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## ISM Code

Notice to ship owners, managers, Masters, Approved Nautical Inspectors, Recognised Organisations and surveyors

*This Notice supersedes BMA Information Bulletin No. 23*

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### 1. Purpose

- 1.1. This Marine Notice provides information on the application of the International Safety Management (ISM) Code to Bahamian registered ships.
- 1.2. This Marine Notice is to be read in conjunction with IMO Resolutions A.1073(28), A.1118(30), A.1138(31), A.741(18), MSC-FAL.1/Circ.3, MSC.428(98), MSC.273(85), MSC.353(92) and IMO Circulars MSC/Circ.762-MEPC/Circ.312, MSC/Circ.1059-MEPC/Circ.401, MSC-MEPC.7/Circ.6, MSC-MEPC.7/Circ.7, MSC-MEPC.7/Circ.8, MSC-MEPC.7/Circ.9 and their amendments.

### 2. Application

- 2.1. The ISM Code is mandatory for all passenger ships of any size and all cargo ships of 500 gross tonnage and above<sup>1</sup>, including self-propelled mobile offshore drilling units (MODUs), under the provisions of Chapter IX of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS).
- 2.2. The following ship types are not subject to the requirements of the ISM Code and therefore it is not mandatory to implement the ISM system. However please refer to Section 7 of this Marine Notice for guidance on voluntary application of the ISM Code:
  - i. Cargo ships and MODUs of less than 500 gross tonnage.
  - ii. Offshore units which are not self-propelled.
  - iii. Pleasure yachts for the private use of their owner and not engaged in commercial trade (i.e. non-commercial/private yachts).
  - iv. Bahamas government-operated ships used for non-commercial purposes.

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<sup>1</sup> Gross tonnage as measured under the International Convention on Tonnage Measurement (1969). Any ship measured as less than 500 gross tonnage under previous national arrangements but more than 500 gross tonnage under the International Convention on the Tonnage Measurement of Ships 1969 falls under the scope of the ISM Code

### 3. Duty of Owner to Advise BMA

- 3.1. 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 notify the Bahamas Maritime Authority (BMA) of the full name and details of such entity.
- 3.2. The notification, as well as any changes of the entity, or its contact details, should be made using [form R104](#)<sup>2</sup>.
- 3.3. In the case of changes of ISM Designated Person Ashore (DPA) without any change of the entity identified in paragraph 3.1, the notification may be made by email only to [tech@bahamasmaritime.com](mailto:tech@bahamasmaritime.com).
- 3.4. The BMA will provide acknowledgement letters to the DPA by email confirming:
- i. Appointment of ISM Company;
  - ii. Appointment of DPA.
- 3.5. 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, in accordance with section 52 of the Merchant Shipping Act (Ch.268). The Owner must inform the BMA of the relevant contact details of this person using the same procedures outlined in paragraph 3.2.

### 4. Document of Compliance (Issued to the Company<sup>3</sup>)

#### 4.1. General

- 4.1.1. All Companies operating ships that are subject to the ISM Code are required to implement and maintain an effective safety management system (SMS) covering both the Company operations and operations on board all ships subject to the ISM Code. The mandatory application of the ISM Code should ensure, support and encourage the taking into account of applicable codes, guidelines and standards recommended by the BMA, International Maritime Organization (IMO), classification societies and maritime industry organisations.
- 4.1.2. Verification audits are carried out, at the request of the Company, by organisations recognised by the BMA to perform certification functions under the ISM Code (Recognised Organisations<sup>4</sup>), or, at the request of the BMA, by another Contracting Government to the SOLAS Convention.

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<sup>2</sup> Form R104 can be downloaded from: <http://www.bahamasmaritime.com/wp-content/uploads/2015/08/R104-FORM-Rev2final.pdf>

<sup>3</sup> The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code

<sup>4</sup> Please see [Marine Notice 002](#)

- 4.1.3. Where the shore-side aspects of the SMS are found to comply with the requirements of the ISM Code, the Company will be issued with an ISM Document of Compliance (DOC) for the type(s) of ship(s) operated.
- 4.1.4. The certification process relevant to a DOC for a Company will normally involve the following steps:
- i. interim verification;
  - ii. initial verification;
  - iii. annual verification;
  - iv. renewal verification; and, if necessary
  - v. additional verification.
- 4.2. ***Interim verification***
- 4.2.1. An Interim DOC may be issued to facilitate initial implementation of ISM Code when:
- i. A Company is newly established; or
  - ii. new ship types are to be added to an existing DOC,
- 4.2.2. The Recognised Organisation shall advise the BMA of any request for audit in connection with the first issuance of a Bahamas DOC before the audit takes place. The BMA will assess the applicant prior to agreeing for the DOC audit to be carried out.
- 4.2.3. An Interim DOC is issued for a period not exceeding 12 months.
- 4.3. ***Initial verification***
- 4.3.1. On satisfactory completion of the assessment of the shoreside safety management system, arrangements/planning may commence for the assessment of the Company's ships.
- 4.3.2. During an initial verification audit, if it is found that the Company or vessel does not merit the issuance of a full term certificate due to the number of non-conformities, a short term DOC valid for 3 months is to be issued so that another audit can be carried out prior to the issuance of a full term certificate. This is to be done in consultation with the BMA.
- 4.3.3. The Recognised Organisation should send copies of all certificates to the BMA unless they are available to the BMA on the Recognised Organisation's online database.
- 4.4. ***Annual verification***
- 4.4.1. Annual verification is to be carried out within three months before or after each anniversary date of the DOC.

- 4.4.2. Where the Company has more than one shoreside premises and/or the Company delegates safety management system tasks, the annual assessments should endeavour to ensure that all sites are assessed during the period of validity of the DOC.
- 4.4.3. During the annual verification, the Recognised Organisation should verify whether the Company is operating all the ship types stated on the DOC. Actions to be taken if the Company has stopped operating a particular ship type are described in section 6.
- 4.5. **Renewal verification**
- 4.5.1. Renewal verifications should be performed before the validity of the DOC expires. Renewal verification may be carried out within three months before the date of expiry of the DOC.
- 4.6. **Additional verification**
- 4.6.1. Additional DOC audits may be required by the BMA in specific circumstances, e.g. following adverse Port State Control (PSC) inspections/detentions, Bahamas safety inspections, IACS PR17 reports, etc. Additional DOC audits may also be required in cases where non-conformities identified at SMC audits or deficiencies raised at surveys and inspections are indicative of a wider issue with the SMS.
- 4.7. **Changes to existing DOC**
- 4.7.1. Any Company that holds a valid DOC issued by, or on behalf of, another flag State Administration but requires a DOC to operate Bahamas registered ships shall apply to a Bahamas Recognised Organisation for an additional on-site verification audit. Upon verification of the requirements, the Recognised Organisation may issue a Bahamas DOC with its date of validity harmonised to the existing DOC, whether interim or full term.
- 4.7.2. Any Company that wishes to add a new ship type(s) to an existing DOC shall apply to the Recognised Organisation for an additional on-site verification audit that encompasses confirmation that the SMS addresses the new ship type(s) to be added. Upon verification of the requirements, the Recognised Organisation may issue an interim DOC for the new ship type(s) while keeping the original full-term DOC for all other existing vessel type(s). The validity of interim DOC is 12 months and another audit shall be conducted to verify the effectiveness of the SMS in terms of new ship type(s) before the expiry date. Upon completion of a successful audit, the interim DOC shall be withdrawn, and a new full-term DOC issued with all additional ship types. The expiry date of the new DOC shall be the same as the original full-term DOC.

**4.8. Special arrangements for DOC audits**

- 4.8.1. Where a Company is operating a fleet of ships under a number of different flags, special arrangements can be made to avoid multiple audits when one of the other flag State Administrations does not authorise a Bahamas Recognised Organisation to carry out ISM Code audits on their behalf
- 4.8.2. In such cases the BMA may request the flag State Administration of the country where the Company has its operational headquarters to undertake the DOC audit on behalf of the BMA and issue or endorse the Bahamas DOC on successful completion of the audit.
- 4.8.3. A Bahamas DOC issued by another Administration should be annotated with the wording **“Issued at the request of the Government of The Commonwealth of The Bahamas”**.
- 4.8.4. The Company shall advise the BMA prior to the audit with the name(s) and contact details of the other Administration’s auditor(s), so that the BMA can make the request to the other Administration and provide any specific instructions to the auditor(s).
- 4.8.5. Flag State Administration auditors are requested to take into account the content of this Marine Notice when conducting DOC audits at the request of the BMA.

**4.9. Internal audits**

- 4.10. Internal DOC audits are required to be carried out by the Company at intervals of not more than 12 months and there shall be not less than five internal audits of the office during the five-year validity of the DOC.

**4.11. Invalidation of DOC**

- 4.11.1. Where a required DOC audit is not carried out within the specified time frame, the DOC will become invalid.
- 4.11.2. Where a Company does not operate Bahamas registered ships for a continuous period of more than six months, the Bahamas DOC is considered invalid and will be withdrawn.
- 4.11.3. When a major non- conformity has been identified and has not been rectified to the satisfaction of the Recognised Organisation within a specified timescale, the DOC may be withdrawn.
- 4.11.4. The DOC may also be withdrawn in cases where the BMA or Recognised Organisation becomes aware of a major failure in implementation or operation of the SMS.

- 4.11.5. Companies are reminded that invalidation of an ISM DOC also renders all associated Safety Management Certificates (SMCs) invalid.

## **5. Safety Management Certificate (Issued to ships)**

### **5.1. General**

- 5.1.1. Where the shipboard aspects of the SMS are found to comply with the requirements of the ISM Code, the ship may be issued with an ISM SMC. For Bahamian ships, the SMC is usually issued by a Bahamas Recognised Organisation but may be issued by the BMA in some circumstances.
- 5.1.2. 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 the SMC. The copy of the DOC does not need to be authenticated or certified.
- 5.1.3. A copy of each SMC should be retained by the Company in their records; the original SMC shall remain on board the ship with the other statutory certificates.
- 5.1.4. The certification process relevant to an SMC for a ship will normally involve the following steps:
- i. interim verification;
  - ii. initial verification;
  - iii. intermediate verification;
  - iv. renewal verification; and, if necessary
  - v. additional verification.
- 5.2. **Interim verification**
- 5.2.1. An Interim Safety Management Certificate (SMC) may be issued:
- i. to new ships on delivery;
  - ii. when a Company takes on responsibility for the operation of a ship which is new to the Company; or
  - iii. when a ship changes flag.
- 5.2.2. Interim SMCs are issued for a period not exceeding 6 months. The BMA may, in special cases, extend the validity of an Interim SMC for a further period which shall not exceed 6 months from the date of expiry. When an interim SMC is extended, the full-term SMC should be dated from the expiry of the first interim certificate
- 5.3. **Initial verification**

- 5.3.1. On satisfactory completion of the assessment of the shoreside safety management system, arrangements/planning may commence for the assessment of the Company's ships.
- 5.3.2. On satisfactory completion of the assessment of the ships, they shall be issued with a full-term SMC.
- 5.3.3. During an initial verification audit, if it is found that the vessel does not merit the issuance of a full term certificate due to the number of non-conformities, a short term SMC valid for 3 months is to be issued so that another audit can be carried out prior to the issuance of a full term certificate. This is to be done in consultation with the BMA.
- 5.3.4. The Recognised Organisation should send copies of all certificates to the BMA unless they are available to the BMA on the Recognised Organisation's online database.
- 5.4. ***Intermediate verification***
- 5.4.1. Intermediate SMC audits shall be carried out to maintain the validity of the SMC.
- 5.4.2. If only one intermediate verification is to be carried out, it should take place between the second and third anniversary date of the issue of the SMC.
- 5.4.3. It should be noted that there is no provision in the ISM Code to extend the window for the intermediate verification and if the intermediate audit is not carried out within the window, the SMC becomes invalid. In such cases a renewal verification will be required, with the extent of audit at least that of an intermediate verification.
- 5.4.4. ***Renewal verification***
- 5.4.5. Renewal verifications are to be performed before the validity of the SMC expires. Renewal verification may be carried out within three months before the date of expiry of the SMC and should be completed before the date of expiry.
- 5.4.6. When the renewal verification is completed after the expiry date of the existing SMC, the new SMC should be valid from the date of completion of the renewal verification to a date not exceeding five years from the date of expiry of the existing SMC.
- 5.4.7. If a renewal verification has been completed and a new SMC cannot be issued or placed on board the ship before the expiry date of the existing SMC, the Recognised Organisation may endorse the existing SMC and such should be accepted as valid for a further period which should not exceed five months from the expiry date. The BMA must be duly notified of such situations by the Recognised Organisation.

- 5.4.8. If a ship at the time when a SMC expires is not in a port in which it is to be verified, the Recognised Organisation may extend the period of validity of the SMC, but only when it is considered reasonable to do so and only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified. No SMC should be extended for a period of longer than three months and the BMA must be duly notified of such situations by the Recognised Organisation.
- 5.4.9. When the renewal verification is completed, the new SMC should be valid to a date not exceeding five years from the expiry date of the existing SMC before the extension was granted.
- 5.5. **Additional verification**
- 5.5.1. Additional SMC audits may be required by the BMA in specific circumstances, e.g. following adverse Port State Control inspections/detentions, Bahamas safety inspections, IACS PR17 reports, etc., or in the case of reactivation after the interruption of operations due to a period out of service, or in order to verify that effective corrective actions have been taken and/or are being properly implemented.
- 5.5.2. Where ships are detained under the Port State Control regime, the PSC authority may require an additional audit before the ship is released from detention.
- 5.5.3. On satisfactory completion of the shipboard assessment, the SMC should be endorsed with the additional verification.
- 5.6. **Internal audits**
- 5.6.1. SMC audits are required to be carried out by the Company at intervals of not more than 12 months and there shall be not less than five internal audits of the ship during the five-year validity of the SMC.
- 5.6.2. In exceptional circumstances, the BMA will consider applications for exceeding the twelve-month interval between internal SMC audits by a maximum of three months. In such cases, the Company should apply to the BMA for a postponement, via the Recognised Organisation that issued the SMC. The acceptability of any exceptional circumstances must be considered by the Recognised Organisation before any recommendation is made to the BMA.
- 5.7. **Invalidation of SMC**
- 5.7.1. As described above, an invalid DOC renders all associated SMCs invalid. However, the SMCs are generally re-instated on revalidation of the DOC following successful audit, without verifications being necessary on board the ship(s).



- 5.7.2. Where the DOC revalidation audit reveals evidence to suggest that an on-board verification audit is necessary to prove effective operation of the SMS, 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.
- 5.7.3. 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.

## **6. Instructions to Auditors**

- 6.1. Auditors must be familiar with the Bahamas National Requirements and these instructions prior to undertaking audits of Bahamas flagged ships and/or Companies operating such ships.
- 6.2. Auditors shall apply the ISM guidance provided in relevant MSC and MEPC Circulars and [IACS PR9](#).
- 6.3. The following Bahamas national requirements shall be verified by the auditor during Company and shipboard ISM audits:
- i. The SMS incorporates management procedures and operational instructions for achieving compliance with Bahamas national requirements, as found in Bahamas legislation, BMA Marine Notices 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 a valid Certificate of Inspection is on board. Corrective action, in connection with any deficiencies identified during these inspections, is promptly and effectively performed to prevent recurrence and reported to the BMA.
  - iv. Casualties and deficiencies that may affect the registration and validity of the statutory certification of the vessel have been reported to the BMA and the relevant Classification Society.
  - v. Manning is in accordance with the Minimum 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 always available on board and ashore.

- vii. A “Flag State file” is being maintained in either hard copy or digital form. This file is to incorporate relevant revised BMA Information Bulletins and Notices, together with a current copy of the “Bahamas National Requirements”.
- 6.4. Where 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 at the earliest opportunity to allow an appropriate course of action to be agreed. In such cases a copy of all audit reports shall be forwarded to the BMA.
- 6.5. In the event more than one flag State Administration and/or Recognised Organisation is involved in the ISM certification process, any major nonconformity that leads to withdrawal of a DOC or SMC, or any major nonconformity that has been 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.
- 6.6. Additional ISM audits shall only be conducted after prior agreement with the BMA.
- 6.7. The auditor shall determine at each scheduled audit of the Company, the ship types operated by the Company at the time of the audit:
- i. If the auditor discovers that the Company no longer operates a ship type listed on the DOC or no vessels at all under Bahamas register, for a period of less than 6 months, he or she will document an observation to formally advise the Company that the ship type will be removed from the DOC or the Bahamas DOC may be withdrawn, if this situation persists at the next scheduled audit.
  - ii. If the auditor discovers that the Company no longer operates a ship type listed on the DOC or no vessels at all under Bahamas register, for a period of more than 6 months, the auditor should delete this ship type from the DOC or recommend withdrawal of the Bahamas DOC to the BMA, as applicable.
- 6.8. Where any required audit is not carried out within the specified time frame, the affected certificate is to be declared invalid and withdrawn. Certificates may also be withdrawn in cases where the BMA or Recognised Organisation becomes aware of any major failure in implementation or operation of the SMS.
- 6.9. 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, a new DOC can be issued with the same validity date as the original DOC.
- 6.10. Where an 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.

## **7. Voluntary Application of the ISM Code**

- 7.1. 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.
- 7.2. 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.
- 7.3. The BMA further recognises the value that ISM 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 voluntary ISM certification.
- 7.4. Where a Company voluntarily applies the ISM Code, the Code is to be applied in full, unless otherwise agreed by the BMA.
- 7.5. Upon successful completion of the ISM audits, a DOC and SMC, as applicable, will be issued. Alternatively, a "Statement of Compliance" may be issued, in a form corresponding to the models given in the Appendix to the ISM Code for DOC and SMC.
- 7.6. In the event of there being no ISM certified system implemented, Companies should have in place an effective SMS that includes a maintenance programme, particularly for essential marine systems and equipment, that is subject to periodic audits.
- 7.7. In addition, the competence of onboard personnel, both marine and in connection with operations carried out on board, must be maintained to a level equivalent to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW) or other standards acceptable to the BMA. 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.

**Revision History**

Version	Description of Revision
1.0	First Issue
1.1	New branding