



Barbados Maritime Ship Registry



Revision No:

1.0

Issue Date:

28 Sep. 23

Effective Date:

28 Sep. 23

Notice to: Shipowners, Operators, Officers, Flag State Inspectors and Recognised Organisations.

1. References

- a) IMO Assembly [Res. A.1155\(32\) Procedures for port state control, 2021](#);
- b) [ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006](#);
- c) BMSR [Bulletin 004 – Flag State Inspections](#)

2. Purpose

- 2.1 This Bulletin provides instructions and requirements for Port State Control (PSC) detentions.

3. Application

- 3.1 This Bulletin is applicable to all Barbadian vessels which are detained by a PSC Authority under the principles of the IMO Res. A.1155(32) and the ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention or under the national laws of a State (administrative or preventative detentions).
- 3.2 For the purposes of this Bulletin, flag State detentions have the same effect as PSC detentions.

4. Introduction

- 4.1 Companies operating Barbadian vessels benefit from Barbados ranked as white list in the Paris MoU and as a qualified flag of the United States Coast Guard Quarship21 program.
- 4.2 The BMSR is committed to retain this high ranking and to ensuring that all Barbadian vessels are fully compliant with international Convention requirements and national regulations at all times.
- 4.3 The BMSR fully supports the objectives of the PSC process in eliminating sub-standard vessels, when applied in a fair and equitable manner.
- 4.4 PSC inspections are carried out according to:
 - .1 International Maritime Organization (IMO) Assembly Resolution Res. A.1155(32);
 - .2 ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention;
 - .3 Regional PSC regime instructions to PSC Officers (PSCOs).
- 4.5 A PSC detention is an action taken by a port State to prevent a substandard vessel proceeding to sea. In general, a vessel 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 Safe Manning Document, owing to, inter alia:
 - .1 the absence of principal equipment or arrangements required by the Conventions;
 - .2 non-compliance of equipment or arrangements with relevant specifications of the Conventions;
 - .3 substantial deterioration of the vessel or its equipment;
 - .4 insufficiency of operational proficiency, or unfamiliarity with essential operational procedures by the crew; and
 - .5 insufficiency of manning or insufficiency of certification of seafarers.

- 4.6 If these evident factors as a whole or individually pose a danger to the vessel 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 vessel.
- 4.7 In taking a decision concerning the rectification of a deficiency or detention of a vessel, a PSCO takes into consideration the results of a more detailed inspection and the “Guidelines for the detention of ships” of Appendix 2 of Res. A.1155(32), which shall not be considered exhaustive but as examples of relevant Detainable deficiencies.

5. PSC Detention – Notification

- 5.1 The Company is required to immediately notify the following parties of any detention of a Barbadian vessel :
- .1 the BMSR Operations Department ops@barbadosmaritime.com; and
 - .2 the Classification Society that issued the Certificate of Class; and
 - .3 the Recognised Organisation (RO) (i.e., Classification Society) that issued the statutory certificate(s); and
 - .4 the RO that issued the ISM Code Document of Compliance (DOC) and Safety Management Certificate (SMC); and
 - .5 for security/ISPS Code related detentions, the Recognised Security Organisation (RSO) that issued the International Ship Security Certificate (ISSC).
- 5.2 The Company is also required to arrange attendance of RO/Class surveyor(s) to assist in clearing the deficiencies.
- 5.3 The following documents are to be provided to the BMSR at the earliest opportunity, where available:
- .1 A copy of the PSC Report (Form A and B);
 - .2 A copy of the Detention Notice;
 - .3 Confirmation of notification to the parties listed in Section 5.1 above, as applicable;
 - .4 Description of actions taken or planned to rectify all deficiencies at the earliest opportunity.
- 5.4 Good communications are essential to enable prompt resolution of matters related to a PSC detention. It is important that the BMSR receives the initial report promptly so that an assessment of the detention can be made. Subsequent action in Section 6 below may be modified according to the result of BMSR’s review of the initial report, particularly in cases where the detention may not be justified in the opinion of the BMSR.

6. PSC Detention – Follow Up

- 6.1 The Company is required to perform a Root Cause Analysis (RCA) within 30 days of the date of detention, unless otherwise agreed with the BMSR, and take the appropriate corrective and preventative actions to reduce the possibility of similar deficiencies arising in future.
- 6.2 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.
- 6.3 In addition to the requirements specified below, further Barbados “Detention Follow Up” inspection, additional ISM audits (DOC and/or SMC), ISPS audits and/or MLC inspections may be required.
- 6.4 The BMSR 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.
- 6.5 For deficiencies related to non-payment or delayed payment of wages, the Company (or MLC shipowner for the purposes of MLC, if different) shall pay all wages due and provide documentary evidence to the BMSR confirming this before the vessel is released from detention. In order to prevent the same situation reoccurring, the Company (or MLC shipowner, 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 BMSR after release from detention.

7. BMSR assessment following a detention

- 7.1 Following notification of the detention, the BMSR will review the reports and correspondence related to the vessel's PSC and Barbados inspection performance in the 24 months prior to the detention. The follow up requirements depend on the number of detentions of the vessel in the previous 24 months, as outlined below.
- 7.2 For the **First detention** in a 12 months period, one or more of the following may be required by the BMSR prior to departure from the port of detention:
- .1 Additional "Detention Follow Up"; and/or
 - .2 Additional external ISM audit; and/or
 - .3 Additional MLC inspection; and/or
 - .4 Additional ISPS audit.
- 7.3 Depending on the number and type of deficiencies the vessel might also be placed under the BMSR Special Inspection Program (SIP), as explained in Section 7 of Bulletin 004.
- 7.4 It should be noted that PSC authorities might also request an additional external ISM audit to be carryout before releasing the vessle from detention. The BMSR cannot waive this requirement.
- 7.5 If the detention occurs within the survey window for a related annual survey, the survey should be completed prior to the vessel sailing.
- 7.6 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 RO and may not be delayed until the end of the window.
- 7.7 If the detention does not occur within any related survey window, the RO 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 annual survey.
- 7.8 For the **Second detention** in a 12 months period the vessel will be specially examined to assess whether it remains acceptable for continued registration with the BMSR . This may lead to owners being asked to find an alternative register or deletion of the vessel from the Barbados egister.
- 7.9 Should the BMSR decide to retain the vessel in the register, the vessel shall be subject to the actions as per sections above with the addition of an additional ISM DOC audit to the Company and to the extent of annual audit not later than 30 days from the date of the detention.

8. PSC Detentions - Disputes

- 8.1 When the Master or the Company feels that a detention is not justified, there are several ways to challenge a PSC detention.
- 8.2 The first step is to discuss the issue, in a professional manner, directly with the PSCO and contact the BMSR to seek advice on potentially avoiding the detention.
- 8.3 Since detention of a vessel is a serious matter involving many issues, it may be in the best interest of the PSCO to consider cooperating with the Company, the BMSR and/or the RO responsible for issuing the relevant certificates.
- 8.4 Without limiting the PSCO's discretion in any way, the involvement of the BMSR, Company and RO could result in a safer vessel, avoid subsequent arguments relating to the circumstances of the detention, and prove advantageous in the case of litigation involving "undue delay".

8.5 Furthermore, serious deficiencies could be dealt by the PSCO with “*as agreed with flag or Recognised Organisation*” (usually action codes 47 and 48) instead of “Detention” (action code 30).

9. National Appeal

9.1 The shipowner or operator generally has the right to appeal against a PSC detention decision to higher administrative Authority or to the Court of competent jurisdiction, according to the law in each country.

9.2 An appeal is generally made by the Company, the Owner or the Master direct to the PSC authority involved.

9.3 The links for appeal procedures are provided below:

.1 [Paris MoU Appeal Procedures](#);

.2 [Tokyo MoU Appeal Procedures](#)

.3 [USA - Title 46, Code of Federal Regulations, Subpart 1.03](#)

.4 [Mediterranean MoU Appeal Procedures](#)

.5 [Indian Ocean MoU Appeal Procedures](#)

.6 [Black Sea MoU Appeal Procedures](#)

9.4 The BMSR 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.

9.5 Where the PSC authority’s appeal procedure requires the appeal to be made by the flag State, the BMSR 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.

9.6 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.

9.7 PSC authorities generally have their own national appeal procedure, which should be provided to the Master with the notice of detention.

9.8 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.

9.9 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.

10. Complaint

10.1 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 BMSR. The BMSR may then approach the PSC authority to ask it to reconsider its position.

10.2 The BMSR 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.

11. PSC Detention Review under the MoU

11.1 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 under the relevant MoU.

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

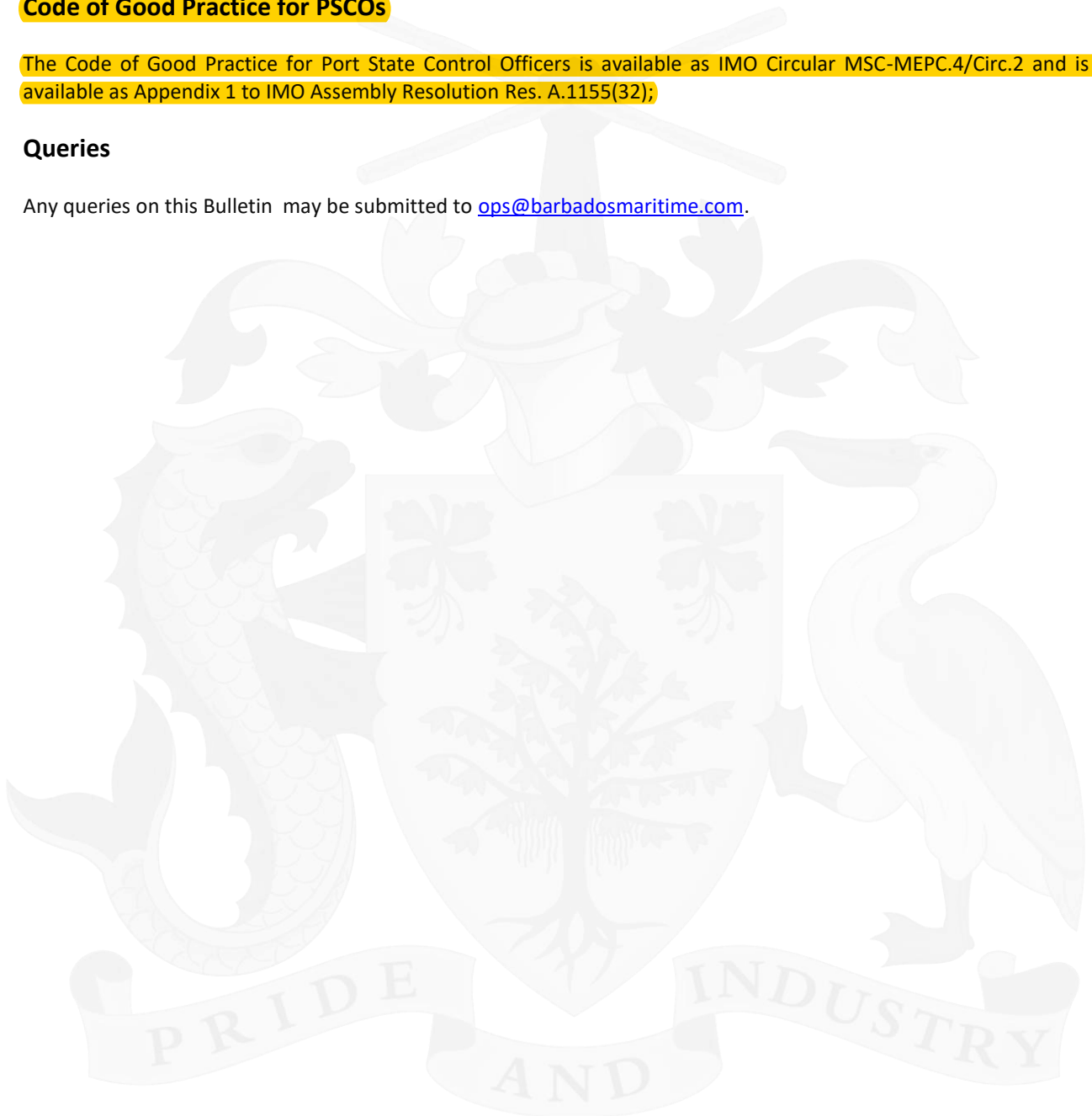
- 11.3 The request for review may be made to the MoU secretariat and to the relevant MoU Review Panel (where established; not all MoUs have a detention review panel).
- 11.4 The review panel considers the facts of the case and delivers an opinion which may lead to the Port State reconsidering its decision, however it should be noted that the Port State is under no obligation to reconsider.
- 11.5 The opinion of the Review Panel is not binding on the Port State and cannot be used in any claim for financial compensation.

12. Code of Good Practice for PSCOs

- 12.1 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 Res. A.1155(32);

13. Queries

- 13.1 Any queries on this Bulletin may be submitted to ops@barbadosmaritime.com.



Revision No	Description Of Revision
1.0	First issue – Supersedes old information bulletins 270, 346 and 289.

