
Port State Control Inspections

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

This Notice supersedes BMA Information Bulletin No.85

1. Purpose

- 1.1. This Marine Notice (MN) provides Bahamas Maritime Authority (BMA) instructions and requirements for Port State Control (PSC) inspections.

2. Application

- 2.1. This MN is applicable to all Bahamian ships on international voyages that visit ports of countries outside The Bahamas.

3. Introduction

- 3.1. Companies¹ operating Bahamian ships will appreciate the importance and benefit of maintaining, and improving, the current low rate of PSC detentions and the position of The Bahamas in the top of the white lists of the major regional PSC regimes and as a qualified flag of the United States Coast Guard Qualship 21 program.
- 3.2. The 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. PSC inspections are carried out according to:
- i. International Maritime Organization (IMO) Assembly Resolution [A.1138\(31\) Procedures for Port State Control 2019²](#); and
 - ii. International Labour Organization (ILO) [Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006³](#); and
 - iii. Regional PSC regime instructions to PSC Officers (PSCOs).

4. PSC inspection - Reporting

- 4.1. 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 at tech@bahamasmaritime.com, as soon as possible after the PSC inspection.
- 4.2. The BMA will examine the PSC reports to determine if any further action is appropriate. This may include an additional external ISM audit or BMA inspection. The BMA will revert to the Company with any instruction deemed appropriate.
- 4.3. The Recognised Organisation issuing the affected certificates may have their own reporting requirements which the Company and Master shall follow.
- 4.4. Companies shall ensure that all PSC inspection reports for the previous 24 months (or since the date of Provisional Registration for ships registered with the Bahamas for less than 24 months) are submitted to the BMA.
- 4.5. BMA inspectors are required to check at annual inspections that all PSC reports covering the previous 24 months have been reported. Where a PSC report has not been recorded by the BMA a deficiency will be raised.
- 4.6. Persistent “missing inspection report” deficiencies may be considered as objective evidence of a failure in the safety management system and may lead to non-conformities being raised at external ISM audits.

² <https://www.bahamasmaritime.com/wp-content/uploads/2021/11/Resolution-A.113831-Procedures-for-Port-State-Control-2019.pdf>

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

5. Preparation for PSC inspections

- 5.1. It is the responsibility of the Company and the Master of the ship to ensure the ship complies with the relevant requirements and that the ship and her crew are prepared for PSC inspections.
- 5.2. Failures and breakdowns of equipment need not be a cause for detention provided that the BMA 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 and the ship must be prepared for this attendance.
- 5.3. A number of bodies have produced checklists and guidance relating to preparation for PSC inspections. Companies may find these useful as an aid to ensuring that the vessel is routinely prepared for PSC inspections.
- 5.4. It is important that the Master and senior officers are familiar with the PSC inspection process. The BMA recommends that a copy of A.1138(31) is carried on board to assist with professional participation in the PSC inspection process.
- 5.5. Companies are urged to ensure that their safety management system incorporates procedures to prepare for, and to deal with, PSC inspections and PSC detentions.
- 5.6. **Particular attention should be paid to:**
 - i. BMA Information Notice [IN014 on "PSC Recurring Deficiencies"](#)
 - ii. Regional PSC regime "Concentrated inspection campaigns" (CICs). CICs focus on specific areas where high levels of deficiencies have been encountered by PSCOs, or where new Convention requirements have recently entered into force. Campaigns generally take place annually over the three months September to November and are combined with a regular inspection. Current CICs may be checked on the regional PSC regime websites; the BMA also endeavours to publish details of upcoming CICs in a Technical Alert.

6. PSC inspection – During Inspection

- 6.1. The Master should recognise that 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.
- 6.2. The PSCOs shall be met at embarkation and asked for their identification in accordance with the ship's security plan and the ISPS Code.

- 6.3. The PSCOs shall then be escorted to the master's office where an opening meeting should be held.
- 6.4. The opening meeting should cover the following areas:
- i. Identification of key officers/personnel that will assist with the inspection. All key staff should be present unless duty requires otherwise, in which case this should be explained;
 - ii. Identification of the lead PSCO (if applicable);
 - iii. Explanation of the inspection procedure contemplated by the PSCO. If anything is unclear, the Master should ask for clarification;
 - iv. Details of any problems with required equipment, including repairs and corrective action that is ongoing and/or dispensations that have been issued by the BMA to allow time needed to effect repairs.
- 6.5. Escorting officers should always be professional and knowledgeable of ship's equipment and should keep notes on any deficiencies noted by the PSCO.
- 6.6. The escorting officer should request notification of irregularities "on the spot" and strive to address any deficiency before the end of the PSC inspection.
- 6.7. When there are deficiencies that cannot be dealt with immediately and that could lead to a detention, the Recognised Organisation shall be contacted to show that they are aware of the deficiency and that proactive and appropriate corrective actions are being taken.
- 6.8. Technical, operational and ISM-related deficiencies may be temporarily addressed with an application for a temporary exemption in some cases. Please refer to [BMA Information Bulletin No.8](#) or contact the BMA for advice.
- 6.9. In case of a **PSC Detention**, instructions on actions to be taken are provided in [BMA Marine Notice 94](#).

7. PSC Inspection – Follow-up

- 7.1. On conclusion of the inspection, the Master should, where appropriate, discuss the PSC inspection 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.

- 7.2. Deficiencies identified at PSC inspections should be closed out directly with the PSC Authority involved to the satisfaction of the PSCO. In some PSC Memorandum of Understanding (MoU) regimes, the rectification and closure of deficiencies are recorded at the next PSC inspection within the same MoU.
- 7.3. Deficiencies shall be closed with the time frame given with the action code. Any outstanding deficiency after the lapsed time will trigger a detention at the first port of the MoU in which the deficiencies were raised.
- 7.4. It should be noted that if a ship has open deficiencies the targeting factor may be increased with the possibility of further PSC inspections.

8. PSC Inspection – ISM-Related Deficiencies

- 8.1. PSCOs do not perform safety management (ISM) audits. ISM auditing is the responsibility of the flag State and the Company and does not fall directly under the scope of port State control.
- 8.2. However, any technical and/or operational deficiencies found during a PSC inspection can be individually or collectively considered by the PSCO as ISM-related to indicate that the deficiency/deficiencies show/s a failure, or lack of effectiveness, of the implementation of the ISM Code.
- 8.3. Where the PSCO has considered one or more technical and/or operational deficiencies as ISM-related, only one ISM deficiency is recorded in the PSC inspection report.
- 8.4. If an outstanding ISM-related deficiency from a previous PSC inspection exists and the current PSC inspection is more than three months later, the PSCO will verify, during the current PSC inspection, the effectiveness of any corrective action taken by the company by examining the areas of the technical and/or operational deficiencies of the previous PSC inspection report which led to the issuance of the ISM deficiency.
- 8.5. If examination of the areas in relation to an ISM deficiency with the required corrective action within three (3) months is found not satisfactory, a new detainable ISM deficiency may be reported with the requirement for an additional external ISM Audit to be carried out before the ship may be released from detention.
- 8.6. Proper and effective implementation of the safety management system is an effective tool to reduce deficiencies found at PSC and other inspections.

9. PSC Inspections – Disputes

- 9.1. Where a Company wishes to challenge a non-detainable deficiency, they should contact the concerned PSC authority requesting that the deficiency be reviewed, however it should be noted that there is no formal appeal or review process for non-detainable deficiencies.
- 9.2. If the Company disagrees with the PSC authority's reply on any of the deficiencies raised, this should be discussed with the BMA. The BMA will provide relevant instructions on how to deal with rectification of specific deficiencies.

10. Code of Good Practice for PSCOs

- 10.1. The Code of Good Practice for Port State Control Officers is available as IMO Circular MSC-MEPC.4/Circ.2 and is also available as Appendix 1 to IMO Assembly Resolution [A.1138\(31\) Procedures for Port State Control 2019](#). In addition, several MOUs publish their own Code of Conduct.
- 10.2. Any allegations of improper conduct by a PSCO should be reported to the BMA by the Company or the Master, with full details of the allegation and any supporting information, such as witness statements, for further action. All such reports to the BMA will be treated in confidence.

11. Queries

- 11.1. Any queries on this Notice may be submitted to tech@bahamasmaritime.com or any BMA office.

