
Permanent Exemptions and Equivalents

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

This Notice supersedes BMA Information Bulletin No.8

1. Purpose

- 1.1. This Marine Notice (MN) outlines the process for applying for permanent exemptions and/or equivalence to international convention or code requirements or Bahamas requirements.

2. Application

- 2.1. This Notice applies to all Bahamian ships registered under the Merchant Shipping Act, including offshore units and yachts applying for permanent exemptions and/or equivalents to international or Bahamas requirements.

3. Introduction

- 3.1. A **permanent exemption or equivalent**, for the purposes of this Notice, is an exemption from, or equivalent to, a statutory requirement that is **not** time limited¹. In general, permanent exemptions or equivalents are related to ship's construction and/or design features.
- 3.2. Surveys, audits and inspections required under the international conventions applicable to Bahamian ships and the issue of the related certificate(s), are usually carried out on behalf of The Bahamas Maritime Authority (BMA) by its Recognised Organisations (Classification Societies)² and Yacht Survey Organisations (YSOs)³, with the exception of certificates directly issued by the BMA (see paragraph 4 of this Notice).
- 3.3. Bahamas Recognised Organisations and YSOs are not authorised to issue exemptions or equivalents without the agreement of the BMA. Historically, most applications for

¹ "Not time limited" means no expiry date, or an expiry date connected with the renewal date(s) of the affected statutory certificate(s)

² Please refer to BMA [Marine Notice 02](#)

³ Please refer to BMA [Yacht Notice 09](#)

exemptions or equivalents were to be addressed to the BMA via the Recognised Organisation and the Recognised Organisation issued the related Exemption Certificate etc.

- 3.4. In order to ensure that all permanent exemptions are properly recorded to the International Maritime Organization (IMO) Global Integrated Shipping Information System (GISIS), the BMA intends to take over the issuance of permanent exemption and equivalent certificates with effect from **01 July 2022**.

4. Documents issued by the BMA

- 4.1. The following documents are directly issued by the BMA:

- i. Certificate of Registry;
- ii. Carving & Marking Note;
- iii. Continuous Synopsis Record;
- iv. Ship Radio Station Licence;
- v. Minimum Safe Manning Document;
- vi. LRIT Conformance Test Report;
- vii. Declaration of Maritime Labour Compliance Part I;
- viii. MLC 2006 Exemptions, equivalence or interpretations.

- 4.2. The following process is applicable whenever the Company⁴ needs to apply for:

- i. A permanent exemption from LRIT or MLC 2006 requirements;
- ii. Acceptance of an equivalence for MLC 2006.

- 4.3. Any request for exemption relating to the construction and equipment requirements of MLC 2006 shall be submitted as per Marine Notice 05.

- 4.4. The request shall be addressed to the BMA department that issued the relevant certificate. Information supplied with the application should be inclusive of, but not limited to, the following:

- i. Reason and justification for application;
- ii. Mitigating measures that have been or will be introduced;
- iii. Supporting documentation.
- iv. Urgency of the application.

⁴ The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code. For ships to which the ISM Code is not applicable, the Company is the Managing Owner in accordance with Section 52 of the Merchant Shipping Act

- 4.5. All submissions shall be in a written format, preferably by email. The BMA will notify the Company and the relevant Recognised Organisation of its decision and/or comments.
- 4.6. Where the BMA issues an exemption or equivalence certificate, or a statement of interpretation of MLC 2006, the BMA will provide a copy to the relevant Recognised Organisation.
- 4.7. Where the BMA approves an application, Recognised Organisations shall verify that the conditions, if any, under which the approval was accepted are implemented.
- 4.8. Any decisions made by the BMA shall be treated on a case-by-case basis.

5. Documents issued by Recognised Organisations - Procedure for Permanent Exemptions and Equivalents

5.1. Until 30 June 2022

- 5.1.1. Applications for the following are to be made to the BMA via the Recognised Organisation that issued the affected certificate (with the exception of certificates listed in paragraph 4):
 - i. Exemptions to statutory provisions; or
 - ii. Equivalents to statutory provisions.
- 5.1.2. The following process is applicable whenever the Company needs to apply for:
 - i. A permanent exemption from an international convention requirement (other than LRIT and MLC 2006 (with the exception of construction and equipment requirements));
 - ii. An acceptance of an equivalent arrangement to an international convention requirement (other than MLC 2006 (with the exception of construction and equipment requirements));
- 5.1.3. The request shall be addressed to the Recognised Organisation that issued the relevant certificate. Information supplied with the application should include:
 - i. Reason and justification for application;
 - ii. Safety measures that have been or will be introduced, including risk assessment where applicable;
 - iii. Supporting documentation.

- 5.1.4. Recognised Organisations shall review applications prior to submitting an outcome of their assessment to the BMA. The assessment shall, amongst other things, take into consideration:
- i. Provisions contained in any applicable international Convention, Code or IMO Circular;
 - ii. Any relevant Bahamas requirements;
 - iii. Reason and justification for application;
 - iv. Urgency of the application.
- 5.1.5. Any request for acceptance of an equivalent arrangement shall contain full details of the safety case conducted by the Company, using the relevant IMO methodology wherever possible, such as those described in IMO Circulars MSC/Circ.1002, MSC.1/Circ.1212, MSC.1/Circ.1455, etc.
- 5.1.6. In their submission to the BMA, the Recognised Organisation shall clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.
- 5.1.7. All submissions shall be in a written format, preferably by email. The BMA will notify the Recognised Organisation of its decision or comments.
- 5.1.8. Where the BMA approves an application, Recognised Organisations shall ensure that the conditions, if any, under which the approval was accepted are endorsed either on the existing affected statutory certificate or on the new certificate, or that an appropriate exemption certificate is issued in accordance with the Recognised Organisation's established procedures.
- 5.1.9. Any decisions made by the BMA shall be treated on a case-by-case basis.

5.2. **On and after 01 July 2022**

5.2.1. Applications for the following are to be made directly to the BMA by the Company or the Recognised Organisation that issued the affected certificate:

- i. Exemptions to statutory provisions; or
- ii. Equivalents to statutory provisions; or

5.2.2. The following process is applicable whenever the Company needs to apply for:

- i. A permanent exemption from an international convention requirement;
- ii. An acceptance of an equivalent arrangement to an international convention requirement;

5.2.3. The request shall be addressed to the BMA (tech@bahamasmaritime.com).

Information supplied with the application should include:

- i. Reason and justification for application, including the list of arrangements or equipment to be exempted and relevant Convention or Code Chapter and Regulation, including the reference to the Regulation(s) that confers authority for the exemption;
- ii. Safety measures that have been or will be introduced, including risk assessment where applicable;
- iii. Supporting documentation.

5.2.4. Any request for acceptance of an equivalent arrangement shall contain full details of the safety case conducted by the Company, using the relevant IMO methodology wherever possible, such as those described in IMO Circulars MSC/Circ.1002, MSC.1/Circ.1212, MSC.1/Circ.1455, etc.

5.2.5. If the submission is being made by a Recognised Organisation, the application shall clearly indicate the Recognised Organisation's support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.

5.2.6. Where the BMA approves an application, an appropriate exemption certificate and invoice will be issued electronically.

5.2.7. The fee for the issue of an exemption certificate is as follows:

- i. Issuance fee (including up to one hour of review work) \$150
- ii. Fee for additional review work (when required) \$150/hour or part thereof.

- 5.2.8. The invoice will be sent electronically to the Company.
- 5.2.9. Any decisions made by the BMA shall be treated on a case-by-case basis.
- 5.2.10. Copies of any Exemption Certificate issued by the BMA will be provided to the Recognised Organisation so that the exemption can be recorded on the relevant statutory certificate.

5.3. **Existing Permanent Exemptions issued prior to 01 July 2022**

- 5.3.1. All existing permanent exemptions issued by Recognised Organisations prior to 01 July 2022 remain valid until the expiry date on the Exemption Certificate.
- 5.4. Where an exemption requires reissue at e.g., renewal surveys, the Company or Recognised Organisation shall apply for a new Exemption Certificate before the expiry date of the existing exemption.

6. Queries

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

