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## **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*

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### **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 Notice is applicable to all Bahamian ships on international voyages that visit ports of countries outside The Bahamas.

### **3. Introduction**

- 3.1. Companies<sup>1</sup> 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.

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<sup>1</sup> 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.1185\(33\) Procedures for Port State Control 2023<sup>2</sup>](#); and
- ii. International Labour Organization (ILO) [Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006<sup>3</sup>](#); 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 BMA regularly monitors PSC data.

4.2. The Company **is no longer required** to send copies of every PSC inspection report to the BMA, except for inspections carried out at the following ports:

- i. Angola - (Not reporting/belonging to any MoU)
- ii. Bahrain - (Riyadh MoU Country)
- iii. Brunei - (Not reporting/belonging to any MoU)
- iv. Costa Rica- (Not reporting/belonging to any MoU)
- v. French Polynesia- (Not reporting/belonging to any MoU)
- vi. Iraq- (Not reporting/belonging to any MoU)
- vii. Kuwait - (Riyadh MoU Country)
- viii. Nicaragua- (Not reporting/belonging to any MoU)
- ix. North Korea - (Not reporting/belonging to any MoU)
- x. Pakistan- (Not reporting/belonging to any MoU)
- xi. Qatar - (Riyadh MoU Country)
- xii. Saudi Arabia - (Riyadh MoU Country)
- xiii. Somalia- (Not reporting/belonging to any MoU)
- xiv. Taiwan- (Not reporting/belonging to any MoU)
- xv. UAE - (Riyadh MoU Country)

Where a PSC inspection has been carried out at any of the above locations, the Company shall forward a copy of PSC inspection report Form A and Form B, where applicable, to [tech@bahamasmaritime.com](mailto:tech@bahamasmaritime.com), as soon as practicable.

4.3. Where deficiencies have been identified during PSC inspection, the BMA will examine the PSC reports to determine if any further actions are required. In case of serious

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<https://mf.bahamasmaritime.net/SharedLinks.aspx?accesskey=22684fcfe1739d494a5947d30e61f644a8be83387c38776c8b9d8196d794026c&VaultGUID=8A7ABFCE-CCD2-49D8-9190-B5F8650E5B38>

<sup>3</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_101787.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_101787.pdf)

albeit non-detainable deficiencies identified during the PSC inspection, the BMA may request additional verifications to be completed on board that may include an additional ISM audit or a special BMA inspection.

- 4.4. Notwithstanding the above, the Recognised Organisation issuing the affected certificates may have their own reporting requirements which the Company and Master shall follow.
- 4.5. BMA inspectors **are no longer required** to check during the course of flag safety inspections if PSC inspections are being reported to BMA correctly.

## **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 its 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 tools useful as an aid to ensuring that the ship is routinely prepared for PSC inspections at all times. However, the ultimate responsibility for ship preparedness for PSC inspections remains with the Company and the Master.
- 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.1185(33) 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” which is updated periodically as trends in recurring deficiencies change over time.
  - 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 its [Technical Alerts](#).

## **6. Ships calling at ports in the United States of America, U.S. Territories and Australia**

- 6.1. In response to a notable increase in the rate of deficiencies identified during PSC inspections and rising number of detentions by the United States Coast Guard (USCG), and the Australian Maritime Safety Authority (AMSA), The BMA created a pre-arrival checklist based on the most frequent detainable deficiencies recorded during PSC inspections in these jurisdictions. This checklist aims to act as an aide memoire to Masters and Companies when a ship intends to call at any ports in the USA and Australia.
- 6.2. Every Bahamian ship intended to call a port in the United States or Australia is required to complete the PSC Checklist to report to BMA on preparedness for a potential PSC inspection and highlighting any areas where a non-compliant condition may have been identified. The checklist is available as an on-line facility accessible via the link below:

### [FORM060 Checklist](#)<sup>4</sup>

- i. The checklist shall be submitted not less than 48 hours prior to ETA to allow BMA and the Company to review any reported non-compliant conditions and apply necessary mitigating measures to prevent PSC targeting.
- ii. Failure to submit PSC Checklist prior to arrival to US or Australian port may be considered as an ISM non-conformity and may lead to additional audits of the ship and/or the Company.
- iii. In the event of consecutive United States or Australian port calls on the same voyage, [FORM060](#) need only be submitted before the first US/ Australian port. Nonetheless an update must be submitted if the condition of the ship changes during this time.
- iv. Ships making regular US/Australian port calls may submit the online checklist monthly.

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<sup>4</sup> [https://www.bahamasmaritime.com/f\\_psc060/](https://www.bahamasmaritime.com/f_psc060/)

- v. **Ships subject to USCG Certificate of Compliance examinations (i.e. passenger ships, tank ships, chemical tankers, and liquefied gas carriers) are not required to submit [FORM060](#) unless specifically requested by the BMA.**

## **7. PSC inspection – During Inspection**

- 7.1. The Master should recognise that PSCOs expect 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.
- 7.2. The PSCOs shall be met at embarkation and asked for their identification in accordance with the ship's security plan.
- 7.3. The PSCOs shall then be escorted to the master's office where an opening meeting should be held.
- 7.4. 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.
- 7.5. Escorting officers should always be professional and knowledgeable of ship's equipment and should keep notes on any deficiencies identified by the PSCO.
- 7.6. The escorting officer should follow closely the progress of the inspection and take immediate note of any irregularities found to aim to address those as soon as possible before the PSCO escalates such finding to a deficiency.
- 7.7. When there are deficiencies that cannot be dealt with immediately and that could lead to detention, the Recognised Organisation shall be contacted as soon as possible to show that they are aware of the deficiency and to agree corrective actions and/or the issue of a temporary condition or exemption, as may be required.

- 7.8. Applications for temporary conditions/exemptions may be requested via the Recognised Organisation as outlined in [BMA Marine Notice 08](#) with the BMA in copy. Any such temporary conditions/exemptions have to be consistent with the scope allowed in the relevant Convention.
- 7.9. In case of a **PSC Detention**, instructions on actions to be taken are provided in [BMA Marine Notice 94](#).

## **8. PSC Inspection – Follow-up**

- 8.1. On conclusion of the inspection, the Master should, where appropriate, discuss the 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.
- 8.2. 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. When reporting completion of corrective actions and closure of PSC inspection deficiencies please copy [tech@bahamasmaritime.com](mailto:tech@bahamasmaritime.com) for BMA monitoring.
- 8.3. Deficiencies shall be closed within the time frame given in the PSC inspection report. If deficiencies are not reported as closed within the allocated time limit, the targeting factor may be increased with the possibility of further PSC inspections or detention in the same MOU.

## **9. PSC Inspection – ISM-Related Deficiencies**

- 9.1. Although PSC authorities do not perform safety management system checks nor verification of compliance with the ISM Code, where multiple technical and/or operational deficiencies have been identified during a PSC inspection, that may be considered by the attending PSCO as indicative of potential failure or lack of effectiveness of the safety management system or individual procedures and result in ISM related deficiencies.
- 9.2. Where the PSCO has considered one or more technical and/or operational deficiencies as ISM-related, only one ISM deficiency may be recorded in the PSC inspection report.



- 9.3. 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.
- 9.4. 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.

## 10. PSC Inspections – Disputes

- 10.1. 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.
- 10.2. 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.

## 11. Code of Good Practice for PSCOs

- 11.1. 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.1185\(33\) Procedures for Port State Control 2023](#). In addition, several MOUs publish their own Code of Conduct.
- 11.2. 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.
- 11.3. **Notwithstanding the above, it should be noted that many PSC regimes provide their PSCOs with audio and video capture devices to record full progress of every port state inspection. The BMA strongly advises Companies considering raising allegations of improper PSCO conduct to firstly undertake a thorough and detailed investigation of such allegations with the Master and the crew on board to assure beyond any possible doubt the alleged irregularities did indeed take place.**

## **12. Queries**

- 12.1. Any queries on this Notice may be submitted to [tech@bahamasmaritime.com](mailto:tech@bahamasmaritime.com) or any BMA office.



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