



ST KITTS & NEVIS INTERNATIONAL SHIP REGISTRY

MARITIME CIRCULAR – MC 123 23

FLAG STATE DETENTIONS-GUIDELINES FOR SKAN RECOGNIZED ORGANIZATIONS, FLAG STATE INSPECTORS, SHIP OWNERS, MANAGERS AND MASTERS

1. Purpose

1.1. The purpose of this Maritime Circular is to provide information for the imposition of a Flag State Detention.

2. Introduction

2.1. The St. Kitts & Nevis International Ship Registry is committed to ensuring that all SKAN registered ships are fully compliant with international Convention requirements and national regulations at all times and fully supports the objectives of the PSC process in eliminating sub-standard shipping, when applied in a fair and equitable manner.

3. Application

3.1. This Marine Circular applies to all vessels registered with St. Kitts & Nevis International Ship Registry.

4. Recommendations

4.1 The United Nations Convention on the Law of the Sea, in Article No 217 set out the features for the enforcement by Flag States in order vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards.

5. Guidelines

5.1. A Flag State Detention will be occurred and a prohibition to sail letter will be issued to the ship, by the St. Kitts & Nevis International Ship Registry in the following cases:

- a) The vessel does not follow the reporting obligations as required by Annex 12 of the Paris Memorandum of Understanding on Port State Control [The notifications must include any items that are faulty and the planned rectification; If an exemption, permit or letter has been issued, this must be sent by the ship manager to Port State Control; planned operations at the port or anchorage of destination (loading, unloading, other); planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination; date of last expanded inspection in the Paris MoU etc].
- b) The vessel during a Port State Control inspection, a Flag State Inspection or during Surveys from the Recognised Organization is found not fully compliant with International Convention requirements and national regulations and among others one of the following remarks/ conditions have been identified/ met on board:
 - (i) Valid statutory certificates are not on board the ship, including seafarer's documents/certificates.
 - (ii) Deficiencies/failures have not been reported to the SKAN or Classification Society (Recognised Organisation) for agreed acceptance pending temporary arrangements in place;

- (iii) Any arrangement that bypasses essential safety or environmental monitoring equipment (e.g. "magic pipes" bypassing Oily Water Separator/15ppm monitor);
- (iv) A lack of training or poor preparation of the crew during safety / security drills
- (v) Equipment has been poorly maintained and/or maintenance has been inappropriately documented or not documented within the shipboard maintenance system.
- (vi) Crew are unfamiliar with essential equipment or systems they are responsible for (e.g., Oily Water Separator, Emergency Generator, Emergency fire pump, ECDIS, GMDSS equipment, etc.);
- (vii) Equipment which requires Flag State/Classification Society approval has been fitted, modified or removed, or structural changes have been made without proper consultation with the Flag State/Classification Society/Recognised Organisation.
- (viii) Critical equipment has not been subject to regular testing as required (e.g., emergency equipment such as fan dampers and emergency fire pump).
- (ix) Log books, record books, hours of rest records and other documents are incomplete or inaccurate;
- (x) Breach of the Maritime Labour Convention, 2006
- (xi) Violation of rules and standards established through the competent international organization or general diplomatic conference.

5.2 The prohibition to sail letter will be addressed by email to owners, managers, to master, to Classification Society, to Recognized Organization, to local port authorities, as well as to the Secretariats of the major MoU.

5.3 The RO is authorized to invalidate or withdraw a statutory certificate, in consultation with the St. Kitts & Nevis International Ship Registry when a prohibition to sail letter is issued and remains valid.

5.4 Flag State Inspectors, Classification Society & Recognized Organization surveyors are required to communicate immediately to the St. Kitts & Nevis International Ship Registry any condition as above which to their opinion affects the safety of the vessel & crew on board and may affect the environment.

5.5 A letter of release from Flag State Detention will be issued by the St. Kitts & Nevis International Ship Registry and will be addressed to the parties as indicated to par 5.2 above, upon confirmation from Class/RO surveyor or Flag State Inspector that the vessel is in full compliance with the International Convention requirements and national regulations.

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

Yours truly,



Liam Ryan
International Registrar of Shipping and Seamen