

Appendix 2

GUIDELINES FOR THE DETENTION OF SHIPS

1 Introduction

1.1 When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention, the PSCO should assess whether:

- .1 the ship has relevant, valid documentation; and
- .2 the ship has the crew required in the minimum safe manning document.

1.2 During inspection, the PSCO should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to:

- .1 navigate safely;
- .2 safely handle, carry and monitor the condition of the cargo;
- .3 operate the engine-room safely;
- .4 maintain proper propulsion and steering;
- .5 fight fires effectively in any part of the ship if necessary;
- .6 abandon ship speedily and safely and effect rescue if necessary;
- .7 prevent pollution of the environment;
- .8 maintain adequate stability;
- .9 maintain adequate watertight integrity;
- .10 communicate in distress situations if necessary; and
- .11 provide safe and healthy conditions on board.

1.3 If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship. Ships which are unsafe to proceed to sea should be detained upon the first inspection, irrespective of the time the ship will stay in port.

2 General

The lack of valid certificates as required by the relevant conventions may warrant the detention of ships. However, ships flying the flag of States not a Party to a convention 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 a reason to detain these ships; however, in applying the "no more favourable treatment" clause, substantial compliance with the provisions and criteria specified in these Procedures must be required before the ship sails.

3 Detainable deficiencies

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

Areas under the SOLAS Convention

- 1 Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
- 2 Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
- 3 Failure of the proper operation of emergency generator, lighting, batteries and switches.
- 4 Failure of 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 and recovery arrangements (see also MSC.1/Circ.1490/Rev.1).
- 6 Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices.
- 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 relevant provisions of SOLAS regulation V/16.2 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.
- 13 Serious deficiency in the operational requirements listed in appendix 7.
- 14 Number, composition or certification of crew not corresponding with safe manning document.

- 15 Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS regulation XI-1/2 and the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), as amended.
- 16 Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

Areas under the IBC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing or damaged high-pressure safety devices.
- 3 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 4 Sources of ignition in hazardous locations.
- 5 Contravention of special requirements.
- 6 Exceeding of maximum allowable cargo quantity per tank.
- 7 Insufficient heat protection for sensitive products.
- 8 Pressure alarms for cargo tanks not operable.
- 9 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the IGC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing closing devices for accommodations or service spaces.
- 3 Bulkhead not gastight.
- 4 Defective air locks.
- 5 Missing or defective quick-closing valves.
- 6 Missing or defective safety valves.
- 7 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 8 Ventilators in cargo area not operable.
- 9 Pressure alarms for cargo tanks not operable.
- 10 Gas detection plant and/or toxic gas detection plant defective.
- 11 Transport of substances to be inhibited without valid inhibitor certificate.

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 properly authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.
- 2 A recognized 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 the 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 is avoided.
- 4 Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
- 5 Overloading.
- 6 Absence of, or impossibility to read, draught marks and/or Load Line marks.

Areas under the MARPOL Convention, Annex I

- 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.
- 4 Unauthorized discharge bypass fitted.
- 5 Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.

Areas under the MARPOL Convention, Annex II

- 1 Absence of P and A Manual.
- 2 Cargo is not categorized.
- 3 No Cargo Record Book available.
- 4 Unauthorized discharge bypass fitted.

Areas under the MARPOL Convention, Annex IV

- 1 Absence of valid International Sewage Pollution Prevention Certificate.
- 2 Sewage treatment plant not approved and certified by the Administration.
- 3 Ship's personnel not familiar with disposal/discharge requirements of sewage.

Areas under the MARPOL Convention, Annex V

- 1 Absence of the garbage management plan.
- 2 No garbage record book available.
- 3 Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

Areas under the MARPOL Convention, Annex VI

- 1 Absence of valid IAPP Certificate and where relevant EIAPP Certificates and Technical Files.
- 2 A marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NO_x Technical Code 2008.
- 3 The sulphur content of any fuel oil used on board ships exceeds the following limits:
 - .1 3.5% m/m on and after 1 January 2012; and
 - .2 0.5% m/m on and after 1 January 2020.
- 4 The sulphur content of any fuel used on board exceeds 0.1% m/m on and after 1 January 2015 while operating within a SO_x emission control area, and respectively, as per the provisions of regulation 14.
- 5 An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolution MEPC.244(66)).
- 6 Ship's personnel are not familiar with essential procedures regarding the operation of air pollution prevention equipment.
- 7 Absence of valid IEEC (International Energy Efficiency Certificate).
- 8 Absence of Ship Energy Efficiency Management Plan (SEEMP) specific for the ship (this may form part of the ship's Safety Management System (SMS)).

Areas under the STCW Convention

- 1 Failure of seafarers to hold appropriate certificates to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration.
- 2 Failure to comply with the applicable safe manning requirements of the Administration.
- 3 Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration.

- 4 Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution.
- 5 Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.
- 6 Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.

Areas which may not warrant a detention, but where, for example, cargo operations have to be suspended

Failure of the proper operation (or maintenance) of inert gas systems, cargo related gear or machinery should be considered sufficient grounds to stop cargo operation.