4.15. Where a Company wishes to challenge a non-detainable deficiency, they should contact the PSC authority concerned requesting that the deficiency be reviewed. In the experience of the BMA, such requests have limited success.

5. PSC & The International Safety Management Code (ISM)

- 5.1. A detention and the majority of PSC deficiencies may be considered as ISM related.
- 5.2. Accumulation of minor deficiencies or recurrence of previously identified deficiencies may be considered as a failure of the safety management system by the PSCO and lead to the detention of the ship, particularly when large numbers of deficiencies are found.
- 5.3. Proper and effective implementation of the safety management system is an effective tool to reduce deficiencies found at PSC and other inspections.

6. Reporting of PSC inspections

- 6.1. In order to assist the BMA in identifying those ships which may be at increased risk of detention, the Company is required to send copies of every PSC inspection report (Form A and, if deficiencies are identified, Form B) to the BMA as soon as possible after the inspection.
- 6.2. The BMA will examine the PSC reports to determine if any further action is appropriate. This may include an additional ISM audit or BMA inspection. The BMA will contact the Company if any further action is deemed appropriate.
- 6.3. The Classification Society and/or Recognised Organisation issuing the affected certificates may have their own reporting requirements which the Company and Master should follow.
- 6.4. Persistent failure to provide PSC inspection reports will be treated by the BMA as objective evidence of a failure in the safety management system which may lead to non-conformities being raised at external ISM audits.

7. Reporting of PSC detentions

- 7.1. Guidance and instructions on actions to be taken following a detention are provided in BMA Information Bulletin No.120.

8. Revision History

Rev.5 (15 May 2018) – Complete revision

Rev.4 (17 October 2013) – Complete revision