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SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. of 34 2008

MERCHANT SHIPPING (PORT STATE CONTROL) REGULATIONS, 2008

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STATUTORY RULES AND ORDERS

No. 34 of 2008

MERCHANT SHIPPING (PORT STATE CONTROL) REGULATIONS, 2008.

In exercise of the power conferred under section 456 of the Merchant Shipping Act, No. 24 of 2002, the Minister responsible for Maritime Affairs makes these Regulations:

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**PART I
PRELIMINARY**

1. CITATION. These Regulations may be cited as the Merchant Shipping (Port State Control) Regulations, 2008.

2. INTERPRETATION. In these Regulations

“Act” means the Merchant Shipping Act No. 24 of 2002;

“CCSS Code” means the Code of Safety for Caribbean Cargo Ships adopted by the Committee of the Memorandum of Understanding on Port State Control in the Caribbean Region;

“SCV Code” means the Code of Safety for Small Commercial Vessels adopted by the Committee of the Memorandum of Understanding on Port State Control in the Caribbean Region;

“clear grounds” mean evidence which in the professional judgement of an inspector warrants a more detailed inspection of a ship, its equipment or its crew including in particular the criteria listed in the First Schedule;

“Conventions” mean:

- (a) The International Convention on Load Lines, 1966 (LL 66),
- (b) The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74),
- (c) The International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78),
- (d) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW),
- (e) The Convention on the International Regulations for Preventing Collision at Sea, 1972 (COLREG 72),
- (f) The International Convention on Tonnage Measurement of Ships, 1969, and
- (g) the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO No. 147),

together with the Protocols and amendments to these Conventions and related Codes of mandatory status, in force and a reference to a Convention is a reference to any of the Conventions;

“Convention enactments” mean:

- (a) The Act; and
- (b) Regulations made, or treated as made, under the Act, which implement the Conventions;

“expanded inspection” means an inspection as specified in regulation 7;

“Flag Administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly;

“Inspector” means a person duly authorised by the Minister to carry out inspections required by these Regulations;

“Member State” means a State or Territory the maritime authority of which is a party to the MOU;

“more detailed inspection” means an inspection where the ship, its equipment and crew as a whole or, as appropriate, parts thereof are subjected, in the circumstances specified in regulation 6(3) to an in-depth inspection covering the ship’s construction, equipment, manning, living and working conditions and compliance with on-board operational procedures;

“MOU” means the Memorandum of Understanding on Port State Control in the Caribbean Region, signed in Barbados on 2 February 1996;

“Port Authority” means a port authority within the meaning of the Saint Christopher Air and Sea Ports Authority Act No. 9 of 1993 or the Nevis Air and Seaport Authority Act No. 1 of 1995, or if there is no such authority, the person having control of the operation of the port;

“Stoppage of an operation” means a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

PART II PROCEDURES FOR PORT STATE CONTROL

3. APPLICATION OF PART II. (1) Subject to sub-regulation (2), this Part applies to any seagoing ship

- (a) in a port in Saint Christopher and Nevis or at an offshore installation;
or
- (b) anchored within the limits of such a port or such an installation, and its crew.

(2) This Part does not apply to

- (a) a Saint Christopher and Nevis ship;
- (b) a fishing vessel;

- (c) a ship of war;
- (d) a naval auxiliary;
- (e) a wooden ship of a primitive build;
- (f) a government ship used for non-commercial purposes; or
- (g) pleasure craft not engaged in trade.

(3) In the case of a ship below 500 gross tonnage

- (a) an inspector shall, to the extent to which a Convention does not apply and without prejudice to any other powers under a Convention enactment, take such action as may be necessary to ensure that the ship is not clearly hazardous to safety, health or the environment;
- (b) an inspector shall be guided by Annex 1B to the MOU in the application of this sub-regulation;
- (c) the CCSS automatically shall apply to all cargo ships of less than 50 gross tonnage as part of the MOU Agreement.

(4) When inspecting a ship pursuant to regulations 5, 6 and 7 no more favourable treatment shall be given to a ship flying the flag of a State which is a party to a Convention or to the crew of such a ship than that given to a ship flying the flag of a State which is not a party to that Convention or to the crew of such a ship.

(5) A power of inspection or detention conferred by a Convention enactment is also exercisable in relation to a ship which

- (a) is at an offshore installation, or
- (b) is anchored off an offshore installation or a port in Saint Christopher and Nevis where the ship is one to which this Part applies.

(6) Where

- (a) a ship to which this Part applies is detained under a Convention enactment, or
- (b) the master of such a ship is served with a detention notice under such an enactment, section 260 of the Act shall apply in relation to the ship as if any reference to proceeding to sea were a reference to proceeding contrary to the detention notice and references to sending or taking to sea were construed accordingly.

4. COMPETENT AUTHORITY. (1) The Department of Maritime Affairs is designated the competent authority for Saint Christopher and Nevis for the purpose of this Part.

(2) In relation to any other member State the “competent authority” means the national maritime administration maintained by that State for the inspection of ships.

(3) In relation to a State other than a member State “competent authority” means any authority designated as such by that State.

5. INSPECTION COMMITMENTS. (1) The Department of Maritime Affairs shall carry out an annual total number of inspections corresponding to at least 15% of the number of individual ships to which this Part applies which entered its ports during a calendar year.

(2) In selecting ships for inspection the Department of Maritime Affairs shall give priority to the ships referred to in the Second Schedule.

(3) The Department of Maritime Affairs shall refrain from inspecting a ship which has been inspected by the competent authority of any member State within the previous six months, where

- (a) the ship is not in a category listed in the Second Schedule;
- (b) no deficiencies have been reported following a previous inspection; and
- (c) no clear ground exist for carrying out an inspection.

(4) The provisions of sub-regulation (3) shall not apply to any of the operational controls specifically provided for in the Convention enactments.

6. INSPECTION PROCEDURE. (1) In carrying out an initial inspection referred to in regulation 5 the inspector shall as a minimum

- (a) check the certificates and documents listed in the Third Schedule;
- (b) satisfy himself of the overall condition of the ship, including the engine room and accommodation, including hygienic conditions.

(2) The inspector may examine all relevant certificates and documents, other than those listed in the Third Schedule, which are required to be carried on board in accordance with the Convention enactments.

(3) Whenever there are clear grounds for believing, after the initial inspection referred to in sub-regulations (1) and (2), that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention enactment, a more detailed inspection shall be carried out, including further checking of compliance with on board operational requirements.

(4) The inspector shall also observe the relevant procedures and guidelines for the control of ships specified in the Fourth Schedule.

7. EXPANDED INSPECTION OF CERTAIN SHIPS. (1) Where there are clear grounds, as specified in the First Schedule, for a more detailed inspection of a ship belonging to any of the categories listed in section A of the Fifth Schedule, an expanded inspection shall be carried out taking into account the guidelines listed in section B of the Fifth schedule.

(2) A ship referred to in sub-regulation (1) shall be subject to an expanded inspection by any of the competent authorities of the member States only once during a period of 12 months, however, the ship may be subject to the inspection provided for in regulation 6(1) and (2).

(3) Subject to sub-regulation (2), in the case of a passenger ship operating on a regular schedule in or out of a port in Saint Christopher and Nevis an expanded inspection of the ship shall be carried out before the ship starts operating on the schedule and every twelve months thereafter by the Department of Maritime Affairs subject to consultation with the competent authority of a member State, where the ship operates to ports in that member State.

8. REPORT OF INSPECTION TO THE MASTER. (1) On completion of an inspection, a more detailed inspection, or an expanded inspection, the master of the ship shall be provided by the inspector, with a document in the form specified in Annex 3 to the MOU, giving the results of the inspection and details of any decisions taken by the inspector, and of the corrective action to be taken by the master, owner or operator.

(2) In the case of deficiencies warranting the detention of a ship, the document to be given to the master in accordance with sub-regulation (1) shall include information about the future publication of information concerning the detention in accordance with regulation 17.

9. RECTIFICATION AND DETENTION.(1) The owner shall satisfy the Department of Maritime Affairs that any deficiencies confirmed or revealed by an inspection referred to in regulations 5 or 7 are or will be rectified in accordance with the Conventions.

(2) In the case of deficiencies which are clearly hazardous to safety, health or the environment, the inspector shall detain the ship, or require the stoppage of the operation in the course of which the deficiencies have been revealed, using powers of detention in the Convention enactments as appropriate, or issuing a prohibition notice under section 417 of the Act, as the case may be.

(3) A detention notice may

- (a) include a direction that a ship shall remain in a particular place, or shall move to a particular anchorage or berth; and
- (b) specify the circumstances when the master of the ship may move his or her ship from a specified place for reasons of safety or prevention of pollution.

(4) The detention notice or stoppage of an operation shall not be lifted until the Department of Maritime Affairs establishes that the ship can, subject to any necessary conditions, proceed to sea or the operation can be resumed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat to or harm to the marine environment.

(5) The inspector shall apply the criteria set out in the Sixth Schedule, without prejudice to any other requirement in the Convention enactments, when exercising his professional judgement as to whether or not a ship should be detained.

(6) In exceptional circumstances, where the overall condition of a ship is obviously substandard, the inspector may, in addition to detaining the ship, suspend the inspection of the ship until the responsible parties have taken the steps necessary to ensure that it complies with the relevant requirements of the Conventions.

(7) Without prejudice to any other requirement in the Convention enactments, in the event that an inspection referred to in regulation 5 or 7 gives rise to detention, the Department of Maritime Affairs shall

- (a) immediately inform, in writing, the flag administration or the Consul or, in his absence, the nearest diplomatic representative of the State of the flag administration, of all the circumstances in which intervention was deemed necessary; and

- (b) where relevant, notify nominated surveyors or recognised organizations responsible for the issue of the ship's certificates.

(8) The provisions of these Regulations shall be without prejudice to the additional requirements of the Conventions concerning notification and reporting procedures related to port State control.

(9) When carrying out inspections under these Regulations, the inspector shall make all possible efforts to avoid a ship being unduly detained or delayed.

10. PROCEDURE APPLICABLE IN THE ABSENCE OF ISM CERTIFICATES. (1) Where an inspection reveals that a copy of the document of compliance or the safety management certificate required by the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) are not on board a vessel to which the ISM Code is applicable at the date of inspection, the inspector shall detain the ship.

(2) Notwithstanding the absence of the documentation referred to in sub-regulation (1), where the inspection reveals no other deficiencies warranting detention, the Department of Maritime Affairs may lift the detention order for the purpose of avoiding port congestion.

(3) whenever a decision, referred to in sub-regulation (2), is taken, the Department of Maritime Affairs shall

- (a) immediately alert the competent authorities of the member States; and
- (b) where deficiencies referred to in regulation 9 are found and cannot be rectified in the port of detention, the relevant provisions of regulation 14 shall apply.

(4) A ship which proceeds to sea from any port in any Member State following release in order to avoid port congestion shall not enter any port in Saint Christopher and Nevis until the owner has provided evidence to the satisfaction of the competent authority of the Member State where the ship was detained that the ship fully complies with the requirements of the ISM Code.

(5) Notwithstanding the provisions of sub-regulation (4) access to a specific port may be permitted in situations referred to in regulation 14.

11. DETENTION PROCEDURE. Regulations 12 and 13 apply in relation to the exercise of the power of detention in any Convention enactment.

12. ARBITRATION. (1) Any question in connection with the validity of an opinion formed by the inspector and specified in the detention notice shall be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by him.

(2) The master or owner of the ship shall notify the inspector of his intention to proceed with arbitration proceedings within 21 days from the service of the detention notice.

(3) Where a notice is given by the master or owner of the ship in accordance with sub-regulation (2), the giving of the notice shall not suspend the operation of the detention notice.

(4) The arbitrator shall have regard, in coming to his or her decision, to any other matters not specified in the detention notice which appear to him or her to be relevant as to whether the ship was or was not liable to be detained.

(5) Where the arbitrator decides the inspector's opinion was invalid or defective he or she shall either cancel the detention notice or affirm it with such modifications as he may in the circumstances think fit and in any other case the arbitrator shall affirm the notice in its original form.

(6) The arbitrator shall include in his decision a finding whether there was or was not a valid basis for the detention of the ship.

(7) A person shall not be qualified for appointment as an arbitrator under this regulation unless he or she is:

- (a) a person holding a certificate of competency as a master mariner or as a marine engineer officer Class 1, or a person holding a certificate equivalent to any such certificate;
- (b) a naval architect;
- (c) a person who is an Attorney at Law of at least 10 years' standing;
- (d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(8) In connection with his functions under this regulation an arbitrator shall have the powers conferred on an inspector by section 414 of the Act.

13. COMPENSATION. (1) Where on a reference under regulation 12 relating to a detention notice

- (a) the arbitrator decides that the owner has proved that any matter did not constitute a valid basis for the inspector's opinion; and
- (b) it appears to him that the owner has proved that there were no reasonable grounds for the inspector to form that opinion;

the arbitrator shall award the owner of the ship such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation shall be payable by the Minister in accordance with section 454 (e) of the Act.

14. FOLLOW-UP TO INSPECTIONS AND DETENTION. (1) Where the deficiencies referred to in regulation 9 cannot be rectified in the port of inspection, the administration may allow the ship to proceed to the nearest appropriate repair yard available, as chosen by the master and the responsible parties, provided that the conditions determined by the competent authority of the flag administration and agreed by the Department of Maritime Affairs are complied with.

(2) The conditions referred to in sub-regulation (1) are to ensure the ship can proceed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.

(3) In the circumstances referred to in sub-regulation (1), the Department of Maritime Affairs shall notify the competent authority of the State where the repair yard is

situated, the parties referred to in regulation 9 and any other authority as appropriate of all the conditions for the voyage.

(4) The notification of the parties referred to in sub-regulation (3) shall be in accordance with Annex 2 to the MOU.

(5) Where the Department of Maritime Affairs receives notification from the competent authority of another member State or “the notifying authority” in respect of a ship which the notifying authority allowed to proceed to a repair yard in Saint Christopher and Nevis, the Department of Maritime Affairs shall inform the notifying authority of the action it has taken.

(6) A ship to which this regulation applies which proceeds to sea from any port in any member State

- (a) without complying with the conditions determined by the competent authority of the member State in the port of inspection; or
- (b) which fails to comply with the applicable requirements of the Conventions by not calling into the indicated repair yard;

shall not enter any port within Saint Christopher and Nevis until the owner has provided evidence to the satisfaction of the competent authority of the Member State where the ship was found defective that the ship fully complies with all applicable requirements of the Conventions.

(7) Sub-regulation (6) applies to a ship, detained in a port in a Member State after inspection has revealed deficiencies which are clearly hazardous to safety, health or the environment, which has been allowed by the competent authority to proceed to the nearest appropriate repair yard.

(8) Where a ship proceeds to sea from a port in Saint Christopher and Nevis without complying with the conditions determined by the Department of Maritime Affairs in accordance with sub-regulation (1), the Department of Maritime Affairs shall immediately alert the competent authorities of all the other Member States.

(9) Where a ship to which sub-regulation (6) and (7) applies is to proceed to a repair yard in Saint Christopher and Nevis but fails to call into the indicated repair yard, the Department of Maritime Affairs shall immediately alert the competent authorities of all the other Member States.

(10) Notwithstanding the provisions of sub-regulation (6) and (7), access to a specific port may be permitted by the Minister:

- (a) in the event of force majeure or overriding safety considerations;
- (b) to reduce or minimize the risk of pollution; or
- (c) to have deficiencies rectified,

where adequate measures to the satisfaction of the Department of Maritime Affairs have been implemented by the owner or the master of the ship to ensure safe entry.

15. PROFESSIONAL PROFILE OF INSPECTORS. (1) Inspections under these Regulations shall be carried out only by inspectors who fulfil the criteria specified in the Seventh Schedule.

(2) Where an inspector does not possess the required professional expertise he or she shall be guided by any person with the required professional expertise.

(3) An inspector and any person assisting him or her shall have no commercial interest either in the port of inspection or in the ships inspected, nor shall an inspector be employed by or undertake work on behalf of non-governmental organisations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

(4) An inspector shall carry a personal document in the form of an identity card issued by the Department of Maritime Affairs, which shall include the following information

- (a) the name of the issuing authority;
- (b) the full name of the holder of the identity card;
- (c) an up-to-date picture of the holder of the identity card;
- (d) the signature of the holder of the identity card; and
- (e) a statement to the effect that the holder of the identity card is authorised to carry out inspections in accordance with shipping Convention enactments.

16. REPORTS FROM PILOTS AND PORT AUTHORITIES. (1) A Saint Christopher and Nevis pilot, engaged in the berthing or unberthing of a ship to which this Part applies in Saint Christopher and Nevis or engaged on such a ship bound for a port within a Member State, shall immediately inform the port authority or the Department of Maritime Affairs whenever they learn in the course of their normal duties that there are deficiencies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment.

(2) Where a port authority, when exercising its normal duties, learns that such a ship within its port has deficiencies which may prejudice the safety of the ship or poses an unreasonable threat of harm to the marine environment, that authority shall immediately inform the Department of Maritime Affairs.

17. PUBLICATION OF DETENTIONS. (1) The Department of Maritime Affairs shall, as a minimum, publish quarterly information concerning ships to which this Part of the Regulations applies which have been detained during the previous 3-month period and which have been detained more than once during the past 24 months.

(2) The information published shall include the following

- (a) the name of the ship;
- (b) the name of the shipowner or the operator of the ship;
- (c) the IMO number;
- (d) the Flag state;
- (e) the classification society, where relevant;
- (f) where applicable, any other Party which has issued certificates to such ship in accordance with the Conventions on behalf of the flag State;
- (g) the reason for the detention; and
- (h) the Port and date of detention.

18. REIMBURSEMENT OF COSTS. (1) The costs of any inspection which results in the detention of a ship to which this Part applies, and any subsequent inspection relating to the deficiencies which led to the detention and all costs relating to any inspection carried out by the administration for the purposes of, or in connection with regulation 14 shall be charged to the owner or his or her representative in Saint Christopher and Nevis.

(2) Any detention made pursuant to these Regulations shall not be lifted until any fees payable in respect of any inspection leading to it or arising from it have been paid, or the Minister has been provided with sufficient security for the fees.

19. OFFENCES. (1) Where there is any contravention of a direction made pursuant to regulation 9 in respect of a ship, the owner and master of the ship commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale of fines as set out under section 452 (4) of the Act.

(2) Where a ship

- (a) fails to proceed to the yard specified in regulation 14 (1); or
- (b) enters a port in contravention of regulation 14 (6) and (7);

the owner and master commit an offence and shall each be liable on summary conviction to a fine not exceeding level 5 on the standard scale of fines as set out under section 452 (4) of the Act.

(3) Where a person obstructs an inspector or any person assisting the inspector he or she commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale of fines as set out under section 452 (4) of the Act.

(4) A pilot who contravenes regulation 16(1) or a port authority which contravenes regulation 16(1) or 16(2) commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale of fines as set out under section 452 (4) of the Act.

(5) It shall be a defence for a person charged under this regulation to prove that the person charged took all reasonable steps to avoid committing the offence.

PART III

INSPECTION OF FAMILIARITY OF CREW WITH OPERATIONAL PROCEDURES

20. INSPECTION OF OPERATIONAL PROCEDURES. (1) Ships shall be subject to inspection for the purpose of checking that the master and crew are familiar with essential procedures and operations relating to the safety of the ship when

- (a) in ports in Saint Christopher and Nevis; or
- (b) in the case of Saint Christopher and Nevis ships, when in ports elsewhere.

(2) A surveyor of ships may at all reasonable times go on board a ship and inspect the familiarity of the crew with essential procedures and operations relating to the safety of their ship.

FIRST SCHEDULE**EXAMPLES OF "CLEAR GROUNDS" FOR A MORE DETAILED INSPECTION**

(Regulation 7)

1. Ships identified in the Second Schedule with the exception of item No.1 in the Second Schedule;
2. A report or notification by another Member State;
3. A report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Department of Maritime Affairs deems the report or complaint to be manifestly unfounded. The identity of the person lodging the report or the complaint must not be revealed to the master or the ship-owner of the ship concerned;
4. The ship has been involved in a collision on its way to the port;
5. The Oil Record Book has not been properly kept;
6. The ship has been accused of an alleged violation of the provisions on discharge of harmful substances or effluents;
7. During examination of the certificates and other documentation, (see regulation 6(1)(a) and (2)), inaccuracies have been revealed;
8. Indications that the crew members are unable to comply with the requirements of the Conventions on the minimum level of training of seafarers;
9. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas mains supply to the cargo tanks is above the prescribed maximum level;
10. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage;
11. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon ship.
12. Deficiencies in regard to the operation and procedures of the ISM Code and the Safety Management System on board.
13. Physical evidence of corrosion, wastage or heavy rusting of main decks, hatches and/or coamings or other structures.

SECOND SCHEDULE**SHIPS TO BE CONSIDERED FOR PRIORITY INSPECTION**

(Regulation 5(2))

1. Ships visiting a port in the MOU region for the first time or after an absence of 12 months or more from a port in the MOU region.
2. Ships which have been permitted to leave the port of a Member State on condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period.

3. Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation pursuant to regulation 16.
4. Ships which are in a category for which an expanded inspection is required by regulation 7.
5. Ships which have been suspended from their class for safety reasons in the course of the preceding six months.

THIRD SCHEDULE

LIST OF CERTIFICATES AND DOCUMENTS

(Regulation 6(1))

1. International Tonnage Certificate (1969);
2. (a) Passenger Ship Safety Certificate;
(b) Cargo Ship Safety Construction Certificate;
(c) Cargo Ship Safety Equipment Certificate;
(d) Cargo Ship Safety Radiotelegraphy Certificate;
(e) Cargo Ship Safety Radiotelephony Certificate;
(f) Cargo Ship Safety Radio Certificate;
(g) Exemption Certificate;
(h) Cargo Ship Safety Certificate;
(i) Caribbean Cargo Ship Safety Certificate.
3. Cargo Securing Manual;
4. Cargo Record Book;
5. Cargo Information;
6. (a) International Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
(b) Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
7. (a) International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
(b) Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
8. International Oil Pollution Prevention Certificate;
9. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
10. Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances;
11. (a) International Load Line Certificate (1966); or
(b) International Load Line Exemption Certificate;
12. Oil Record Book, Parts I and II;
13. (a) Minimum Safe Manning Document;
(b) Certificates of Competency including dangerous goods endorsement;

14. Medical Certificates, (ILO Convention No. 73 concerning Medical Examination of Seafarers);
15. Stability information including grain loading information and document of authorisation;
16. Copy of Document of Compliance and Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (IMO Resolution A.741 (18) as amended);
17. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question, only to be required where the ship maintains its class with a classification society;
18. Intact Stability Booklet;
19. Damage control plans and booklets;
20. Fire safety training manual;
21. Fire Control plan/booklet;
22. Fire safety operational booklet;
23. On board training and drills record;
24. Certificates for masters, officers or ratings;
25. Shipboard Oil Pollution Emergency Plan;
26. International Sewage Pollution Prevention Certificate;
27. Garbage Management Plan;
28. Garbage Record Book;
29. Voyage data recorder system-certificate of compliance;
30. Document of Compliance;
31. Safety Management Certificate
32. International Ship Security Certificate (ISSC) or Interim International Ship Security Certificate
33. Ship Security Plan and associated records;
34. Continuous Synopsis Record (CSR);
35. Special Trade Passenger Ship Safety Certificate, Special Trade Passenger Ship Space Certificate
36. Search and rescue co-operation plan;
37. List of operational limitations;
38. Decision support system for masters;
39. Document of authorisation for the carriage of grain;
40. Certificate of insurance or other financial security in respect of civil liability for oil pollution damage (1969);

41. Certificate of insurance or other financial security in respect of civil liability for oil pollution damage(1992);
42. Enhanced survey report file;
43. Record of oil discharge monitoring and control system for the last ballast voyage;
44. Bulk Carrier Booklet;
45. Dedicated Clean Ballast Tank Operation Manual;
46. Crude Oil Washing Operation and Equipment Manual (COW Manual);
47. Condition Assessment Scheme (CAS) Statement of Compliance, CAS Final Report and Review Record;
48. Hydrostatically Balanced Loading (HBL) Operational Manual;
49. Oil Discharge Monitoring and Control (ODMC) Operational Manual;
50. Subdivision and stability information;
51. Procedures and Arrangements Manual (P & A Manual);
52. High-Speed Craft Safety Certificate;
53. Permit to Operate High-Speed Craft;
54. Document of compliance with the special requirements for ships carrying dangerous goods;
55. Dangerous goods manifest or stowage plan;
56. International Certificate of Fitness for the Carriage of INF Cargo;
57. A Nuclear Cargo Ship Safety Certificate or Nuclear Passenger Ship Safety Certificate, in place of the Cargo Ship Safety Certificate or Passenger Ship Safety Certificate, as appropriate;
58. Special Purpose Ship Safety Certificate;
59. Certificate of Fitness for Offshore Support Vessels;
60. Diving System Safety Certificate;
61. Dynamically Supported Craft Construction and Equipment Certificate;
62. Mobile Offshore Drilling Unit Safety Certificate;
63. Wing-in-ground Craft Safety Certificate;
64. Permit to Operate WIG Craft;
65. Noise Survey Report.

FOURTH SCHEDULE

PROCEDURES FOR THE CONTROL OF SHIPS

(Regulation 6(4))

1. Procedures for Port State Control (IMO Resolutions A. 787(19) and A.882(20), as amended.

2. Principles of Safe Manning (IMO Resolution A.890(21) revoked) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2).
3. Procedures for the Control of Ships and Discharges under Annex 11 to MARPOL 73/78 (IMO Resolution MEPC 26 (23)).
4. The Provisions of the International Maritime Dangerous Goods Code.
5. International Labour Organization (ILO) publication "Inspection of Labour Conditions on Board Ship: Guidelines for Procedure".
6. Annex 1 to the Caribbean MOU Guidelines for Surveyors.
7. Procedures for the Control of Ships and Discharges under Annex I to MARPOL 73/78.
8. Procedures for the Safe Operation of Ships and Pollution Prevention (The ISM Code).
9. Procedures for the Integrated System of Contingency Planning for Ships Emergencies, Resolution A.852 (20).

FIFTH SCHEDULE

Section A

CATEGORIES OF SHIPS SUBJECT TO EXPANDED INSPECTION

(Regulation 7(1))

1. Oil tankers, 5 years or less from the date of phasing out in accordance with MARPOL 73/78, Annex 1, Regulation 13G, i.e.
 - (a) a crude oil tanker of 20,000 tonnes deadweight and above or a product carrier of 30,000 tonnes deadweight and above, not meeting the requirements of a new oil tanker as defined in Regulation 1(26) of Annex I to MARPOL 73/78, will be subject to expanded inspection 20 years after its date of delivery as indicated on the Supplement, Form B, to the IOPP Certificate, or 25 years after that date, if the ship's wing tanks or double-bottom spaces not used for the carriage of oil meet the requirements of Regulation 13G(4) of the Annex, unless it has been reconstructed to comply with Regulation 13F of the same Annex;
 - (b) an oil tanker as mentioned above meeting the requirements of a new oil tanker as defined in Regulation 1(26) of Annex I to MARPOL 73/78 will be subject to expanded inspection 25 years after its date of delivery as indicated on the Supplement, Form B, to the IOPP Certificate, unless it complies with or has been reconstructed to comply with Regulation 13F of that Annex;
2. Bulk carriers, older than 12 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates;
3. Passenger ships;
4. Gas and chemical tankers older than 10 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.

Section B**NON-MANDATORY GUIDELINES FOR EXPANDED INSPECTION OF
CERTAIN CATEGORIES OF SHIPS**

(Regulation 7(1))

To the extent applicable the following items may be considered as part of an expanded inspection but Inspectors must be aware that it may jeopardize the safe execution of certain on-board operations, e.g. cargo operation, if tests having a direct effect thereon, are required to be carried out during such operations.

1. SHIPS IN GENERAL (CATEGORIES IN SECTION A)

- (a) Black-out and start of emergency generator;
- (b) Inspection of emergency lighting;
- (c) Operation of emergency fire-pump with two fire hoses connected to the fire main-line;
- (d) Operation of bilge pumps;
- (e) Closing of watertight doors;
- (f) Lowering of one seaside lifeboat to the water;
- (g) Test of remote emergency stop for e.g. boilers, ventilation and fuel pumps;
- (h) Test of steering gear including auxiliary steering gear;
- (i) Inspection of emergency source of power to radio installations;
- (j) Inspection and, to the extent possible, test of engine-room oily water separator.

2. OIL TANKERS

In addition to the items listed under paragraph 1, the following items may also be considered as part of the expanded inspection for oil tankers:

- (a) Fixed-deck foam system;
- (b) Fire-fighting equipment in general;
- (c) Inspection of fire dampers to engine room, pump room and accommodation;
- (d) Control of pressure of inert gas and oxygen content thereof;
- (e) Check of the Survey Report File (see Resolution A.744(18)) to identify possible suspect areas requiring inspection.

3. BULK CARRIERS

In addition to the items listed under paragraph 1, the following items may also be considered as part of the expanded inspection for bulk carriers:

- (a) Possible corrosion of deck machinery foundations;
- (b) Possible deformation and/or corrosion of hatch covers;
- (c) Possible cracks or local corrosion in transverse bulkheads;
- (d) Access to cargo holds;
- (e) Check of the Survey Report File, (see IMO Resolution A.744(18)) to identify possible suspect areas requiring inspection.

4. GAS AND CHEMICAL TANKERS

In addition to the items listed under paragraph 1, the following items can also be considered as part of the expanded inspection for gas and chemical tankers:

- (a) Cargo tank monitoring and safety devices relating to temperature, pressure and ullage;
- (b) Oxygen analysing and explosimeter devices, including their calibration. Availability of chemical detection equipment (bellows) with an appropriate number of suitable gas detection tubes for the specific cargo being carried;
- (c) Cabin escape sets giving suitable respiratory and eye protection, for every person on board (if required by the products listed on the International Certificate of Fitness or Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk as applicable);
- (d) Check that the product being carried is listed in the International Certificate of Fitness or Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk as applicable;
- (e) The fixed fire-fighting installations on deck whether they be foam or dry chemical or other as required by the product carried.

5. PASSENGER SHIPS

In addition to the items listed under paragraph 1, the following items may also be considered as part of the expanded inspection for passenger ships:

- (a) Testing of fire detection and alarm system;
- (b) Testing of proper closing of fire doors;
- (c) Test of public address system;
- (d) Fire drill where, as a minimum, all sets of fireman's outfits must be demonstrated and part of the catering crew take part;
- (e) Demonstration that key crew members are acquainted with the damage control plan.

Where deemed appropriate the inspection may be continued while the ship is on passage to or from the port in Saint Christopher and Nevis, with the consent of the shipmaster or the operator. Inspectors must not obstruct the operation of the ship, nor must they induce situations that, in the master's judgment could endanger the safety of the passengers, the crews and the ship.

SIXTH SCHEDULE

CRITERIA FOR DETENTION OF A SHIP

(Regulation 9)

Introduction

Before determining whether deficiencies found during an inspection warrant detention of the ship involved, the inspector must apply the criteria mentioned below in paragraphs 1 and 2.

Section 3 includes examples of deficiencies that may of themselves warrant detention of the ship involved (see regulation 9).

1. Main Criteria

When exercising his or her professional judgment as to whether or not a ship should be detained the inspector must apply the following criteria:

Timing:

Ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port.

Criterion:

The ship is detained if its deficiencies are sufficiently serious to merit an inspector returning to satisfy himself or herself that they have been rectified before the ship sails.

The need for the inspector to return to the ship is a measure of the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the Department of Maritime Affairs must verify one way or another, preferably by a further visit, that the deficiencies have been rectified before departure.

2. Application of main criteria

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the inspector must assess whether:

1. The ship has relevant, valid documentation;
2. The ship has the crew required in the Minimum Safe Manning Document.

During inspection the inspector must further assess whether the ship and/or crew is able to:

3. Navigate safely throughout the forthcoming voyage;
4. Safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;
5. Operate the engine room safely throughout the forthcoming voyage;
6. Maintain proper propulsion and steering throughout the forthcoming voyage;
7. Fight fires effectively in any part of the ship if necessary during the forthcoming voyage;
8. Abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;
9. Prevent pollution of the environment throughout the forthcoming voyage;
10. Maintain adequate stability throughout the forthcoming voyage;
11. Maintain adequate watertight integrity throughout the forthcoming voyage;
12. Communicate in distress situations if necessary during the forthcoming voyage;
13. Provide safe and healthy conditions on board throughout the forthcoming voyage.

Where the answer to any of these assessments is negative, taking into account all deficiencies found, the ship must be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

3. Use of these guidelines

To assist the inspector in the use of these guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or Codes, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive.

3.1 General

The lack of valid certificates as required by the relevant instruments. However, ships flying the flag of States not party to a Convention (relevant instrument) or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by the Convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute reason to detain these ships; however, in applying the “no more favourable treatment” clause, substantial compliance with the provisions is required before the ship sails.

3.2 Areas under the SOLAS Convention.

1. Failure of the proper operation of propulsion and other essential machinery, as well as electrical installations.
2. Insufficient cleanliness of engine room, excess amount of oily-water mixtures in bilges, insulation of piping including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements.
3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
4. Failure of the proper operation of the main and auxiliary steering gear.
5. Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching arrangements.
6. Absence, non-compliance or substantial deterioration of fire detection system, fire alarms, firefighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, quick-closing devices to the extent that they cannot comply with their intended use.
7. Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.
8. Absence, non-compliance or serious deterioration of lights, shapes or sound signals.
9. Absence or failure of the proper operation of the radio equipment for distress and safety communication.
10. Absence or failure of the proper operation of navigation equipment, taking the provisions of SOLAS Regulation V/12(o) into account.

11. Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
 12. Absence of non-sparking exhaust ventilation for cargo pump rooms (SOLAS Regulation II-2/59.3.1).
- 3.3 Areas under the IBC Code (References are given in brackets)
1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2)
 2. Missing or damaged high-pressure safety device (8.2.3.)
 3. Electrical installations not intrinsically safe or not corresponding to code requirements (10.2.3)
 4. Sources of ignition in hazardous locations referred to in 10.2 (11.3.15)
 5. Contraventions of special requirements (15)
 6. Exceeding of maximum allowable cargo quantity per tank (16.1)
 7. Insufficient heat protection for sensitive products (16.6)
- 3.4 Areas under the IGC Code (References are given in brackets)
1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (18.1)
 2. Missing closing devices for accommodations or service spaces (3.2.6)
 3. Bulkhead not gastight (3.3.2)
 4. Defective air locks (3.6)
 5. Missing or defective quick-closing valves (5.6)
 6. Missing or defective safety valves (8.2)
 7. Electrical installations not intrinsically safe or not corresponding to code requirements (10.2.4)
 8. Ventilators in cargo area not operable (12.1)
 9. Pressure alarms for cargo tanks not operable (13.4.1)
 10. Gas detection plan and/or toxic gas detection plant defective (13.6)
 11. Transport of substances to be inhibited without valid inhibitor certificate (17/19)
- 3.5 Areas under the LOAD LINES Convention
1. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out.
 2. A recognised case of insufficient stability.

3. The absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of his ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided.
 4. Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight doors.
 5. Overloading.
 6. Absence of draft mark or draft mark impossible to read.
- 3.6 Areas under the MARPOL Convention, Annex I (References are given in brackets)
1. Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
 2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
 3. Oil Record Book not available. (20(5)).
 4. Unauthorised discharge bypass fitted.
- 3.7 Areas under the MARPOL Convention, Annex II (References are given in brackets)
1. Absence of the P & A Manual.
 2. Cargo is not categorised. (3(4))
 3. No cargo record book available. (9)
 4. Transport of oil-like substances without satisfying the requirements or without an appropriately amended certificate. (14)
 5. Unauthorised discharge by-pass fitted.
- 3.8 Areas under the STCW Convention
1. Number, composition or certificate of crew not corresponding with safe manning document.
 2. Any suspect fraudulent certificate to be checked with issuing Authority
- 3.9 Areas under the ILO Conventions
1. Insufficient food for voyage to next port. (Convention 68 Article 5(2)(a))
 2. Insufficiency portable water for voyage to next port. (Convention 68 Article 5(2)(a))
 3. Excessively unsanitary conditions on board.
 4. No heating in accommodation of a ship operating in areas where temperatures may be excessively low. (Convention 92 Article 8)
 5. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations. (Convention 134 Art 4).

6. Cranes, winches and anchors not working correctly or badly maintained.

3.10 Areas which may not warrant a detention, but where e.g. cargo operation have to be suspended.

Failure of the proper operation (or maintenance) of inert gas system, cargo-related gear or machinery are considered sufficient grounds for stopping cargo operation.

3.11 Areas under the CCSS Code

See paragraphs 3.2 and 3.5.

**SEVENTH SCHEDULE
MINIMUM CRITERIA FOR INSPECTORS**

(Regulation 15(1))

1. The inspector must be authorised to carry out port state control by the competent authority of Saint Christopher and Nevis.

2. Either:

(a) the inspector must have completed a minimum of one year's service as a flag State inspector dealing with surveys and certification in accordance with the Conventions and be in possession of:

(i) a certificate of competency as a master, enabling that person to take command of a ship of 1,600 GT or more (see STCW, regulation II/2); or

(ii) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3,000 KW, (see STCW, regulation III/2); or

(ii) have passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years.

(b) The inspectors mentioned under (a) and (b) must have served for a period of not less than five years at sea as officer in the deck or engine-department respectively.

Or:

The inspector must:

(a) hold a relevant university degree or an equivalent training, and

(b) have been trained and qualified at a school for ship safety inspectors, and

(c) have served at least two years as a flag State inspector dealing with surveys and certification in accordance with the Conventions.

Or:

Where the class or classes of ship are specified, for the inspector to have successfully completed an approved course for ship safety and port state control inspectors.

3. Ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.

4. Appropriate knowledge of the provisions of the international conventions, the CCSS Code, national legislation and of the relevant procedures on port state control.

Made the 29th day of October, 2008.

EARL ASIM MARTIN
Minister responsible for Maritime Affairs