

Lay up Requirements

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

This Marine Notice superseded BMA Information Bulletin No.122

1. Purpose

- 1.1. This Marine Notice (MN) describes Bahamas Maritime Authority (BMA) requirements for lay-up of ships registered in The Bahamas.

2. Application

- 2.1. This MN applies to all ships which are to be laid up.

3. General

- 3.1. No specific permission is required from the BMA to lay-up a vessel, however the Inspections & Surveys (tech@bahamasmaritime.com) and Registration (reg@bahamasmaritime.com) departments are to be advised in order to maintain proper records and be ready to respond in context to any query about the vessel.
- 3.2. If no notification is made, the BMA will assume that the vessel is trading normally and maintaining a full regime of certification, surveys and inspections, including normal manning for such operations.
- 3.3. Failure to notify the BMA and the relevant Recognised Organisation(s) and Recognised Security Organisation of a vessel entering lay-up, or failure to maintain a safe lay-up, will be regarded as ISM non-conformities and may jeopardise the registration of the vessel.
- 3.4. The Company¹ is to advise the BMA of the proposed length of the lay-up and the state of readiness of the vessel to resume trade. The Company should take appropriate

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 Ch.286.

advice on lay-up procedures as necessary, including that of the Recognised Organisation, insurers, etc.

- 3.5. The maritime industry has several descriptions of lay-up, such as “hot”, “warm”, “cold” and various other terms. These are not clearly defined and therefore the BMA does not use them as formal or definitive descriptions.

4. Statutory Certification

- 4.1. Statutory certification is normally only required when vessels are trading. Therefore, depending upon the proposed length of the lay-up, and taking into account any requirements of the port or coastal State of the lay-up location, the Company should consider whether to maintain or suspend these certificates.
- 4.2. Recognised Organisations have procedures for laying up vessels and, bearing in mind that one provision of registration with the Bahamas is that vessels remain in Class, compliance with those requirements will be adequate to maintain registration.
- 4.3. If a vessel is laid up for a prolonged period, the BMA may authorise suspension or cancellation of statutory certificates if this is compatible with the location and the requirements of the port or coastal State. Companies should contact the BMA as soon as the decision to lay-up a vessel is made to agree on specific certification requirements.

5. International Safety Management (ISM) Code

- 5.1. If the care of a vessel during lay-up is handed over to an organisation which is not the ISM Company (e.g. dedicated lay-up providers), the BMA will accept the suspension of the ISM certification of the vessel provided that the Company provides evidence that:
- i. all requirements of the coastal State are met;
 - ii. all requirements of the Recognised Organisation are met; and
 - iii. the contact details of the organisation that holds responsibility for the safety of the vessel during lay-up is advised to the BMA.
- 5.2. The audit requirements on reactivation of the vessel will depend on the length of time the vessel is laid up. In general, lay-up in excess of 6 months will require interim certification in accordance with ISM Code 14.4.
- 5.3. In all cases a management contact must be provided to the BMA in order to comply with s.52 of the Merchant Shipping Act.

6. International Ship and Port Facility Security (ISPS) Code

- 6.1. The continued validity of the vessel's ISPS certification will be an important element in the reactivation of the vessel. The BMA strongly recommends that the International Ship Security Certificate (ISSC) be maintained throughout lay-up and at least Ship Security Plan provisions related to security measures during the lay-up and reactivation period are adhered to.
- 6.2. Specific procedures may need to be added to the Ship Security Plan depending upon the extent or "depth" of the lay-up. The Company is to establish measures within the Ship Security Plan to address risks associated with security breaches during vessel lay-up periods. In each case this will be managed and audited by the Recognised Security Organisation, which will correspond directly with the BMA wherever clarification is necessary.
- 6.3. Where the circumstances described in paragraph 5.1 above exist, the Company must communicate with the Recognised Security Organisation to ensure that the Ship Security Plan covers that operation.
- 6.4. If the vessel is integrated into the port facility security system, the records of suspension and subsequent reactivation of the ISSC should clearly reflect that to demonstrate continuity of security.

7. LRIT

- 7.1. Normal procedures for LRIT apply.
- 7.2. If the LRIT equipment is deactivated or switched off, the BMA is to be advised so that reporting can be suspended correctly. Please refer to Marine Notice 49.

8. Manning

- 8.1. The Minimum Safe Manning Document does not apply to ships in lay-up.
- 8.2. When a vessel is laid up, normal manning may be reduced appropriate to the status and operational requirements of the vessel. Any reduction in manning should be considered in consultation with the relevant port or coastal State Authority.
- 8.3. In some cases, the port or coastal State Authority may wish to have the manning level in lay-up approved by the BMA. In such cases, the Company should submit the proposed level of safe manning for approval to the BMA Seafarers and Manning Department (stcw@bahamasmaritime.com).

- 8.4. The BMA recommends that a suitably qualified person should remain in charge of the vessel for the proposed lay-up period and that the manning available should include a sufficient number of trained persons to meet any emergency situation. In such circumstances, communication must be maintained with the local authorities so that further assistance may be immediately obtained when required. The following should be considered when assessing appropriate manning levels:
 - i. the location of the vessel;
 - ii. the equipment and systems remaining in operation; and
 - iii. the method by which the vessel is kept in position (moorings, anchorage etc.).
- 8.5. Where crew members or watchmen are accommodated on board a vessel which is laid up, appropriate welfare facilities are to be made available. This is to include, as a minimum:
 - i. Adequate provision of, or access to, potable water;
 - ii. Adequate provision of, or access to, fresh food;
 - iii. Adequate provision of, or access to, cooking, cleaning, washing, sanitary and laundry facilities;
 - iv. Arrangements for access to medical facilities, particularly for any emergencies; and
 - v. Adequate heating and lighting facilities;
 - vi. Adequate recreational facilities;
 - vii. Arrangements for local shore leave.
- 8.6. The Company shall take into account any obligations for repatriation specified in the Merchant Shipping Act or Maritime Labour Convention, 2006.
- 8.7. The Company shall ensure that wages continue to be paid to any seafarer remaining on the ship, in accordance with their Seafarer Employment Agreement. **Non-payment of wages is treated seriously by the BMA and all complaints regarding non-payment of wages are investigated and followed up.**
- 8.8. Any failure to provide a basic level of welfare facilities will be regarded as a failure of the Company's Safety Management System and may lead to further measures by the BMA, in addition to any action which may be taken by the port or coastal State.
- 8.9. For ships staying in lay-up more than 6 months, an additional MLC 2006 on-board inspection is required on reactivation to confirm continued compliance with the DMLC Part I and Part II and endorse or re-issue the MLC certificate.

9. Compulsory insurance

- 9.1. All applicable compulsory insurance required under the following international Conventions shall be maintained throughout the period of lay-up:

- i. International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC Convention) - see BMA Marine Notice 66
- ii. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (BUNKER Convention) – see BMA Marine Notice 67
- iii. Nairobi International Convention on the Removal of Wrecks, 2007 (ICRW) – see BMA Marine Notice 68
- iv. Documentary evidence of financial security for MLC 2006 – see BMA Marine Notice 31.

10. Bahamas Annual Inspections

- 10.1. Marine Notice 91 outlines the Bahamas annual inspection requirements. If the duration of lay-up includes the window for the Bahamas annual inspection, the anniversary date may be suspended until the vessel is being prepared for reactivation. The Company should submit full details to the Inspections and Surveys Department of the BMA (tech@bahamasmaritime.com).

11. Recommissioning

- 11.1. Recommissioning is generally a matter for the Company and the Recognised Organisation to consider. While recommissioning the vessel, the manning must be kept under review, taking into account the reactivation of machinery and equipment and the associated hazards, including potential fire risk.
- 11.2. All previously cancelled, suspended, or outdated certificates, audits and inspections are to be revalidated and the manning restored to that required by the Minimum Safe Manning Document before the vessel sails from her port of lay-up.

12. Fees for laid up vessels

- 12.1. The BMA offers a deferral of fees for ships that are currently laid up or ships entering into laid up status within the first 7 days of the year.
- 12.2. The following annual fees will be deferred until the vessel is removed from laid up status or sold:
 - i. LRIT Annual Fee
 - ii. Continuous Synopsis Record Annual Fee
 - iii. URCA Radio Licence Annual Fee
 - iv. Bunker CLC Annual Fee
- 12.3. The fees payable to the BMA will be restricted to the annual registration fees and the wreck removal certificate annual fee, provided that the BMA is formally notified and the laid up status is recorded on the Continuous Synopsis Record (CSR). For vessels

which are not required to hold a CSR, a statement from Class confirming lay-up will be required.

13. Queries

- 13.1. Any queries related to this Notice should be referred to tech@bahamasmaritime.com or any BMA office.

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