
Port State Control Detentions

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

This Notice supersedes BMA Information Bulletin No.120

1. Purpose

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

2. Application

- 2.1. This MN is applicable to all Bahamian ships that are detained by a PSC Authority, whether this is under a PSC regime (PSC detention) or under the national laws of a State (administrative or preventative detentions).
- 2.2. For the purposes of this MN, flag State detentions (i.e., suspension of the Bahamas Certificate of Registry) have the same effect as PSC detentions.
- 2.3. This MN also applies to foreign ships that are detained in The Bahamas, where the Company¹ wishes to appeal the PSC detention. The appeal procedure for The Bahamas is provided at Annex 2.

3. Introduction

- 3.1. Companies 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

¹ The 'Company' is the entity responsible for the operation and management of the ship in accordance with the ISM Code (SOLAS Chapter IX), as applied under the Merchant Shipping Act, 2021. Where the ISM Code is not applicable, the Company is the entity recorded as responsible for the operation of the ship in accordance with regulation 5(3)(d) of the Merchant Shipping (Registration) Regulations, 2026.

supports the objectives of the PSC process in eliminating sub-standard shipping, when applied in a fair and equitable manner.

- 3.3. PSC inspections are carried out according to:
- i. International Maritime Organisation (IMO) Assembly Resolution [A.1206\(34\) Procedures for Port State Control, 2025](#); and
 - ii. International Labour Organisation (ILO) [Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006](#); and
 - iii. Regional PSC regime instructions to PSC Officers (PSCOs).
- 3.4. A PSC detention is an action taken by a port State to prevent a substandard ship from proceeding to sea. In general, a ship is regarded as substandard if the hull, machinery, equipment or operational safety and the protection of the environment is substantially below the standards required by the relevant international Conventions or if the crew complement is not in accordance with the Minimum Safe Manning Document, owing to, *inter alia*:
- i. the absence of principal equipment or arrangements required by the Conventions;
 - ii. non-compliance of equipment or arrangements with relevant specifications of the Conventions;
 - iii. substantial deterioration of the ship or its equipment;
 - iv. insufficiency of operational proficiency, or unfamiliarity with essential operational procedures by the crew; and
 - v. insufficiency of manning or insufficiency of certification of seafarers.
- 3.5. If these evident factors as a whole or individually pose a danger to the ship or persons on board, or present an unreasonable threat of harm to the marine environment if it were allowed to proceed to sea, it should be regarded as a substandard ship.
- 3.6. There are some recurrent detainable deficiencies which are easily identified and preventable. Examples of such deficiencies and corrective actions are provided in BMA Information Notice IN014 *PSC recurring deficiencies*.
- 3.7. In taking a decision concerning the rectification of a deficiency or detention of a ship, a PSCO takes into consideration the results of a more detailed inspection and the guidelines contained in Appendix 2 of A.1206(35). The list of detainable deficiencies in Appendix 2 of A.1206(35) is not considered exhaustive but is intended to give examples of relevant items.

4. PSC Detention – Notification

- 4.1. The Company is required to immediately notify the following parties of any detention of a Bahamian ship:
- i. the BMA Inspections & Surveys Department (tech@bahamasmaritime.com); **and**
 - ii. the Recognised Organisation (i.e., Classification Society) that issued the affected certificate(s); **and**
 - iii. the Recognised Organisation that issued the ISM Code Document of Compliance (DOC) and Safety Management Certificate (SMC); **and**
 - iv. for security/ISPS Code related detentions, the Recognised Security Organisation (RSO) that issued the International Ship Security Certificate (ISSC); **and**
 - v. for Maritime Labour Convention (MLC) related detentions, the Recognised Organisation that issued the Maritime Labour Certificate and the BMA MLC department at MLC@bahamasmaritime.com.
- 4.2. In addition, the Company is required to invite the ship's Recognised Organisation on board to assist in clearing the deficiencies, unless otherwise advised by the BMA.
- 4.3. The initial detention notification to the BMA may be made by telephone or email.
- 4.4. The following documents are to be provided to the BMA at the earliest opportunity, where available:
- i. A copy of the PSC Report (Form A and B);
 - ii. A copy of the Detention Notice;
 - iii. Confirmation of notification to the parties listed in paragraph 4.1, as applicable;
 - iv. Description of actions taken or planned to rectify all deficiencies at the earliest opportunity.
- 4.5. Good communications are essential to enable prompt resolution of matters related to a PSC detention. It is important that the BMA receives the initial report promptly so that an assessment of the detention can be made. Subsequent action in section 5 below may be modified according to the result of BMA's review of the initial report, particularly in cases where the detention may not be justified in the opinion of the BMA.

5. PSC Detention – Follow Up

5.1. General

- 5.1.1. The Company is required to perform a Root Cause Analysis (RCA) within 30 days of the date of detention, unless otherwise agreed with the BMA, and take the appropriate corrective and preventative actions to reduce the possibility of similar deficiencies arising in future.
- 5.1.2. The RCA report and details of corrective and preventative actions is to cover all deficiencies raised at the detention and should also include comments from the Master or Chief Engineer on the deficiencies, as applicable.
- 5.1.3. In addition to the requirements specified below, further additional surveys, Bahamas inspections, ISM audits (DOC and/or SMC), ISPS audits and/or MLC inspections may be required depending on the nature of the detainable deficiencies and the ship's inspection history.
- 5.1.4. The BMA will determine the scope and extent of additional inspections, surveys or audits of shipboard and shore-based safety management systems of a Company, when a significant proportion of the Company's fleet has been justifiably detained by PSC.
- 5.1.5. The BMA may appoint approved inspectors, auditors and observers as considered to be appropriate, to participate in any of the above surveys, audits or inspections, at owners' expense.
- 5.1.6. The BMA reserves the right to charge professional fees to the Company, at the current hourly rate, for time spent by the BMA in dealing with a PSC detention for a particular ship.

5.1.7. MLC deficiencies

- i. Any corrective action of an MLC detainable deficiency shall be agreed with the BMA MLC department (MLC@bahamasmaritime.com).
- ii. Depending on the nature of the MLC deficiencies, the BMA may request an additional MLC inspection to be carried out before the ship is released from detention.
- iii. For deficiencies related to non-payment or delayed payment of wages, the Company (or ship owner for the purposes of MLC, if different) shall pay all wages due and provide documentary evidence to the BMA confirming this before the ship is released from detention. In order to prevent the same situation recurring, the Company (or Ship owner, as applicable) is also required to provide documentary

evidence of timely payment of wages as they become due, for a period to be specified by the BMA after release from detention.

- 5.1.8. Following notification of the detention, the BMA will review the reports and correspondence related to the vessel's PSC and Bahamas inspection performance in the 24 months prior to the detention. The follow-up requirements depend on the number of detentions of the ship in the previous 24 months, as outlined below.
- 5.2. ***First detention in a 24-month period***
- 5.2.1. One or more of the following may be required by the BMA prior to departure from the port of detention:
- i. Additional Bahamas Inspection; and/or
 - ii. Additional external audit of the ISM SMC. At the discretion of the BMA, this requirement may be relaxed to an additional internal audit depending on the number and nature of the deficiencies found; and/or
 - iii. Additional MLC inspection; and/or
 - iv. Additional ISPS audit.
- 5.2.2. If a ship is detained during its period of provisional registration, the BMA may require additional inspections or other measures to consider whether the ship is technically acceptable for continued registration.
- 5.2.3. It should be noted that PSC authorities often require additional external audits before releasing the ship from detention. The BMA cannot waive this requirement.
- 5.2.4. If the detention occurs within the survey window for a related annual survey, the survey should be completed before the vessel sails.
- 5.2.5. If the detention occurs within the survey window for a related renewal, periodical or intermediate survey, that survey should be conducted to the extent possible, except for Safety Equipment, Safety Radio and IOPP, which must be completed. Where a survey is incomplete, a schedule for completion of surveys at the next convenient port must be set by the Recognised Organisation and may not be delayed until the end of the window.
- 5.2.6. If the detention does not occur within any related survey window, the Recognised Organisation surveyor, after clearing the deficiencies, will carry out a general examination of the vessel and may decide, using his or her professional judgement, whether an additional survey is necessary. The extent of the additional survey will be at least to the extent of the annual survey.

5.3. Second detention in a 24-month period:

5.3.1. If a ship has, in the opinion of the BMA, been justifiably detained twice within a period of 24 months, the following shall be completed in addition to the applicable requirements of 5.2:

- i. An additional ISM SMC audit to the extent of the initial audit to ascertain the effectiveness of the safety management system on board;
- ii. An additional ISM DOC audit to the extent of an annual audit not later than 30 days from the date of the detention;
- iii. The vessel will be placed on the BMA's Enhanced Monitoring Programme (EMP). Please refer to BMA Marine Notice 92.

5.4. Third detention in a 24-month period

5.4.1. If a ship has, in the opinion of the BMA, been justifiably detained three times within a period of 24 months, the ship will be specially examined to assess whether it remains acceptable for continued registration in The Bahamas. This may lead to owners being asked to find an alternative register or deletion of the ship from the Bahamas register.

5.4.2. The DOC of the Company will be re-examined, and further surveys, inspections and audits of the Company and/or its ships may be required.

6. Audits by Recognised Organisations

6.1. When conducting ISM audits, Recognised Organisations should take into account all deficiencies found in the course of the PSC inspection leading to detention.

6.2. The audit should identify any specific failure of the safety management system which may be attributed as a causal factor to the deficiencies arising.

6.3. The audit should also ensure that an appropriate corrective action plan is in place, which is to be implemented and verified within the shortest practicable time frame.

7. PSC Detentions - Disputes**7.1. General**

7.1.1. When the Master or the Company feels that a detention is not justified, there are several ways to challenge a PSC detention.

7.1.2. The first step is to discuss the issue, in a professional manner, directly with the PSCO and contact the BMA to seek advice on potentially avoiding the detention.

- 7.1.3. Since detention of a ship is a serious matter involving many issues, it may be in the best interest of the PSCO to consider cooperating with the Company, the BMA and/or the Recognised Organisation responsible for issuing the relevant certificates.
- 7.1.4. Without limiting the PSCO's discretion in any way, the involvement of the BMA, Company and Recognised Organisation could result in a safer ship, avoid subsequent arguments relating to the circumstances of the detention, and prove advantageous in the case of litigation involving "undue delay".
- 7.1.5. Furthermore, serious deficiencies could be dealt with by the PSCO with "*as agreed with flag or Recognised Organisation*" (usually action codes 47 and 48) instead of "Detention" (action code 30).
- 7.1.6. It should be noted that an appeal, complaint, or review will not cause a detention to be suspended.
- 7.2. **National Appeal**
- 7.2.1. The ship owner or operator generally has the right to appeal against a PSC detention decision to a higher administrative Authority or to the Court of competent jurisdiction, according to the law in each country.
- 7.2.2. An appeal is generally made by the Company, the Owner or the Master directly to the PSC authority involved. A non-exhaustive summary of appeal procedures is provided in Annex 1.
- 7.2.3. The BMA is generally not involved in the formal appeal process but will provide, on request, a supporting statement for appeals where there are grounds to believe that the detention is not justified.
- 7.2.4. Where the PSC authority's appeal procedure requires the appeal to be made by the flag State, the BMA will usually appeal only where the detention is considered unjustified or inappropriate in the circumstances. In these cases, the Company will be required to provide its consent to the appeal before the appeal is lodged.
- 7.2.5. A positive outcome of a national appeal will lead to the PSC detention being deleted from the PSC regime database and, in some countries, may be used in any claim for financial compensation.
- 7.2.6. PSC authorities generally have their own national appeal procedure, which should be provided to the Master with the notice of detention.

7.2.7. There are time limits for the filing of an appeal, and it should be noted that the time limits vary between MoUs and between PSC authorities within the same MoU.

7.2.8. It should be noted that if an appeal is made against a PSC detention to the Port State authority, this may exclude a subsequent review of the PSC detention by the MoU concerned.

7.3. **Complaint**

7.3.1. When a disagreement cannot be resolved within a reasonable time, or in cases where no appeal is made, Companies may present a complaint to the BMA. The BMA may then approach the PSC authority to ask it to reconsider its position.

7.3.2. The BMA will proceed only in cases where the evidence supporting the complaint has sufficient merit. Companies are therefore expected to present a robust case to ensure that the complaint has the best chance of success

7.4. **PSC Detention Review**

7.4.1. In cases where an owner or operator declines to use the official national appeal procedure but still wishes to dispute a PSC detention, most of the PSC regimes still grant the opportunity for a detention review.

7.4.2. The BMA is not directly involved in the review process but should be made aware of the Company's intention to request a review. The BMA will review the PSC report and will provide guidance and advice on how to prepare the request. The BMA will also provide a supporting statement to explain why the detention is deemed not valid or justified.

7.4.3. If the review is denied or fails, a further request for review may be made to the MoU secretariat and to the relevant MoU Review Panel (where established; not all MoUs have a detention review panel).

7.4.4. In this case, the Company shall send an official request and consent for the BMA to deal directly with the MoU review panel.

7.4.5. The review panel considers the facts of the case and delivers an opinion which may lead to the Port State reconsidering its decision; it should be noted that the Port State is under no obligation to reconsider.

7.4.6. The opinion of the Review Panel is not binding on the Port State and cannot be used in any claim for financial compensation.

8. Code of Good Practice for PSCOs

- 8.1. 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.1206\(34\) Procedures for Port State Control 2025](#). In addition, several MOUs publish their own Code of Conduct.
- 8.2. 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.

9. Queries

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

Annex 1 – Summary of PSC detention appeal procedures

This summary of PSC detention appeal processes is for information – please refer to each MOU or Country for the definitive appeal processes

Country	Appeal shall be made by:					Languages for submission of appeal	Submitted by:			Deadline for submission (days)		Further Information
	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Algeria	X		X			Not specified	X				10	Mediterranean MoU Appeal Procedures
Angola												No information available
Antigua and Barbuda												No information available
Argentina												No information available
Aruba												No information available
Australia	X	X	X	X		English	X	X	X		28	Indian Ocean MoU Appeal Procedures Tokyo MoU Appeal Procedures
Bahamas	X	X	X	X		English	X		X		30	This Marine Notice, Annex 2
Bahrain												No information available
Bangladesh	X	X	X	X		English	X	X	X		30	Indian Ocean MoU Appeal Procedures
Barbados												No information available
Belgium	X		X			English	X				14	Paris MoU Appeal Procedures
Belize												No information available
Benin												No information available
Bolivia												No information available
Brazil												No information available
Bulgaria	X	X	X	X	X	Bulgarian	X				14	Black Sea MoU Appeal Procedures Paris MoU Appeal Procedures

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Cameroon												No information available
Canada	X		X			English or French	X	X	X		30	Paris MoU Appeal Procedures Tokyo MoU Appeal Procedures
Cape Verde												No information available
Cayman Islands												No information available
Chile	X	X	X			English	X					Tokyo MoU Appeal Procedures
China	X	X		X		English	X	X			60	Tokyo MoU Appeal Procedures
Colombia												No information available
Congo												No information available
Cote D'Ivoire (Ivory Coast)												No information available
Croatia	X					English	X	X			15	Paris MoU Appeal Procedures
Cuba												No information available
Curacao												No information available
Cyprus	X	X	X			English	X	X			2	Mediterranean MoU Appeal Procedures Paris MoU Appeal Procedures
Democratic Republic of Congo												No information available
Denmark	X					English	X	X	X		28	Paris MoU Appeal Procedures
Dominican Republic												No information available

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Ecuador												No information available
Egypt	X	X	X	X	X	English or Arabic	X	X			42	Mediterranean MoU Appeal Procedures
Equatorial Guinea												No information available
Estonia	X					English	X	X			30	Paris MoU Appeal Procedures
Fiji	X	X	X			English	X	X	X	14	7	Tokyo MoU Appeal Procedures
Finland	X	X	X	X	X	English	X	X			14	Paris MoU Appeal Procedures
France	X	X	X			English or French	X	X			15	Indian Ocean MoU Appeal Procedures Paris MoU Appeal Procedures
Gabon												No information available
Georgia	X	X	X			English or Georgian	X				30	Black Sea MoU Appeal Procedures
Germany	X	X		X		English	X	X	X		30	Paris MoU Appeal Procedures
Ghana												No information available
Greece	X	X				English	X	X			30	Paris MoU Appeal Procedures
Grenada												No information available
Guatemala												No information available
Guinea Bissau												No information available

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Guinea Conakry												No information available
Guyana												No information available
Honduras												No information available
Hong Kong, China	X		X			English or Chinese	X	X	X		30	Tokyo MoU Appeal Procedures
Iceland	X					English	X	X			90	Paris MoU Appeal Procedures
India	X	X	X	X		English	X				30	Indian Ocean MoU Appeal Procedures
Indonesia												No information available
Ireland	X	X				English	X				7	Paris MoU Appeal Procedures
Islamic Republic of Iran	X		X	X		English	X	X	X		7	Indian Ocean MoU Appeal Procedures
Italy	X	X		X	X	English or Italian	X	X	X		30	Paris MoU Appeal Procedures
Jamaica												No information available
Japan	X	X	X			English	X				90	Tokyo MoU Appeal Procedures
Kenya	X	X	X	X		English	X	X	X		28	Indian Ocean MoU Appeal Procedures
Kuwait												No information available
Latvia	X	X	X			English	X				30	Paris MoU Appeal Procedures

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Lebanon	X	X	X	X	X	English or Arabic	X	X			42	Mediterranean MoU Appeal Procedures
Liberia												No information available
Lithuania	X	X	X			English	X				14	Paris MoU Appeal Procedures
Malaysia		X				English	X	X			90	Tokyo MoU Appeal Procedures
Malta	X	X				English	X				20	Mediterranean MoU Appeal Procedures Paris MoU Appeal Procedures
Marshall Islands	X	X		X		English	X	X			30	Tokyo MoU Appeal Procedures
Mauritania												No information available
Mexico												No information available
Morocco	X		X			English or French or Arabic	X				15	Mediterranean MoU Appeal Procedures
Myanmar	X	X	X	X		English or Myanmar	X	X	X		14	Indian Ocean MoU Appeal Procedures
Namibia												No information available
Netherlands (BES Islands)												No information available
New Zealand	X	X	X			English	X	X	X		28	Tokyo MoU Appeal Procedures
Nigeria												No information available
Norway	X	X				English	X				21	Paris MoU Appeal Procedures

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Oman	X	X	X	X		English or Arabic	X	X	X		10	Indian Ocean MoU Appeal Procedures
Panama												No information available
Papua New Guinea	X					English	X	X	X		30	Tokyo MoU Appeal Procedures
Peru	X	X	X			English	X	X	X		15	Tokyo MoU Appeal Procedures
Philippines	X					English	X	X	X			Tokyo MoU Appeal Procedures
Poland	X		X			English or Polish	X				14	Paris MoU Appeal Procedures
Portugal	X	X		X	X	English	X	X	X		10	Paris MoU Appeal Procedures
Qatar												No information available
Republic of Korea	X	X	X			English	X	X			90	Tokyo MoU Appeal Procedures
Republic of South Africa	X	X	X	X		English	X	X	X		15	Indian Ocean MoU Appeal Procedures
Romania	X	X		X	X	English	X	X			15	Black Sea MoU Appeal Procedures Paris MoU Appeal Procedures
Russian Federation	X	X	X	X	X	English or Russian	X	X	X		30	Black Sea MoU Appeal Procedures Paris MoU Appeal Procedures Tokyo MoU Appeal Procedures
Sao Tome and Principe												No information available
Saudi Arabia												No information available

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Senegal												No information available
Seychelles	X	X	X	X		English	X		X		14	Indian Ocean MoU Appeal Procedures
Sierra Leone												No information available
Singapore	X	X	X	X		English	X	X			60	Tokyo MoU Appeal Procedures
Slovenia	X		X			Slovenian	X	X			15	Paris MoU Appeal Procedures
Spain	X					Spanish	X				30	Paris MoU Appeal Procedures
Sri Lanka	X	X	X	X		English	X	X	X		15	Indian Ocean MoU Appeal Procedures
St. Kitts and Nevis												No information available
Suriname												No information available
Sweden	X					English	X				21	Paris MoU Appeal Procedures
Thailand	X	X	X	X		English or Thai	X				15	Tokyo MoU Appeal Procedures
The Gambia												No information available
The Netherlands	X	X				English or Dutch	X	X			42	Paris MoU Appeal Procedures
Togo												No information available
Trinidad & Tobago												No information available

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	Owner	ISM Manager	Master	Flag State	Class		Letter	Fax	Email	From date of release	From date of detention	
Turkey	X	X	X			English or Turkish	X	X			30	Black Sea MoU Appeal Procedures Mediterranean MoU Appeal Procedures
Ukraine	X	X	X	X	X	English or Ukrainian or Russian	X	X			30	Black Sea MoU Appeal Procedures
United Arab Emirates												No information available
United Kingdom	X		X			English	X	X			21	Paris MoU Appeal Procedures
United States of America	X	X	X	X	X	English	X	X	X		30	Title 46, Code of Federal Regulations, Subpart 1.03
Uruguay												No information available
Vanuatu												No information available
Venezuela												No information available
Vietnam	X		X			English	X	X	X		90	Tokyo MoU Appeal Procedures

Annex 2 – Appeal Procedure for PSC Detentions in The Bahamas



The appeal shall be made by:	
Owner	X
ISM Operator	X
Master	X
Other: <i>Flag State may appeal</i>	X

The appeal shall be made to:	Address:
Managing Director and Chief Executive Officer The Bahamas Maritime Authority	Shirlaw House 226 Shirley Street PO Box N-4679 Nassau The Bahamas director@bahamasmaritime.com

Deadline for submission	Days
From notification of detention	30

Language		Submitted by:	
English	x	Letter	x
		Email	x

Other relevant information

Appeal against the detention shall be made by the owner or its representative to the Director of the Bahamas Maritime Authority and must be received not later than 30 days from the date of the detention.

The appeal must contain evidence supporting the appeal, noting that the PSC decision is made in relation to the condition of the ship at the time of detention/deficiency.

The lodging of an appeal shall not cause the detention to be suspended.

