



# Technical Circular

No.: 024/2020

Date: 26<sup>th</sup> March 2020

## **Subject: Bahamas Maritime Authority Technical Alert 20-03 Reg Interim Policy on Extension/ Postponement of surveys/ audits and inspections due to outbreak of COVID-19**

1. In view of the ongoing COVID-19 pandemic, Bahamas Maritime Authority (BMA), vide attached Technical Alert 20-03, dated 24/03/2020, has established interim policy with regard to extensions, postponements of surveys, audits, inspections etc as outlined below. These measures are temporary and their duration will be based on the global evolution of the COVID-19 pandemic.

### **A. Extension of Seafarers Employment Agreement:**

- a. In cases where crew members may have to exceed the 12 months or contractual period onboard as stated in their original Seafarers' Employment Agreement (SEA) because of travel restrictions imposed due to the outbreak of the Corona virus, such extensions will be considered to be *force majeure* and therefore not a breach of the Maritime Labour Convention, 2006, (MLC) as amended.
- b. In such cases, an entry is to be made in the ship's Official Logbook describing the situation and listing the crew members who have had to extend their stay.
- c. A new SEA is to be arranged for the crewmembers in question with following text inserted in to the renewed contract:  
*The seafarer is permitted to terminate the contract giving 7 days' notice when the force majeure situation caused by the COVID-19 pandemic permits personnel to travel to their destination safely and securely.*

### **B. Expired Medical Certificates:**

- a. If a seafarer's medical certificate expires whilst they are on board, the seafarer can continue their service for up to 3 months or until a new certificate can be issued, whichever comes first. If the medical certificate expires prior to 01 July 2020 the validity of the certificate is automatically extended to 01 October 2020.
- b. An entry is to be made in the Official Logbook with reasons why it is necessary to extend the certificate.

### **C. Expired STCW Certificates and Certificates of Recognition (Endorsements):**

- a. If a Certificate of Competency (CoC) or a Certificate of Proficiency (COP) that The Bahamas has either endorsed or issued expires and the issuing State has extended the period of validity of the certificate, this document/endorsement will automatically be extended by the Bahamas Administration for the same period.



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. While we have taken utmost care to be as factual as possible, readers/ users are advised to verify the exact text and content of the Regulation from the original source/ issuing Authority.

- b. If a Certificate of Competency (CoC) or a Certificate of Proficiency (CoP) that The Bahamas has issued expires prior to the 01 October 2020, the validity period is extended until latest 01 October 2020.
- c. The BMA recognises that all CoPs that are issued by other States (these do not need to be endorsed) are valid for use on Bahamian ships for the period that the issuing State has allowed, including CoPs that are extended to no later than 01 October 2020.
- d. Details of any expired STCW certificates are to be recorded in the Official Logbook.
- e. All STCW, MLC and Minimum Safe Manning Documents will be issued electronically by e-mail during COVID-19 restrictions.

**D. Seaman's Record Books:**

- a. Where seafarers are not in possession of a Seaman's Record Book, the BMA requests that the Master issues a Record of Service as stipulated in paragraphs 3.3 and 3.4 of BMA Information Bulletin No. 107.
- b. Notwithstanding the above, the Administration has advised that BMA will still issue Seaman's Record Books and clients are encouraged to apply online through the BORIS electronic system. When the Seaman's Record Book is issued the BMA will send an electronic copy to the client to be used onboard.
- c. The BMA will send the original Seaman's Record Books by courier as usual when full access to courier services is available.
- d. Sea service may be transferred to the Seaman's Record Book from the Record of Service either by the Master who signed the Record of Service or by the Company.

**E. Bahamas Initial, Annual and Pre-Registration Inspections:**

- a. Where an initial or annual inspection cannot be carried out before the end of the inspection window, the owner/operator are required to advise the BMA Inspections & Surveys department (tech@bahamasmaritime.com), providing full supporting information. Inspections are to be carried out at the first port where an inspector is available.
- b. The requirement for pre-registration inspections is waived until 30 June 2020 for ships up to 20 years of age. Ships over 20 years of age will be considered on a case by case basis and inspection requirements will be advised by BMA. For ships over 12 years of age, a pre-purchase or condition report should be submitted where available.

**F. Surveys:**

- a. Where a surveyor is not able to undertake scheduled surveys due to restrictions imposed by COVID-19, including cancellation of scheduled dry docking and/or bottom survey, and remote survey is not practicable, the Administration

authorises its Recognised Organisations to consider applications for extension/postponement under force majeure or unforeseen exceptional circumstances and administratively issue short term statutory certificates for up to 3 months without prior approval of the BMA. This is to be followed up by a physical survey at the earliest opportunity.

- b. For statutory surveys delegated to Bahamas Recognised Organisations, the Recognised Organisation to consider the application, which should include full supporting information, before issuing short-term certification. The Master is to provide a statement to the Recognised Organisation confirming the structure or equipment to be surveyed remains fit for purpose and has not been subject to any damage.
- c. Where the structure or equipment to be surveyed does not remain fit for purpose, or has suffered damage, or the Recognised Organisation does not support the application, the Recognised Organisation is to provide full details to the BMA. The BMA will consider on a case-by-case basis and provide instructions to the Recognised Organisation.

#### **G. ISM and ISPS Internal Audits:**

- a. The Administration temporarily permits extensions to annual ISM internal audits for up to 3 months, in cases where it is not physically possible to attend and remote audit is not practicable. This is to be followed up by a physical audit at the earliest opportunity.
- b. The Company Security Officer may postpone internal ISPS audits for up to 3 months in cases where it is not physically possible to attend, and remote audit is not practicable. This is to be followed up by a physical audit at the earliest opportunity.

#### **H. ISM External Audits:**

- a. For interim ISM DOC audits, where it is not physically possible to attend and remote audit is not practicable, the Administration may permit the issue of interim DOC upon receipt by the Recognised Organisation of a statement from the Company confirming that the safety management system is in place and meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.
- b. The requirement for the Recognised Organisation to advise the BMA of any request for audit for the first issue of a Bahamas DOC, remains in effect.
- c. For interim ISM SMC audits where it is not physically possible to attend and remote audit is not practicable, the BMA permits the issuance of interim SMC, without prior approval of the BMA, upon receipt by the Recognised Organisation of a statement from the Master confirming that the safety management system is in place and meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.

- d. For initial ISM DOC and SMC audits where it is not physically possible to attend and remote audit is not practicable, the BMA permits the issue of a second interim DOC/SMC for up to 6 months, without prior approval of the BMA, upon receipt by the Recognised Organisation of a statement from the Company/Master confirming that the safety management system meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.
- e. For SMC and DOC periodical audits, if these are not completed within the range date, the certificate ceases to be valid as per ISM Code. In such circumstances, the Recognised Organisation may issue a new SMC or DOC valid for 3 months or until the audit can take place, whichever comes first, without prior approval of the BMA.
- f. For SMC and DOC renewal audits, and noting the provisions of ISM Code 13.14, the BMA authorises its Recognised Organisations to issue 3-month extensions, where requested by the Company, to existing SMC and DOC Certificates, without prior approval of the BMA.

#### **I. ISPS External Audits:**

- a. For interim ISSC audits where it is not physically possible to attend and remote audit is not practicable, the BMA permits the issue of an interim ISSC, without prior approval of the BMA, upon receipt by the Recognised Organisation of a statement from the Company Security Officer and Ship Security Officer confirming that:
  - i. A Ship Security Assessment has been completed.
  - ii. A copy of the Ship Security Plan (SSP) is on board and there is evidence that the SSP has been submitted to the Recognised Organisation for approval.
  - iii. The security measures identified in the Ship Security Plan are in place and the provisions of paragraph 19.4.2 of the ISPS Code have been met.

This is to be followed up by a physical audit at the earliest opportunity.

- b. For initial ISSC audits where it is not physically possible to attend and remote audit is not practicable, the BMA permits the issue of a second interim ISSC for up to 6 months upon receipt by the Recognised Organisation of a statement from the Company Security Officer and Ship Security Officer, as per 'I a, i to iii', without prior approval of the BMA.  
This is to be followed up by a physical audit at the earliest opportunity.
- c. For ISSC intermediate audits, if these are not completed within the range date, the certificate ceases to be valid as per ISPS Code A19.3.8. In such circumstances, the Recognised Organisation may issue a new SMC or ISSC valid for 3 months or until the audit can take place, whichever comes first, without prior approval of the BMA.
- d. For ISSC renewal audits, noting the provisions of ISPS Code A-19.3.5, the BMA authorises its Recognised Organisations to issue 3-month extensions, where

requested by the Company, to existing ISSC Certificates, without prior approval of the BMA

**J. Maritime Labour Inspections:**

- a. For interim MLC inspections where it is not physically possible to attend and remote inspection is not practicable, the BMA permits the issuance of an interim MLC for up to 6 months, without prior approval of the BMA, upon receipt by the Recognised Organisation of a statement from the Company/Master confirming that:
  - i. The applicable requirements of MLC 2006 have been met.
  - ii. An approved Declaration of Maritime Labour Compliance Part I is on board or evidence provided that it has been requested from the BMA.
  - iii. DMLC Part II is available in draft or evidence provided that it has been submitted to the Recognised Organisation.

This is to be followed up by a physical audit at the earliest opportunity.

- b. For initial MLC inspections where it is not physically possible to attend and remote audit is not practicable, the BMA permits the issuance of a second interim MLC for up to 6 months, without prior approval of the BMA, upon receipt by the Recognised Organisation of a statement from the Company/Master, as per 'J a,i to iii'.

This is to be followed up by a physical audit at the earliest opportunity.

- c. MLC 2006 does not provide for the issuance of extensions to existing MLC Certificates without inspection. However, in this exceptional situation, the BMA authorises its Recognised Organisations to administratively issue a short-term Maritime Labour Certificate for 3 months, without prior approval of the BMA, in cases where the renewal or intermediate inspection cannot be conducted due to COVID-19 restrictions.
- d. The Recognised Organisation to state that the certificate has been issued to allow the ship to continue on its intended voyage and complete the inspection at the first port where inspectors are available. When the renewal or intermediate inspection has been completed a full-term Maritime Labour Certificate may be issued with its expiry date not later than 5 years from the expiry date of the original full-term Maritime Labour Certificate.

**K. Remote audits and surveys:** The BMA will consider requests for remote audits and surveys where supported by the Recognised Organisation.

2. The temporary measures described above will remain in place until 30 June 2020 and are subject to review as the situation develops.
3. Ship owners/ operators and masters of Bahamas flagged ships are advised to be guided by above.

**Enclosure:**

Bahamas Maritime Authority Technical Alert 20-03, Version No. 37, dated 24/03/2020

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