



ST KITTS & NEVIS INTERNATIONAL SHIP REGISTRY

MARITIME CIRCULAR – MC 59 14 (Rev.1)

PROCEDURES FOR DEALING WITH PORT STATE CONTROL DETENTIONS AND INSPECTIONS OF ST. KITTS AND NEVIS REGISTERED VESSELS

1. Purpose

- 1.1. The purpose of this Maritime Circular is to provide revised guidance on requirements and procedures of this Administration for dealing with Port State Control detentions and inspections of St. Kitts and Nevis registered vessels. These procedures are aimed at enhancing the control of this Administration over the safety, security and pollution prevention and labour standards of vessels registered with St. Kitts and Nevis International Ship Registry (SKANReg).
- 1.2. This Circular is issued to the attention of shipowners, ship managers, ship operators, Recognised Organisations, and other parties involved.
- 1.3. References to the Director of Maritime Affairs' powers contained within the Merchant Shipping Act for the suspension and withdrawal of certificates and the termination of a vessel's registration when a vessel, including its structure, machinery and equipment is deficient, are to be read into the appropriate sections of this Maritime Circular as necessary.
- 1.4. All terms used in this Circular are as defined in international conventions for the implementation of which relevant authorisations have been given to the Class Society/Recognised Organisation/Recognised Security Organisation (Class/RO/RSO).
- 1.5. This Maritime Circular replaces MC/34/10, which is hereby withdrawn.

2. Surveys after detention

2.1. **Surveys after 1st detention**

- 2.1.1. When a St. Kitts and Nevis vessel is detained, the Company Managing of the vessel (the Managers) are obliged to inform SKANReg and to immediately call the RO/RSO to attend. *Failure to advise SKANReg may result in a penalty charge to the owners.*
- 2.1.2. The attending RO/RSO surveyor shall examine the deficiencies raised and ensure that rectification is in compliance with the applicable Convention. However, they shall not limit the inspection solely to the deficiencies noted by Port State Control.
- 2.1.3. If the date of the detention falls within the ± 3 month's window for statutory surveys, they shall be conducted before the vessel sails. In the case of renewal surveys, they shall be conducted to the extent possible, except for safety equipment and radio, which shall be completed. In the event that following rectification of the deficiencies and lifting of the detention, port operations do not permit completion of the surveys, a time schedule for the completion of surveys at the next convenient port shall be set between the Managers and the RO/RSO and they shall not be delayed until the end of the window.

- 2.1.4. If the date of the detention does not fall within the ± 3 months' window the RO/RSO surveyor, after clearing the PSC deficiencies, will carry out a general examination of the ship. Then, using their professional judgement they will decide whether extra surveys are required.
- 2.1.5. In cases where the surveyor deems it so, the extent of the safety equipment survey shall be upgraded to that of a renewal survey. The surveys for statutory certificates other than the safety equipment certificate, unless they fall within the windows given in 2.1.3. above, shall be carried out to the extent of an annual survey.

2.1.6. Failure to inform SKANReg and/or call in the RO/RSO may generate the following:

- An additional audit of the company's shore-based operations within 30 days of the date of the detention. The audit shall address all elements of the ISM Code and all aspects of the management system and its effectiveness in meeting the requirements of the ISM Code.
 - SKANReg may ask the Class/RO/RSO to withdraw Statutory Certificates from arrival at the next port so prohibiting the ship from sailing until all required surveys are completed and an additional shipboard audit is carried out. The audit shall address all elements of the ISM Code and all aspects of the management system's implementation on board.
 - A penalty charge to the owners.
- 2.1.7. As well as the surveys by RO/RSO surveyor, SKANReg may instruct a Flag State Inspector (FSI) to also inspect the ship. All Expenses will be to the owner's account.

2.2. Surveys after 2nd detention

- 2.2.1. When a St. Kitts and Nevis vessel is detained twice within a year (irrespective of the detaining authority/MoU), in addition to the provisions of paragraph 2.1. the following will be applied:
- SKANReg may instruct the RO or RO's that issued the SMC and the DOC to carry out additional shipboard and shore-based audits. The audit will address all elements of the ISM Code and all aspects of the management system and its effectiveness in meeting the requirements of the ISM Code.
 - Inspection of the vessel by the RO/RSO and if deemed necessary, by a SKANReg Flag State Inspector. All the expenses will be on owners or Managers account. The additional audit shall address all elements of the ISM Code and all aspects of the management system's implementation on board. It is again emphasised that the Managers of the vessel are obliged to inform SKANReg about the detention and to immediately call the RO/RSO to attend otherwise a penalty charge may be levied against the owners.

2.3. Surveys after 3rd detention

- 2.3.1. When a St. Kitts and Nevis vessel is detained three times within two years (irrespective of the detaining authority/MoU), depending on the corrective actions taken by the Managers the following may be applied:
- Notice may be given and necessary actions taken in accordance with the appropriate section of the Merchant Shipping Act to terminate the vessel registration.
 - The DOC of the Company issued on behalf of St. Kitts and Nevis will be re-evaluated.

2.4. Appeals against PSC Detentions

- 2.4.1. If an Owner/Manager considers that a detention is unjustified they should firstly ensure that the ships Master appeals the decision to detain the vessel at the time of detention, directly with the PSC office who has imposed the detention. Details of PSC MoU appeals procedures are contained on PSC MoU websites and Managers should refer to those when deciding to make an appeal. If this is not done, but the Owner/Manager wishes to appeal the detention thereafter, SKANReg will on review of the Owner/Manager reasons for making the appeal give appropriate support to their appeal if SKANReg also considers it unjustified. Any third-party costs will however, be to the account of the Owners/Managers. In such cases the decisions under 2.1., 2.2. and 2.3. above will be reconsidered by SKANReg as seen appropriate in the circumstances.

3. **Banned Ships**

When a St. Kitts and Nevis vessel is banned by a specific MoU the following will be applied:

- 3.1. All statutory certificates may be suspended from the date of the banning.
- 3.2. An additional audit of the company's shore-based operations may be carried out. The audit shall address all elements of the ISM Code and all aspects of the management system and its effectiveness in meeting the requirements of the ISM Code.
- 3.3. Statutory certificates will be reinstated provided that:
- 3.3.1. RO/RSO has carried out renewal surveys and there are no outstanding items or recommendations to the extent possible.
- 3.3.2. RO/RSO has carried out an additional shipboard audit. The audit shall address all elements of the ISM Code and all aspects of the management system's implementation on board.
- 3.3.3. An Inspector – Flag State Inspector (FSI) – engaged by SKANReg has attended the vessel and confirmed, in writing, to SKANReg that the vessel complies with Statutory Provisions & Conventions. If the FSI imposes any recommendations, a further inspection may be required.
- 3.3.4. The PSC authority which has banned the vessel has re-inspected it and the ban has been lifted.
- 3.3.5. If the Managers do not arrange for the PSC authority re-inspection within 3 months, notice may be given and necessary actions taken in accordance with the appropriate section of the Merchant Shipping Act to terminate the ships registration.

4. **PSC inspection with deficiencies identified, which did not warrant detention**

- 4.1. Managers are obliged to inform SKANReg of PSC inspections with deficiencies identified, even if they do not warrant detention.
- 4.2. RO/RSO should also inform SKANReg of such cases which are brought to their attention.
- 4.3. SKANReg will decide whether the case warrants further investigation. On the basis of the results of this investigation, SKANReg in consultation with RO/RSO will decide on any future action.

4.4. In the case of a vessel having 10 or more deficiencies identified by a PSCO, the owners are to inform SKANReg immediately for action as deemed necessary. This may involve the actions outlined in section 2. above – Surveys after Detention.

4.5. Failure to inform SKANReg in the instance described in 4.4. above – may result in a penalty charge.

5. Outstanding Recommendations

5.1. In case a vessel has had recommendations/class conditions imposed either by SKANReg or PSC, these shall be communicated by the Managers to RO/RSO and the latter shall ensure that they are rectified according to the set schedule. Otherwise, RO/RSO shall contact SKANReg for a decision on the action to be taken.

6. ISM Code

6.1. Where a vessel is detained following a PSC inspection the report of which gives one or more ISM-related deficiencies as grounds for the detention.

6.2. An additional audit of the vessel may be requested by SKANReg. The audit shall address all elements of the ISM Code and all aspects of the management system's implementation on board.

6.3. If, during the additional shipboard audit, one or more major non-conformities are raised, an additional audit of the company's shore-based operations may be carried out. The audit shall address all elements of the ISM Code and all aspects of the management system and its effectiveness in meeting the requirements of the ISM Code.

6.4. If the PSC report contains no explicit reference to ISM-related deficiencies, then the surveyor shall act as in Section 2.

6.5. If the RO/RSO classes the vessel and also issues the ISM certification, then in cases where the RO/RSO deems an additional shipboard audit necessary, RO/RSO shall immediately notify SKANReg and proceed as soon as possible to conduct the additional shipboard audit and inform SKANReg of the results.

6.6. If RO/RSO classes the vessel but does not issue the ISM certification, the RO/RSO shall notify the vessel's auditing organization and SKANReg of the findings.

6.7. SKANReg shall be notified by the RO/RSO of any additional shipboard or shore-based audit.

6.8. SKANReg, in conjunction with RO/RSO, shall decide the extent and scope of additional shipboard audits and shore-based audits of a Company, if a large proportion of a Company's fleet is detained by PSC.

7. Deficiencies in Officer and Crew Documents and applicable Penalty Charges

7.1. Maritime Circular MC/52/13 of June 2013 regarding penalties for deficiencies in crew documents, is currently under review and an amended schedule on penalties will be publicised in due course. Until the amended circular has been provided, existing penalties pursuant to MC/52/13 of June 2013 are still applicable.

8. "Detention" and "Failure to inform SKANReg" Penalty Charges

8.1. The following "Detention" or "Failure to inform SKANReg" Penalty Charges may be levied on an owner in the event of a vessel being detained or owners/managers not informing SKANReg where they are obliged to do so by this Maritime Circular. These charges will go some way to covering the extra administrative time and effort needed from SKANReg office staff in the case of a ship being detained:

1st detention – 5000 US dollars.

2nd detention – penalty dependent on severity of identified deficiencies resulting in detention.

3rd detention – subject to review, vessel will be de-registered and removed from the register.

Failure to inform SKANReg – 750 US dollars.

8.2. Such penalty charges will be in addition to any fees and expenses for the attendance of a surveyor from an RO/RSO and of an FSI.

8.3. There will be no charge to an owner to assist with an appeal, except if third-party charges e.g. lawyers are required, and the above charges will not be levied in the event of a successful appeal by the owner against the detention.

9. Financial Incentive for "Nil" deficiencies on a MoU inspection

9.1. In cases where a vessel has "Nil" deficiencies recorded against it by a PSCO in the course of an inspection, the owners may claim a 25% deduction from the next annual fees for the vessel. This deduction is applicable only once per year i.e. if a vessel has two inspections with "Nil" deficiencies, only one deduction may be claimed. Owners should make the claim to SKANReg or the Maritime Registrar responsible for their registration services when submitting their application to pay annual registration fees. The claim should include a copy of the 'Nil' deficiencies PSC report as evidence.

10. Additional Actions by RO/RSO

10.1. In the event that an RO/RSO wishes to impose stricter conditions than those stated herein for vessel of which they are the RO/RSO/Class Society for their own Quality Management Control, whether same have been included in the Agreement for Delegation of Statutory Services between SKANReg or not, SKANReg will usually support such conditions.

If you have any questions on this matter, please contact this office at mail@skanregistry.com

Yours truly,

Mr. Graeme Morkel
Deputy International Registrar of Shipping and Seamen