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## **INFORMATION BULLETIN No. 08**

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### **Applications for exemptions, extensions and/or equivalence to international convention or code requirements, or Bahamas requirements**

#### **Guidance and Instructions for Bahamas Recognised Organisations, Bahamas Approved Nautical Inspectors, Ship Owners, Managers and Masters**

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#### **1. Purpose**

- 1.1. This Bulletin outlines the process for applying for exemptions, extensions and/or equivalence to international convention or code requirements or Bahamas requirements.

#### **2. Application**

- 2.1. This Bulletin applies to all Bahamian ships, including offshore units and yachts, registered under The Bahamas Merchant Shipping Act.

#### **3. General**

- 3.1. Surveys, audits and inspections required under the international conventions applicable to Bahamian ships and the issue of the related certificate(s), are carried out on behalf of The Bahamas Maritime Authority (BMA) by its Recognised Organisations (Classification Societies), as listed in [BMA Information Bulletin No.3](#), with the exception of certificates directly issued by the BMA as listed in Para.4.
- 3.2. Accordingly, applications for the following are to be made to the BMA via the Recognised Organisation that issued the affected certificate (with the exception of certificates listed in Para. 4):

- i. **Exemptions** to statutory provisions; or
  - ii. **Equivalents** to statutory provisions; or
  - iii. **Extensions to** survey dates; or
  - iv. **Postponements to** surveys, servicing periods or any associated requests.
- 3.3. Notwithstanding Para. 3.2 above, the BMA may be contacted directly for general advice on any applications for exemptions, equivalents, extensions, postponements, etc., prior to making a formal application via the Recognised Organisation.
- 3.4. Any operational situation or equipment failure that affects the ship's compliance with statutory regulations shall be reported to the Recognised Organisation at the earliest opportunity. Failure to notify the Recognised Organisation of such circumstances may result in PSC detention (see also Para. 4.2 of [BMA Information Bulletin No.85](#)).

#### **4. Documents issued by the BMA - Procedure for Exemptions, Equivalence and Interpretation**

4.1. The following documents are directly issued by the BMA:

- i. Minimum Safe Manning Documents;
- ii. Ship Radio Licences;
- iii. LRIT Conformance Test Reports and exemptions;
- iv. Declaration of Maritime Labour Compliance Part I;
- v. MLC 2006 Exemptions, equivalence or interpretations.

4.2. The following process is applicable whenever the Company<sup>1</sup> needs to apply for:

- i. A permanent exemption from LRIT or MLC 2006 requirements;
- ii. Acceptance of an equivalence for MLC 2006;
- iii. Interpretation of MLC 2006 matters.

4.3. Any request for exemption relating to the construction and equipment requirements of MLC 2006 shall be submitted via the Recognised Organisation as per Paragraph 5, below.

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<sup>1</sup> The "Company" is the entity responsible for the management of the ship in accordance with the ISM Code. For ships which the ISM Code is not applicable, the Company is the Managing Owner in accordance with Section 52 of the Bahamas Merchant Shipping Act.

- 4.4. The request shall be addressed to the BMA department that issued the relevant certificate. Information supplied with the application should be inclusive of, but not limited to, the following:
- Reason and justification for application;
  - Mitigating measures that have been or will be introduced;
  - Supporting documentation.
  - Urgency of the application.
- 4.5. All submissions shall be in a written format, preferably by email. The BMA will notify the Company and the relevant Recognised Organisation of its decision and/or comments.
- 4.6. Where the BMA issues an exemption or equivalence certificate, or a statement of interpretation of MLC 2006, the BMA will provide a copy to the relevant Recognised Organisation.
- 4.7. Where the BMA approves an application, Recognised Organisations shall verify that the conditions, if any, under which the approval was accepted are implemented.
- 4.8. Any decisions made by the BMA shall be treated on a case-by-case basis.

## **5. Documents issued by Recognised Organisations - Procedure for Permanent Exemptions and Equivalents**

- 5.1. The following process is applicable whenever the Company needs to apply for:
- i. A permanent exemption from an international convention requirement (other than LRIT and MLC 2006 (with the exception of construction and equipment requirements));
  - ii. An acceptance of an equivalent arrangement to an international convention requirement (other than MLC 2006 (with the exception of construction and equipment requirements));
- 5.2. The request shall be addressed to the Recognised Organisation that issued the relevant certificate. Information supplied with the application should be inclusive of, but not limited to, the following:
- Reason and justification for application;
  - Safety measures that have been or will be introduced;

- Supporting documentation.
- 5.3. Recognised Organisations shall review applications prior to submitting an outcome of their assessment to the BMA. The assessment shall, amongst other things, take into consideration:
- Provisions contained in any applicable international Convention, Code or IMO Circular;
  - Any relevant Bahamas requirements;
  - Reason and justification for application;
  - Urgency of the application.
- 5.4. Any request for acceptance of an equivalent arrangement shall contain full details of the safety case conducted by the Company, using the relevant IMO methodology wherever possible, such as those described in IMO Circulars MSC/Circ.1002, MSC.1/Circ.1212, MSC.1/Circ.1455, etc.
- 5.5. In their submission to the BMA, the Recognised Organisation shall clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.
- 5.6. All submissions shall be in a written format, preferably by email. The BMA will notify the Recognised Organisation of its decision or comments.
- 5.7. Where the BMA approves an application, Recognised Organisations shall ensure that the conditions, if any, under which the approval was accepted are endorsed either on the existing affected statutory certificate or on the new certificate, or that an appropriate exemption certificate is issued in accordance with the Recognised Organisation's established procedures.
- 5.8. Any decisions made by the BMA shall be treated on a case-by-case basis.

## **6. Procedure for Temporary Exemptions and Equivalents**

- 6.1. The following process is applicable whenever the Company needs to apply for:
- i. A temporary exemption from an international convention requirement;
  - ii. Temporary acceptance of an equivalent arrangement to an international convention requirement;

- iii. Where the ship does not correspond with the particulars of the affected certificate owing to failure of equipment, damage, etc.;
  - iv. Where detainable deficiencies are identified and cannot be permanently repaired or rectified immediately.
- 6.2. The request shall be addressed to the Recognised Organisation that issued the relevant certificate. Information supplied with the application should be inclusive of, but not limited to, the following:
- Reason and justification for application;
  - Time period requested;
  - Safety measures that have been or will be introduced;
  - Supporting documentation;
  - Details of ship's schedule should a verification survey be required.
- 6.3. Recognised Organisations shall review applications prior to submitting an outcome of their assessment to the BMA. The assessment shall, amongst other things, take into consideration:
- Reason and justification for application;
  - Urgency of the application;
  - Time period requested;
  - Safety measures that have been or will be introduced;
  - Details of ship's schedule should a verification survey be required.
- 6.4. In their submission to the BMA, the Recognised Organisation shall clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.
- 6.5. All submissions shall be in a written format although, if time constraints dictate, verbal submissions may be accepted on the proviso that the assessment is conducted and any agreement formally documented to the BMA at the earliest opportunity. The BMA will notify the Recognised Organisation of its decision or comments.
- 6.6. For urgent applications out of office hours, the attending surveyor/auditor may contact the BMA Emergency Response Officer on **+44 7977 471220**.

- 6.7. Unless otherwise agreed by the BMA, where a temporary exemption or equivalence is approved where a detainable deficiency<sup>2</sup> exists, a restricted certificate<sup>3</sup> shall be issued by the Recognised Organisation, as per Para.5 of IACS Recommendation No.98 (Rev.1 March 2012).
- 6.8. For minor findings, the Recognised Organisation may issue a condition of class/recommendation and/or a statutory condition, with or without a restricted certificate, as per Para. 5.4 of IACS Recommendation No.98.

## **7. Procedure for Extensions, Postponements, etc.**

- 7.1. The following process is applicable whenever the Company needs to apply for:
- i. An extension of statutory survey period or validity of certificate under an international convention; or
  - ii. A postponement of a survey, servicing period, or any other applicable international requirement.
- 7.2. The request shall be addressed to the Recognised Organisation that issued the relevant certificate. Information supplied with the application should be inclusive of, but not limited to, the following:
- Reason and justification for application;
  - Time period requested;
  - Safety measures that have been or will be introduced;
  - Supporting documentation;
  - Details of ship's schedule should a verification survey be required.
- 7.3. Recognised Organisations shall review applications prior to submitting an outcome of their assessment to the BMA. The assessment shall, amongst other things, take into consideration:
- Provisions contained in any applicable international Convention, Code or IMO Circular;
  - Any relevant Bahamas requirements;
  - Reason and justification for application;
  - Urgency of the application.

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<sup>2</sup> The guidance on detainable deficiencies given in Section 3 of Appendix 2 of IMO Assembly Resolution A.1052(27), as amended, is to be used as an illustrative list of deficiencies

<sup>3</sup> Restricted certificate means a short term or conditional certificate

- 7.4. In their submission to the BMA, the Recognised Organisation shall clearly indicate their support or reservation of any aspect of the application, and if relevant, any recommendations or conditions that may be considered.
- 7.5. All submissions shall be in a written format although, if time constraints dictate, verbal submissions may be accepted on the proviso that the assessment is conducted and any agreement formally documented to the BMA at the earliest opportunity. The BMA will notify the Recognised Organisation of its decision or comments.
- 7.6. For urgent applications out of office hours, the attending surveyor/auditor may contact the BMA Emergency Response Officer on **+44 7977 471220**.

## **8. Revision History**

Rev.4 (31 July 2014) – Addition of Para. 4.5 and amendment to 5.1 to clarify process for exemptions from MLC 2006 construction & equipment requirements

Rev.3 (22 July 2014) – New format and complete revision