

GOVERNMENT OF INDIA
MINISTRY OF SHIPPING
DIRECTORATE GENERAL OF SHIPPING
JAHAZ BHAVAN
W.H. MARG
MUMBAI 400001

Merchant Shipping Notice No. 9 of 2013.

No. ENG/PSC/66(1)/07	Dated: 26.03.2013
Subject: Port State Control (PSC) inspections of Foreign Flag vessels visiting Indian Ports- reg.	
<p>1. <u>Background:</u></p> <p>1.1 The United Nations Convention on the Law of the Sea 1982 (UNCLOS'82), inter-alia Articles 73, 218, 219 and 226 permits Coastal/Port state authorities to undertake physical inspection of a foreign flag vessel voluntarily visiting its ports, anchorages or off-shore installations to verify the compliance of the applicable international rules and standards established through the competent international organization or general diplomatic conference and to take appropriate administrative measures, including detention of the vessel as per the laws of the respective coastal/port state.</p> <p>1.2 Further, various international conventions, such as, Regulation 19 of chapter I, regulation 6.2 of chapter IX, regulation 4 of chapter XI-1 and regulation 9 of chapter XI-2 of SOLAS, as modified by the SOLAS Protocol 1988; article 21 of Load Lines, as modified by the Load Lines Protocol 1988; articles 5 and 6, regulation 11 of Annex I, regulation 16.9 of Annex II, regulation 8 of Annex III, regulation 13 of Annex IV, regulation 8 of Annex V and regulation 10 of Annex VI of MARPOL; article X of STCW; article 12 of Tonnage and article 11 of AFS provide for control procedures to be followed by a Party to a relevant convention with regard to foreign ships visiting their ports.</p> <p>1.3 Sect. 342 read along with sect. 336 of Merchant Shipping Act 1958 as amended provides for inspection and detention of foreign flag ship while in Indian port, as if it were an Indian</p>	

ship.

- 1.4 Port State Control (PSC) is a harmonized regime of such inspections for foreign ships in other national ports, implemented through regional Memoranda of Understanding (MOUs), for the purpose of verifying the condition of the ship and its equipment comply with the requirements of the above referred international conventions and that the vessel is manned and operated in compliance with applicable international law.

2. Purpose:

- 2.1 The International Maritime Organization (IMO), has adopted various resolutions to provide basic guidance on the conduct of port State control and afford consistency in the conduct of these inspections, the recognition of deficiencies of a ship its equipment, or its crew, and the application of control procedures, the latest being the **IMO Resolution a.1052 (27)**.
- 2.2 Various regional Memoranda of Understanding (MOUs), inter-alia the Indian Ocean Memorandum of Understanding (IOMOU), in which India is a member, has also promulgated detailed procedures for the implementation of the Port State Control regime. **The purpose of this Merchant Shipping Notice is to introduce a comprehensive procedure for the Port State Control inspections by the Indian Administration and for the effective implementation of the relevant international guidelines and practices in this regard.**

3. Applicability:

- 3.1 This procedure applies to all foreign flag vessels voluntarily visiting ports, anchorages and off-shore installations in India and includes ships below non-convention size and belonging to non-parties to the conventions referred under paragraph. 1.1, subject to the extent of application as mentioned in IMO Resolution A.1052(27).
- 3.2 This notice supersedes all the circulars and notices on the subject to the extent expressly provided in this notice.

4. Port State Control Officers (PSCOs) :

- 4.1 PSCOs carrying out inspections need to be qualified as a master or chief engineer with appropriate seagoing experience, or be a qualified officer of the Administration with an equivalent level of experience and training. Any surveyor appointed under sect.9 of the MS Act 1958 as amended, with a minimum experience of one year as a Flag state surveyor is eligible to undertake independent PSC inspections in India, unless the

concerned Principal Officer and / or the PSC cell of the DGS has reservations in specific cases.

4.2 The PSCO may be assisted by other surveyors/ inspectors including the Radio inspectors, but the responsibility for the conduct of inspection and the deficiencies being raised therein shall rest with concerned PSCO.

4.3 In order to facilitate more transparency and professionalism in inspections, PSCOs are encouraged to undertake inspection in teams of at least two inspectors and the senior PSCO in that case shall be responsible for satisfactory conduct of the inspection and the deficiencies raised thereto.

4.4 All PSCOs must carry with them appropriate proof of identity clearly mentioning his authority for undertaking PSC inspections and present it to the master, if requested to do so.

5. Inspection Procedure:

5.1 The Port State Control Officers (PSCOs) of the Government of India shall adhere to the IMO Resolution A. 1052(27) for the general principles of inspection, selection of ships, more detailed inspection and detention of ships.

5.2 PSCOs shall ensure that, at the conclusion of an inspection, the master of the ship is provided with the prescribed report clearly showing the results of the inspection, details of any action taken by the PSCO, and a list of any corrective action to be initiated by the master and/or company. Such reports shall be made in accordance with the format attached to this notice. **(Annexure-1)**. *In case of doubt in filling up the said report or in pointing out deficiencies or in assigning codes, the concerned PO must be consulted by the PSCO before the report is formally handed over to the Master or the agent of vessel.*

6. Targeting of ships:

6.1 The primary objective of the PSC regime is to identify and eradicate substandard ships. Hence, correct targeting of substandard ships forms a major phase for the effective implementation of the PSC regime, particularly for the judicious utilization of the scanty man-power available with the Administration.

6.2 The IOMOU has developed and implemented an 'online assessment' program for calculating the 'target factor' of each ship based on the history of its previous inspection performance. All PSCOs are advised to adhere to this facility for targeting the ships for inspection. The relevant link is available in the IOCIS website after the PSCO logs in.

6.3 Ships which have already been inspected by any of the IOMOU member countries

need not be subjected to further inspection within six months of such inspection, unless the PSCO observes 'clear grounds' for a detailed inspection or there are specific complaints or other reasons to undertake such inspection. The 'clear grounds' warranting the 'more detailed inspection' are detailed for guidance of the PSCOs under sect. 2.4 of the IMO Resl. A. 1052(27)

7. Detention of ships:

- 7.1 Detention is an intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.
- 7.2 It is impracticable to define a ship as substandard solely by referring to a list of qualifying defects, as it largely remains within the professional judgment of a PSCO. However, to assist the PSCO for uniform application of this judgment, 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 is attached as Appendix- 2 to the Resolution A.1052(27).
- 7.3 The vessels arriving India for seeking port of refuge need also be subjected to PSC inspection to reaffirm its fitness to proceed to sea without endangering safety of lives or environment. However, if the grounds for detention are the result of accidental damage suffered on the ship's voyage to a port, no detention order may be issued, provided, prior to entering the port, the master or company has submitted to the Port State Authority, the details of the circumstances of the accident and the damage suffered and information about the required notification of the flag State Administration. The Engineering branch Circular No. 6 of 2012 dated 7th December 2012 needs to be adhered to in this regard.
- 7.4 The PSCO shall convey to the Master that the PSC inspection is not a full survey and the deficiencies listed may not be exhaustive. In the event of a detention, it may be recommended that a full survey is carried out by the Flag State / Recognised Organization (RO) of the vessel and all deficiencies are rectified before an application for re-inspection is made

8. Suspension of Inspection:

- 8.1 In exceptional circumstances where, as a result of a more detailed inspection, the

overall condition of a ship and its equipment, also taking into account the crew conditions, are found to be obviously substandard, the PSCO may suspend an inspection with cogent reasons being recorded and approved by the Principal Officer (PO) on file for future reference. The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments, including a full survey by the concerned Flag state / Recognised Organization.

8.2 In case of a suspension of inspection, the PSCO shall record all the detainable deficiencies observed and notify all the responsible authorities mentioned under paragraph 10 of this notice with the statement that the inspection is suspended until a confirmation is received from the concerned authority that the ship complies with the applicable statutory provisions.

9. Detaining authorities:

9.1 Detention of a ship is a serious intervention measure from the port state, affecting several entities, particularly, the foreign flag state. Hence, officers duly authorized by the Central Government as 'Detaining officers' under sect.336 of MS Act 1958 as amended, shall only order for the detention of a foreign ship, while in India.

9.2 Government of India had notified Principal Officers and few Surveyors-In-Charge as 'Detaining officers' for the purpose of Sect.336 of MS Act 1958 as amended. However, in order to streamline the process of detention, hereinafter, the Principal Officers of Mumbai, Kolkata, Chennai, Kandla and Kochi or officers duly authorized by them shall only exercise the authority for the detention or subsequent release of a ship under PSC, while in Indian ports, under their respective jurisdiction.

9.3 All the PSCOs, including SICs are advised to obtain prior approval of the Principal Officer under whose jurisdiction the port of inspection falls, before ordering detention or release of a ship under PSC. The PSCOs may obtain this approval over telephone, but shall regularize the same at the earliest as per the applicable GOI procedures. Principal officers giving verbal instructions must ensure that the SICs adhere to this regularization.

9.4 All the PSCOs are reminded that the Central Government, under sect.337 of MS Act 1958 as amended, is liable to pay compensation in case a ship is wrongly detained. Hence, the PSCOs shall reaffirm that the deficiency reported falls within the meaning of the 'detainable deficiency' clarified under paragraph 6.2 of this notice, before a vessel is recommended for detention.

9.5 Since the onus of ensuring the merit of any detention or release of a ship lies with the Principal Officers, they are advised to personally verify the merit of each deficiency under which a vessel is considered for detention, to ensure that no ship is unduly detained or delayed under PSC.

10. Reporting of Detention:

10.1 In case of detention, the Master of the ship shall be formally served upon with a 'Detention order' in the prescribed format as attached (Annexure-2), along with the Form A & Form B of the inspection report (Annexure-1), detailing the nature of deficiencies and the action required to be taken by the Master for the release of the ship. The provisions of para. 5.2 need to be adhered to in all such cases.

10.2 The detention order and the subsequent release order along with the Forms A & B shall be **promptly** communicated to the Flag State and its consulate office in India, the Recognised Organization (RO) which had issued the statutory certificates to the vessel and the PSC cell of the Directorate General of Shipping. *Receipt of such communication by the Consulate office, RO etc is to be verified by the PO and recorded suitably on file for ready reference.*

10.3 The detention and subsequent release order shall also be communicated to all the agencies duly empowered for the 'enforcement of the detention', inter-alia the Indian Coast Guard, the Port Officer / Dy. Conservator of the ports and the Collector of Customs and / or as mentioned in Section.444 of the MS Act, if applicable.

10.4 The PSCOs shall upload the report of inspection on the website of the IOMOU at the earliest occasion and in any case within 48 hours of the inspection. The detention and release orders may also be uploaded on the website of the Port Community System (PCS).

11. Code of Good Practice of PSCOs:

11.1 PSCOs, being in direct contact with the industry, are the most representative faces of a maritime administration and are central to achieving the objectives of the PSC regime. Hence, PSCOs are expected to undertake their PSC inspections in the highest professional level, acting strictly within the law, within the rules of their Government and in a fair, open, impartial and consistent manner.

11.2 IMO vide **MSC-MEPC.4/Circ.2** has issued the 'Code of good practice' encompassing three fundamental principles against which all actions of PSCOs are judged, viz. integrity, professionalism and transparency. All PSCOs are advised to

strictly abide by this 'Code of good practice' while undertaking PSC inspections in India.

11.3 PSCOs undertaking inspections are to bear in mind that if a vessel has been detained at his behest, it becomes his bounden duty to ensure that he is readily contactable, even beyond office hours and on holidays, so that no ship is delayed on account of want of prompt inspection, subsequent to rectification of deficiencies, if and as applicable.

11.4 The PSCOs shall also be governed by all the control and monitoring mechanisms of the Government of India applicable to a government official engaged in public service.

12. Follow-up of detention:

12.1 Taking note of a few recent reports of abandonment of ships by the owners subsequent to detentions raising several legal, technical and social issues, *Principal Officers are enjoined to be mindful of the following:*

12.1.1 In the best interests of the administration and the ports, it would be ideal for the PSCO to inspect the targeted ship, have the deficiencies, if any, rectified promptly and clear the vessel for onward sailing so that she does not become a liability to all concerned and particularly to India as a Coastal State.

12.1.2 However, in case when delinquent ship-owners do not take measures to have the deficiency rectified with any alacrity, the Chairman/ Dy, Conservator of the port must be formally informed **every fortnight** of the fact of the detention, progress of rectification of deficiencies and possibly, the realistic prospect of the vessel being cleared for outward movement, in order to enable the Chairman / Dy. Conservator to consider invoking the applicable statutes with which they are empowered, inter-alia the Indian Ports Act, 1908, in the interest of India as a Coastal State.

12.1.3 The port authorities, in case of non-availability of sufficient berth facilities may decide to shift the vessel to anchorages with the concurrence of the local Principal Officer, but in no case beyond the port limits. However, the Dy. Conservator, in such cases may obtain an undertaking from the Master that all the Life Saving Appliances (LSA) and Fire Fighting Appliances (FFA) of the vessel are functional and that the vessel shall be ready for mobilization at all times. The vessel's agents need to be informed that the Master shall ensure that

the vessel in such cases remain in regular contact with the respective port communication stations and the nearest Indian Coast Guard stations, so that the rescue support in case of emergencies, are promptly availed.

13. Detention Review Procedures:

- 13.1 All PSCOs are advised to formally communicate to the Master of the ship that he may make appropriate representation to the local Principal Officer, in case aggrieved by the decisions of the PSCO and is at liberty to appeal against the detention to the appellate authority, if the detention is felt to be un-justified. The appellate authority at national level in India shall be the Chief Surveyor with the GOI, who may be contacted by email: cs@dgshipping.com or psc@dgshipping.com.
- 13.2 The Flag state authorities may appeal against the detention through the 'Detention Review Panel' of the Indian Ocean Memorandum of Understanding (IOMOU).

This is issued with the approval of the Director-General of Shipping and Exofficio Additional Secretary to the GOI and comes into effect from the date of issue of this notice.

Sd/-

(Ajithkumar Sukumaran)
Engineer & Ship Surveyor cu
Deputy Director General (Tech)

To,

1. The Principal Officers/ Mercantile Marine Department, Mumbai/Kolkata/ Chennai/ Kandla/Cochin.
2. The Surveyor-in charge, Mercantile Marine Department, Goa/Jamnagar/Port Blair /Visakhapatnam /Tuticorin /Delhi /Haldia/ Paradip /Mangalore.
3. All Classification Societies.
4. NA/CS/CSS
5. Indian National Shippers Association (INSA), Mumbai
6. All Shipping Companies
7. The Naval Architecture Branch
8. The Engineering Branch
9. The Nautical Branch
10. Hindi Cell
11. Guard file.
12. Computer Cell.

Annex - I

Government of India FORM A
PORT STATE CONTROL INSPECTION REPORT
(INDIAN OCEAN MOU)

Reporting office: Mercantile Marine Department

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Copy to: Master
 Head Office
 PSCO

Head Office: PSC/ FSI Cell,
 Directorate General of Shipping,
 Jahaz Bhavan
 Mumbai 400 001, India
 FAX: 91 22 2261 3655;

If ship is detained, copy to: Flag State
 Classification Society

E-mail: psc@dgshipping.com

Website: www.dgshipping.com

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1 Name of reporting authority..... 2 Name of ship.....

3 Flag of ship..... 4 Type of ship

5 Call sign..... 6 IMO number

7 Gross tonnage..... 8 Deadweight (where applicable).....

9 Year of build..... 10 Date of inspection

11 Place of inspection..... 12 Classification society

13 Date of release from detention.....

14 Particulars of ISM Company (details or 1MO Company Number) and local agent

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15 Relevant certificate(s)

Sr. No.	Certificate Title	Issuing Authority	Date of Issue	Date of Expiry	Last Intermediate/Annual Survey		
					Date	Surveying	Place

						Authority	

16 Deficiencies No Yes (see attached form B)

17 Ship detained No Yes ***

19 Supporting documentation No Yes (see annex)

Issuing Office..... Name.....

Telephone..... (Duly authorized PSCO of reporting authority)

Telefax..... Signature

This report must be retained on board for a period of two years and must be available for consultation by Port State Control officers at all times.

*This inspection report has been issued solely for the purposes of informing the master and other port states that an inspection by the port state has taken place. This inspection report cannot be constructed as seaworthiness certificate in excess of the certificate the ship is required to carry.

Appellate Authority: 1. psc@dgshipping.com 2. cs@dgshipping.com

Form B

**PORT STATE CONTROL INSPECTION REPORT
(INDIAN OCEAN MOU)**

Reporting Office: Mercantile Marine Department
.....

Copy to: Master
Head Office
PSCO

Head Office: PSC/ FSI Cell,
Directorate General of Shipping,
Jahaz Bhavan
Mumbai 400 001, India
FAX: 91 22 2261 3655;

If ship is detained, copy to: Flag State
Classification Society

E-mail: psc@dgshipping.com

Website: www.dgshipping.com

1. Name of Ship..... 2. IMO Number.....
3. Date of Inspection..... 4. Place of Inspection
5. Nature of deficiency

Sr. No.	Nature of Deficiency	Convention/Flag Requirements	Action Taken

Name.....

(Duly authorized PSCO of reporting authority)

Signature.....

1. This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that full survey is carried out by Recognized Organization and all deficiencies are rectified before an application for re-inspection is made.

2. To be completed in the event of a detention

3. Actions taken include, ship detained/released, flag state informed, classification society informed, next port informed.

Deficiency action code:

10 Deficiency rectified.	40 Next port informed
15 rectify deficiency at next port	45 rectify detainable deficiency at next port
16 rectify deficiency within 14 days	50 flag state/consul informed
17 rectify deficiency before departure	55 flat state consulted
18 rectify deficiency within 3 months	70 recognized organization informed
30 detainable deficiency	85 investigation of contravention of discharge provision (MARPOL)
99 Other (Specify)	

Note: For ISM deficiencies only code 10, 18 and 30 can be used.

Appellate Authority: 1. psc@dgshipping.com 2. cs@dgshipping.com

Release Order

Reporting Office: Mercantile Marine Department

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Head Office: PSC/ FSI Cell,
Directorate General of Shipping,
Jahaz Bhavan
Mumbai 400 001, India
FAX: 91 22 2261 3655;

E-mail: psc@dgshipping.com

Website: www.dgshipping.com

Release Order No.....	Date.....
Ref: Detention order no.....	Date.....

Name of the ship	IMO no	Port of registry	Present location	Name of master

Name of the Ship and IMO no. of the Flag , was detained by the office on in view of serious deficiencies observed on the vessel and was advised to carry out all necessary repairs in consultation with flag state / recognized organization (RO) of the vessel.

This is to confirm that subsequent to the re-inspection of the vessel by this department on....., Principal Officer, MMD..... in exercise of power vested under section 342 read along with

section 336 of Merchant Shipping Act 1958, as amended, hereby order the release of.....name of the ship & IMO no.

Thusname of the ship & IMO no.....is permitted to sail out subject to the following conditions if any (if no conditions apply, please state nil) from the....name of the port.....

Name

Signature

Date

Copy to:

1. The Master (to also ensure that owners/agents/RO is informed forthwith)
2. The Directorate General of Shipping, Mumbai (PSC cell)
3. Owners/Agents
4. Flag State Administration
5. The Dy Conservator
6. The commissioner of customs
7. The commander, Indian Coast Guard
8. Classification Society
9. Embassy/Consulate
10. Agents

Detention Order

Reporting Office: Mercantile Marine Department

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Head Office: PSC/ FSI Cell,
Directorate General of Shipping,
Jahaz Bhavan
Mumbai 400 001, India
FAX: 91 22 2261 3655;

E-mail: psc@dgshipping.com

Website: www.dgshipping.com

Detention Order no.....	Date.....
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Name of Ship	IMO No	Port of Registry	Present Location	Name of Master

.....**Name of the ship and IMO no.of.....Flag**, was inspected in accordance with IMO Port State Inspection Procedures adopted by Resolution A.1052 (27) by the surveyors from this department ondate....at....port. The Inspection team has reported deficiencies rendering the vessel to be categorized as Un-seaworthy within the meaning of Sect. 334 of Indian Merchant Shipping Act 1958, as amended.

In exercise of power vested under section 342 read along with sect 336 of Merchant Shipping Act 1958 as amended, the Principal Officer, MMD,.....name of MMD.....hereby orders provisional Detention of.....name of the ship & IMO no.....under Port State Control, subject to the 'note' below.

Note:

.....**name of the ship**..... Is thus detained and not allowed to sail out of the port limits of.....**name of the port**.....without permission from this office. Unless otherwise informed explicitly the vessel has to carry out all necessary repairs in construction with the classification/flag state, comply with rule requirements as per the applicable International Standards and presented for re-inspection by a Surveyor from this department, or as intimated otherwise.

Name.....

Signature.....

Date.....

Enc:- PSC Report (Form A & B)

Copy to:-

1. The Master (to also ensure that owners/agent/RO is informed forthwith)
2. The Directorate General of Shipping, Mumbai. (PSC Cell)
3. Owners/Agents
4. Flag State Administration
5. The Dy. Conservator
6. The Commissioner of Customs
7. The Commander, Indian Coast Guard.
8. Classification of Society
9. Embassy/Consulate
10. Agents

Note: - The Master of the vessel has the "right of appeal" against this order.

Appellate Authority: 1. psc@dgshipping.com 2. cs@dgshipping.com