



# TUVALU SHIP REGISTRY

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## MARINE CIRCULAR

### MC-8/2013/1

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**FOR:** Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

**SUBJECT: PROCEDURES FOR LAY UP**

#### **DEFINITIONS:**

The following abbreviations stand for:

- "ISM Code" – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- "ISPS Code" – International Ship and Port Facility Security Code implemented through chapter XI-2 Special measures to enhance maritime security in SOLAS
- "ISSC" – International Ship Security Certificates as required by the ISPS Code
- "MSMC" – Minimum Safe Manning Certificate
- "PSC" – Port State Control
- "RO" – Recognized Organization as defined by IMO Resolution A.789(19)
- "RSO" – Recognized Security Organization as defined by the ISPS Code
- "SMC" – Safety Management Certificate as required by the ISM Code
- "SMS" – Safety Management System
- "SSP" – Ship Security Plan

The term "Administration" shall mean the Tuvalu Ship Registry.

#### **PURPOSE:**

The purpose of this marine circular is to provide guidance to assist owners / operators in the process of laying up a Tuvalu flagged vessel.

#### **APPLICATION:**

This marine circular applies to all Tuvalu flagged vessels which are to be laid up.

#### **CONTENTS:**

##### **1. General**

- 1.1. Although no specific permission is required from the Administration to lay up a vessel, owners / operators are required to inform the Administration in order for the Administration to quote the annual taxes based on laid up rates, be ready to respond in context to any query about the vessel, and maintain proper records.
- 1.2. If no notification is made, the Administration will assume that the vessel is trading normally and maintaining a full regime of certification, surveys and inspections, including normal manning for such operations.

- 1.3. Failure to notify the Administration, RO and RSO of a vessel entering lay-up, or to maintain a safe lay-up, will be regarded as a serious ISM non-conformity and may jeopardise the registration of the vessel.
- 1.4. The owner / operator is to advise the Administration of the proposed length of the lay-up and the state of readiness of the vessel to resume operations, and take appropriate advice on lay-up procedures from RO, insurers etc., as necessary.
- 1.5. The maritime industry has several descriptions of lay-up, such as "hot", "warm", "cold" and various other terms. As these are not clearly defined, this Administration does not accept them as formal or definitive descriptions.

## **2. Statutory Certification Requirements**

- 2.1. Statutory certification is normally only required when vessels are in operations. 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 owner / operator should consider whether to maintain or suspend these certificates and this can be done in consultation with the RO.
- 2.2. RO procedures for laying up vessels should be complied with and same will be accepted by this Administration.
- 2.3. If a vessel is laid up for a prolonged period, the Administration may authorise suspension or cancellation of statutory certificates as long as this is in compliance the requirements of the port or coastal State.

## **3. ISM Code Requirements**

- 3.1. 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 Administration will accept the suspension of the ISM certification of the vessel provided that:
  - 3.1.1. all requirements of the coastal State are met;
  - 3.1.2. all requirements of the RO are met; and
  - 3.1.3. the contact details of the organisation that holds responsibility for the safety of the vessel during lay-up is provided to the Administration.
- 3.2. The audit requirements on reactivation of the vessel will depend on the length of time the vessel was laid up. In general, lay-up in excess of 6 months will require interim certification in accordance with ISM Code 14.4.

## **4. ISPS Code Requirements**

- 4.1. The continued validity of the vessel's ISPS certification will be an important element in the reactivation of the vessel. The Administration strongly recommends that the ISSC be maintained throughout lay-up.
- 4.2. Specific procedures may need to be added to the SSP depending upon the extent or "depth" of the lay-up. In each case, this will be managed and audited by the RSO which will correspond directly with the Administration wherever clarification is required.
- 4.3. Where the circumstances described in section 3.1 above exist, the owner / operator must communicate with the RSO to ensure that the SSP covers that operation.
- 4.4. Should the vessel be integrated into the port facility security system, then the records of suspension and subsequent reactivation of the ISSC should clearly be reflected in order to demonstrate continuity of Security.

## **5. LRIT**

- 5.1. Normal procedures for LRIT will apply.
- 5.2. If the LRIT equipment is deactivated or switched off, the Administration should be advised in accordance with section 10 of Tuvalu Marine Circular MC-2/2008/11/12/4.

## **6. Manning Requirements**

- 6.1. A MSMC is not required for vessels under lay-up.
- 6.2. 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.
- 6.3. In some cases, the port or coastal State Authority may wish to have the manning level in lay-up approved by the Administration, in which case, the owner / operator should then contact and advise the Administration of the proposed level of safe manning.
- 6.4. The Administration 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 sufficient numbers 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:
  - 6.4.1. the location of the vessel;
  - 6.4.2. the equipment and systems remaining in operation; and
  - 6.4.3. the method by which the vessel is kept in position (moorings, anchorage etc.).
- 6.5. 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:
  - 6.5.1. Adequate provision of, or access to, potable water;
  - 6.5.2. Adequate provision of, or access to, fresh food;
  - 6.5.3. Adequate provision of, or access to, cooking, cleaning, washing, sanitary and laundry facilities;
  - 6.5.4. Arrangements for access to medical facilities, particularly for any emergencies; and
  - 6.5.5. Adequate heating and lighting facilities.
- 6.6. The owner / operator should also take into account any obligations for repatriation specified in the Tuvalu Merchant Shipping (Maritime Labour Convention 2006) Regulations, and the Maritime Labour Convention, 2006.
- 6.7. Any failure to provide a basic level of welfare facilities will be regarded as a serious failure of the Company's SMSM and may lead to further measures by the Administration, in addition to any action which may be taken by the PSC officer(s) of the port or coastal State.

## **7. Re-activation Requirements**

- 7.1. This will be a matter for the owner / operator and the RO to consider. While re-activating 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.

- 7.2. All previously cancelled, suspended or outdated certificates, audits and inspections are to be revalidated and the manning restored to that required by the MSMC before the vessel departs the port of lay-up.

Yours sincerely,

Deputy Registrar  
Tuvalu Ship Registry