

CAYMAN ISLANDS SHIPPING REGISTRY

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Shipping Notice – CISN 02/01 - PSC

Port State Control Inspections and Detentions

To: OWNERS, MANAGERS, OPERATORS, MASTERS & ISM RELATED PERSONNEL ON CAYMAN VESSELS

1. It is well known that regional memoranda of understanding on port state control have been formed by IMO member states in most parts of the maritime world. Established examples include the Paris MOU in Europe and Eastern Canada, the Tokyo MOU for the Pacific region, the Viña del Mar MOU for Latin American, the Caribbean MOU and the Indian Ocean MOU. They have been established to strengthen co-operation and exchange of information on the existence of sub-standard ships and for promoting IMO objectives to enhance maritime safety and to protect the marine environment. The overall purpose is to vet quality standards and to eliminate substandard ships in the process. For this purpose, they maintain computerised databases to store records of inspections, deficiencies and other data. This information is accessible by member states of the regional MOU in question and, increasingly, is being exchanged with other regional MOU's.
2. The principal responsibility for ensuring that IMO conventions are put into effect rests with the flag state. This responsibility is discharged with the active involvement of classification societies, technical managers, shipowners operators and, most importantly, shipmasters and the crewmembers under their command. If co-operation and active involvement is not readily forthcoming from the owners and their employees, ships tend to become targeted by PSC authorities, resulting in costly detentions. The cost may be seen in the need to effect repairs in an expensive port, off-hire costs, reputational costs and, ultimately the cost of being banned from ports following repeated detentions. Hence, the purpose of this shipping notice is to provide guidance to help reduce the incidence of PSC inspections and detentions. In turn, this will help to create within PSC MOU databases a favourable record and reputation for all concerned.
3. Attached are two important forms used by PSC inspectors when conducting ship inspections. These examples are taken from the Paris MOU. Equivalent forms used by other MOU's may vary but should contain the same information. We request thorough scrutiny and understanding of these forms by all concerned.
4. Form-A and Form-B constitute the PSC Report of Inspection. Form-A lists particulars of the ship, certification and class. On this Form, items 13(date of issue of detention order) and 17 (whether or not the ship is detained) merit special attention. Note also the mark *** against item 17 indicating that detailed information on a detention may be subject to publication and thus circulation between PSC administrations. It therefore becomes imperative that **detainable deficiencies** are clearly understood by all shipmasters when undergoing a PSC inspection.

5. Form-B lists all deficiencies together with appropriate IMO convention references to record violations. The second page of Form B shows details of code for action to be taken. Every deficiency discovered by the PSC Inspector does not lead to a detention. Whilst every effort must be made to prevent deficiencies from arising, **item 30 (grounds for detention)** is the category that the shipmaster must work particularly hard to avoid. It is this category that leads to targeting, black listing, banning and other such undesirable consequences of an unsuccessful PSC inspection. Depending on the assigned code, the shipmaster may fix deficiencies by “temporary substitution of equipment” “before departure”, “at the next port”, “within 14days” etc. It is here that the shipmaster’s administrative and technical expertise is put to the test in order to avoid assignment of numeral 30 of the action code.
6. PSC inspectors may not always be easy to deal with but remember, it is far better to shed light than radiate heat. A calm, polite and firm response from a shipmaster who is fully aware of the options available to the PSC inspector in respect of the action code and its implications will always bring forth positive results in the interest of the ship and her owners.
7. The action code enables the shipmaster to respond diligently in a responsible and professional manner to the discovery of a deficiency by the PSC inspector. He can fix the deficiency there and then with the ship’s crew, repair it on board and show it the next day, show the inspector that he has already ordered the new part to be supplied or show there is a plan for rectification. It is the **ignorance** about the existence of a deficiency in relation to a convention requirement that is always viewed seriously by PSC. The Safety Management System underpinning all elements of the ISM Code does not permit ignorance about the existence of a deficiency on the part of the Master or the ship’s company. If the Master establishes through documentation and record keeping that he is aware of the deficiency, that he has informed the owners and that there is a plan for action to rectify the deficiency, the PSC Inspector should not record it as a detention. He may, at the most, alter the plan of remedial action through the action code.
8. The ISM Code Section 10 (Maintenance of the Ship and Equipment), section 11 (Documentation) and section 12 (Company Verification, Review and Evaluation) are intended to ensure that ship-board maintenance and accompanying inspections are regular, thorough and comprehensive. The findings emerging from maintenance schedule are to be properly recorded and the DP of the Company kept informed of any deficiency. Hence ISM records should readily establish a well operated Safety Management System. That is what the PSC Inspector wants to see and not so much the deficiencies. In the same vein, **it is very important to report known defects at or before arrival in port and not to wait for the PSC inspector to find them. This may be done through the ship’s agent at the port or directly to the PSC authority.**
9. Please also note the obligation for the PSC inspectorate to keep the flag-state informed of a detention immediately as indicated at the right hand top corner of the Form-A. If all efforts to avoid a detention with active help from the company and the DP fail, this administration will step in and strengthen efforts to avoid any unreasonable detention being recorded in the MOU database.
10. In addition to the PSC inspector, the ship should also inform this administration of any PSC detention, together with the report of inspection and a Master’s summary report on the inspection from his perspective.