



BERMUDA MERCHANT SHIPPING GUIDANCE NOTICE

Extended Periods Out Of Service – Lay Up

This Notice is intended for: Classification Societies, Ship Owners, Managers and Owners of Bermuda Registered Ships Intending to lay-up their vessels

Ref:

- MSC-MEPC.7/Circ.9

Summary

This Guidance Notice is issued to provide clarification and guidance on the requirements and steps to be followed in preparation for lay-up; and the subsequent reactivation of a vessel.

This Guidance Notice brings to the attention of ship owners and ship managers the Bermuda Administration's interpretation of the Flag requirements for vessels entering lay-up, currently in lay-up, or reactivating following a period of lay-up. It is limited to the statutory aspects of lay-up, and is not intended to provide guidance on the operational requirements and considerations of lay-up.

This Notice was issued on 9th August 2019.

1 Definitions

For the purposes of this Notice the following definitions are used, unless expressly provided otherwise:

- (1) Lay-up – A ship may be considered as 'laid-up' when it has, for commercial reasons or otherwise ceased trading for any period of time, and the Company has notified BSMA accordingly.

Vessels that are laid-up may be further considered as one of the following:

- a) Hot Lay-up – Short term lay-up. The ship's certification has not been suspended. Crew employed by the vessel's ISM manager are still on board, the SMS is still in operation and the ISM, ISPS and MLC certificates are still in force. Machinery and essential systems are kept in service with the intention of allowing for rapid reactivation. A safe manning document is in force.
- b) Cold Lay-up – Long term lay-up. The ship's certification is suspended, no crew employed by the vessel's ISM manager are on board and the SMS is considered to be

suspended. Machinery is normally taken out of service and the ship is rendered 'dead'.
Re-activation time is dependent upon the level of preservation undertaken.

2 Abbreviations

(1) For the purposes of this notice the following abbreviations are used:

- a) LSA – Life Saving Appliances
- b) ISM – International Safety Management System
- c) SMS – Safety Management System
- d) ISPS – International Ship and Port Security
- e) MLC – Maritime Labour Convention
- f) SSP – Ship Security Plan
- g) BSMA – Bermuda Shipping and Maritime Authority

3 General

- (1) In all vessels that are laid-up sufficient serviced LSA must be provided for the maximum number of persons on board, unless the vessel is secured alongside a berth with a permanently attached gangway.
- (2) Provision is to be made to ensure continued safe mooring.
- (3) In all laid-up vessels sufficient emergency response must be maintained. This may be achieved through retention of personnel on board or through the services of an approved shore-based lay-up facility:

4 Arrangements to be made Prior to Lay-Up

- (1) Depending on the level of lay-up, specified on-board maintenance and inspections may be of a reduced scope or deferred until reactivation.
- (2) BSMA will allow all certificates to lapse/be withdrawn for a vessel in lay-up, subject to the requirements of this shipping notice.
- (3) In addition to BSMA, the ship manager will need to reach agreement with:
 - a) The relevant Port or Harbour Authority within whose jurisdiction the vessel will be situated,
 - b) The Classification Society regarding the maintenance of Class and serviceability of the ship
 - i. Certain Classification Societies will allow specific Laid-Up Class notation to be assigned with survey requirements of reduced scope in lieu of the normal Class survey schedule.

BSMA will accept such proposals.

- (4) The following steps are to be complied with before a vessel enters lay-up:
- a) Formal agreement is to be received from the local authorities in the proposed lay-up location, confirming their acceptance of the proposed lay-up and stating any additional requirements that may be imposed locally.
 - b) Formal agreement is to be received from the Classification Society with any additional requirements to be complied with.
 - c) Upon completion of the above items formal notification of the intent to lay-up is to be provided to BSMA at survey@bermudashipping.bm. The registrar is also to be informed at registry@bermudashipping.bm. At this time the choice of lay-up facility and the means adopted to ensure monitoring and action of all alarms, including provisions for response on board in emergency situations such as fire or flooding are to be communicated to BSMA.
 - d) All ships certificates are to be valid at least until the first day of the lay-up period.
 - e) The proposed manning arrangement during the lay-up period is to be submitted to BSMA and approved.

5 Safe Manning, ISM, ISPS and MLC During Lay-Up

- (1) In instances where the ship is expected to be idle at anchor for short periods and a 'hot' or 'cold' lay-up is not desired, BSMA will, on a case by case basis, accept applications for conditional reduced manning provided that all of the ship's other certificates are kept valid.
- (2) Taking into account the type of lay-up adopted, specific security arrangements will in all cases need to be created and adopted between the vessel and the port facility. These arrangements will also need to be agreed by BSMA.
- (3) For the purposes of safe manning, ISM, ISPS and MLC the following requirements apply:
 - a) Vessel secured alongside berth – hot lay-up
 - i. Minimum Safe Manning Document does not apply.
 - ii. Sufficient personnel employed by ISM Manager to maintain ship's systems will remain on board; however there is no requirement to carry Management level staff, subject to approval from the local authorities and BSMA.
 - iii. ISM, ISPS & MLC certification to remain valid and audits and verifications to be carried out as required by the Codes.
 - iv. SMS and SSP may need to be revised to reflect the changed situation and priorities arising from the lay-up. Re-approval of the SSP may be required.
 - i. A Declaration of Security may be required between the ship and the port facility, depending upon local requirements and the wording of the SSP.
 - b) Vessel secured alongside berth – cold lay-up
 - ii. Minimum Safe Manning Document does not apply.
 - iii. No personnel employed by ISM Manager required on board, subject to approval from the local authorities and BSMA.
 - iv. ISM, ISPS & MLC certification to be suspended.

- v. Upon reactivation the vessel will be considered as a new ship and interim ISM, ISPS and MLC audits will be required.
 - vi. A Declaration of Security may be required between the ship and the port facility, depending upon local requirements and the wording of the SSP.
- c) Vessel secured at anchor – hot lay-up
- i. Minimum Safe Manning Document applies. Applications for a reduced Safe Manning Document will be considered.
 - ii. Sufficient personnel employed by ISM Manager to maintain ship's systems will remain on board; however there is no requirement to carry Management level staff, subject to approval from the local authorities and BSMA.
 - iii. ISM, ISPS & MLC certification to remain valid and audits and verifications to be carried out as required by the codes.
 - iv. SMS and SSP may need to be revised to reflect the changed situation and priorities arising from the lay-up. Re-approval of the SSP may be required.
 - v. If the lay-up lasts longer than 3 months, or a different crew takes the ship back into operation an additional ISM, ISPS and MLC verification will be required.
 - vii. A Declaration of Security may be required between the ship and the port facility, depending upon local requirements and the wording of the SSP.
- d) Vessel secured at anchor – cold lay-up
- i. Minimum Safe Manning Document does not apply.
 - ii. No personnel employed by ISM Manager required on board, subject to approval from the local authorities and BSMA.
 - iii. ISM, ISPS & MLC certification to be suspended.
 - iv. Upon reactivation the vessel will be considered as a new ship and interim ISM, ISPS and MLC audits will be required.
 - viii. A Declaration of Security may be required between the ship and the port facility, depending upon local requirements and the wording of the SSP.
- e) The above notwithstanding, any other circumstances that result in interruption of the on board SMS shall be approached as follows:
- i. If interruption of the SMS and/or SSP is more than three months, but less than six months, BSMA will conduct an additional ISM and/or ISPS verification audit upon reactivation of the vessel and immediately prior to its return to normal service. Upon satisfactory completion of these audits the existing certification will be endorsed accordingly.
 - ii. If interruption of the SMS or SSP is more than six months, BSMA will require the interim audit procedure to be followed.
 - iii. If crew (seafarers) have not been living aboard for more than three months, but less than six months, BSMA will conduct an additional MLC inspection upon reactivation of the vessel and immediately prior to its return to normal service. Upon satisfactory completion of this inspection the existing certification will be endorsed accordingly.
 - iv. If crew (seafarers) have not been living aboard for more than six months, BSMA will require the interim inspection procedure to be followed.

6 Requirements for Change of Berth During Lay-Up

- (1) It may become necessary or advantageous to change the berth or moored location of a laid-up

vessel. In such instances the following information is to be communicated to BSMA:

- a) Proposed new lay-up location and anticipated date of move.
 - b) Distance to new lay-up location and expected duration of the move.
 - c) Proposed means of moving the vessel (self propelled, tug assistance).
 - d) If applicable, the proposed manning levels for the move are to be approved by BSMA.
 - e) The relevant Classification Society may require attendance to verify that the vessel is seaworthy and/or to conduct a load line survey.
- a) Full agreement to be obtained from local and national authorities in both the current and intended lay-up locations.

7 Reactivation Following Lay-Up

- (1) The vessel manager is to inform the local authorities, Class and BSMA of the intent to reactivate the vessel, giving expected timeframes.
- (2) Before the vessel may re-enter service the following is to be completed:
 - a) All lapsed statutory and Class certification is to be reinstated prior to the vessel entering service.
 - b) All LSA and FFE servicing is to be brought up to date.
 - c) Any other Classification Society requirements are to be complied with.

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