

RESOLUTION A.321(IX)

*Adopted on 12 November 1975
Agenda item 7(c)*

PROCEDURES FOR THE CONTROL OF SHIPS

THE ASSEMBLY,

NOTING Article 16(i) of the IMCO Convention concerning the functions of the Assembly,

BEING DESIROUS of ensuring that ships comply at all times with safety standards prescribed by Conventions in force,

BEARING IN MIND that Regulation 19 of Chapter I of the International Convention for the Safety of Life at Sea, 1960 and Article 21 of the International Convention on Load Lines, 1966 prescribe procedures to be followed by Contracting Governments for controlling ships visiting their ports,

BELIEVING that the safety of ships, their crews and passengers would be greatly enhanced by strengthening the effectiveness of existing arrangements for identifying ships which do not fully comply with the requirements of the above-mentioned Conventions and taking appropriate action,

HAVING CONSIDERED the recommendations by the Maritime Safety Committee at its thirty-third session,

ADOPTS the Procedures for the Control of Ships contained in the Annex to this Resolution,

INVITES Member Governments and governments of States Parties to the aforementioned Conventions to implement these Procedures,

REQUESTS the Secretary-General to invite governments concerned to provide information on what services are available in each country for the controlling functions as defined in the relevant Conventions,

REQUESTS the Maritime Safety Committee to continue its work on this subject, with a view to:

- (i) improving the Procedures as may be necessary, including the possible development of appropriate criteria and guidelines for judging a ship to be sub-standard; and
- (ii) progressively extending the Procedures, as appropriate, for example when new Convention standards are adopted,

REQUESTS also the Marine Environment Protection Committee to consider whether these Procedures could be extended to conventions relating to marine pollution.

ANNEX

PROCEDURES FOR THE CONTROL OF SHIPS

I. INTRODUCTION

1. Under the provisions of the International Convention for the Safety of Life at Sea, 1960, and the International Convention on Load Lines, 1966, the Administration (i.e. the Government of the Flag State) is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these Conventions full and complete effect so as to ensure that from the point of view of safety of life a ship is fit for the service for which it is intended. In some cases, however, it may be difficult for the Flag State to exercise full and continuous control over these ships, for instance, ships which very seldom call at a port of the Flag State. The problem can be, and has been, overcome partly by appointing inspectors at foreign ports or authorizing Classification Societies to act on behalf of the Flag State.

2. The control procedures contained herein should be regarded as complementary to national measures taken by the Flag States in their countries and abroad, and are mainly intended to assist the Flag States in securing compliance with Convention provisions and safeguarding the safety of crew, passengers and ships.

3. The present procedures are intended to apply to ships which come under the provisions of the 1960 Safety Convention (and the 1974 Safety Convention when it enters into force) and the 1966 Load Line Convention.

II. GENERAL

4. Regulation 19 of Chapter I of the International Convention for the Safety of Life at Sea, 1960 and Article 21 of the International Convention on Load Lines, 1966, provide for control procedures to be followed by the Contracting Governments of Port States with regard to ships visiting their ports. The authorities of Port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ships which may render them sub-standard (see paragraph 6 below), and ensuring that remedial measures are taken. Such control may be initiated either:

- (a) by a visit of a control officer of the Port State to verify that there are on board valid certificates; or
- (b) on the basis of information about a sub-standard ship submitted to the authorities of the Port State in accordance with the procedures under Section IV.

5. Contracting Governments should be aware that whereas they may entrust inspection and survey either to surveyors nominated for this purpose or to organizations recognized by them, it is preferable that the right to board and inspect ships for the purposes of control and the power to detain them should be implemented by government inspectors including those surveyors of the Classification Societies who in practice act as government officials of the Port State.

III. IDENTIFICATION OF A SUB-STANDARD SHIP

6. In general, a ship is regarded as sub-standard:

- (a) if the hull, machinery or equipment such as for life-saving, radio and fire-fighting are below the standards required by the relevant Convention, owing to, *inter alia*:
 - (i) the absence of equipment or arrangement required by the Conventions;

- (ii) non-compliance of equipment or arrangement with relevant specifications of the Conventions;
 - (iii) substantial deterioration of the ship or its equipment because of, for example, poor maintenance; and
- (b) if these evident factors as a whole or individually make the ship unseaworthy and put at risk the life of persons on board if it is allowed to proceed to sea.

7. The lack of valid certificates (or the lack of a Radiotelegraph Operator's Certificate(s) or Radiotelephone Operator's Certificate(s)) as required by the relevant Conventions, will constitute *prima facie* evidence that a ship may be sub-standard and will form the basis of a decision to detain the ship forthwith and to inspect it.

8. It is impracticable to define a sub-standard ship solely by reference to a list of qualifying defects. The inspector will have to exercise his professional judgment to determine whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies which are not vital to the safety of the ship, its crew or passengers, having regard to the particular circumstances of the intended voyage.

IV. SUBMISSION OF INFORMATION TO A PORT STATE ABOUT A SUB-STANDARD SHIP

9. Information that a ship appears to be sub-standard may be submitted to the appropriate authorities of the Port State (see paragraph 12 below) by a member of crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers. So far as the crew is concerned, it would be advisable that the submission should be subscribed to by more than one member.

10. It is desirable that such information should be submitted in writing. This would permit proper documentation of the case and of the alleged deficiencies including the identification of the source of the information. When the information is passed verbally, it is preferable to require subsequently, the filing of a written report, identifying for the purposes of the Port State's records the individual or body providing the information.

11. Information which may cause an investigation to be made should be submitted as early as possible on the arrival of the ship giving adequate time to the authorities to act as necessary.

12. Each Contracting Government of the Port State should determine which authorities should receive information on sub-standard ships and initiate action. Measures should be taken to ensure that information submitted to the wrong department should be promptly passed on by them to the appropriate authority for action.

V. ACTION BY PORT STATES IN RESPONSE TO INFORMATION ABOUT SUB-STANDARD SHIPS

13. On receipt of information about a sub-standard ship, the authorities, after evaluating, in consultation with the master as appropriate, the seriousness of the information and the reliability of its source, should immediately investigate the matter and take the action required by the circumstances. Information judged by the authorities to be *bona fide* under the present procedures could constitute clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the relevant certificate(s) required by the 1960 Safety Convention or the 1966 Load Line Convention, and the consequential need for inspection. Care should be taken to avoid any undue delay to the ship.

14. Authorities which receive information about a sub-standard ship which could give rise to intervention should forthwith notify any maritime, consular and/or diplomatic representatives

of the Flag State in the area of the ship and request them to initiate or co-operate with investigations. Likewise, the Classification Society which has issued the relevant certificates on behalf of the Flag State should be notified. These provisions will not, however, relieve the authorities of the Contracting Government of the Port State from the responsibility for taking appropriate action in accordance with its powers under the relevant Conventions.

15. If the Port State receiving information is unable to take action because there is insufficient time or no inspectors can be made available before the ship sails, the information should be passed to the authorities of the country of the next appropriate port of call, the Flag State and also to the relevant Classification Society in that Port, where appropriate.

VI. PROCEDURES TO BE FOLLOWED AFTER EXERCISE OF CONTROL

16. The authorities of Port States which have exercised control giving rise to intervention of any kind, whether or not as a result of information about a sub-standard ship, should forthwith notify any maritime, consular and/or diplomatic representatives of the Flag State in the area of the ship of all the circumstances unless this is already done under paragraph 14. If such notification is made verbally, it should be subsequently confirmed in writing. Likewise, the Classification Societies which have issued the relevant certificates on behalf of the Flag State should be notified.

17. If the ship has been allowed to sail with known deficiencies, the authorities of the Port State should communicate all the facts to the authorities of the country of the next appropriate port of call, the Flag State and to the relevant Classification Society, where appropriate.

18. Contracting Governments, when they have exercised control, giving rise to intervention of any kind, are urged to submit to the Organization reports in accordance with Regulation 19 of Chapter I of the 1960 Safety Convention. Such deficiency reports should include the following information:

- Name of the ship
- Flag of the ship
- Nature of the deficiency in relation to Convention requirements and the date on which it was detected
- Name of the authority (Government, Classification Society or other authorized body) which issued the relevant certificates
- Dates of issue and expiry of the relevant certificates
- Date when and place where the ship was last surveyed for the purpose of the issue of the certificate in question
- Brief note of action taken.

19. Copies of deficiency reports made in accordance with paragraph 18 above by Contracting Governments should, in addition to being forwarded to the Organization, be sent by the Port State without delay to the authorities of the Flag State and, where appropriate, to the Classification Society which had issued the relevant certificate.

20. On receipt of such deficiency reports, the Administration of the Flag State and/or, where appropriate, the Classification Society through that Administration, in addition to initiating any remedial action, is urged to forward comments to the Organization as soon as possible, preferably within three months after receipt.

21. In the interest of making information regarding deficiencies and remedial measures generally available, such reports should be circulated at every session of the Maritime Safety Committee for consideration, together with comments, if any, furnished by the Administration of the Flag State, which should include the reports of the Classification Society, if any.

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Copies of the reports should be circulated also to Contracting Governments which are non-IMCO Members.

22. While Article 21 of the 1966 Load Line Convention does not provide for the submission of similar reports to the Organization, it is recommended that such reports should be made and submitted in accordance with the preceding paragraphs, where failure to comply with the Convention requirements has led to an intervention by a Port State.

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THE CONDUCT OF INVESTIGATIONS INTO CASUALTIES

THE ASSEMBLY,

NOTING Article 16(i) of the IMCO Convention concerning the functions of the Assembly,

NOTING FURTHER the provisions of Regulation 21, Chapter I of the International Convention for the Safety of Life at Sea, 1960 and Article 23 of the International Convention on Load Lines, 1966 which are intended to provide the Organization with pertinent information regarding the effectiveness of the Regulations,

BEING AWARE of the provisions of Resolution A.173(ES.IV) concerning participation in official inquiries into maritime casualties,

HAVING CONSIDERED the Report of the Maritime Safety Committee on its thirty-third session,

DRAWS ATTENTION to the obligations of Contracting Governments concerning the investigation of casualties set out in the above-mentioned Conventions,

URGES Contracting Governments to provide the Organization with relevant information regarding lessons to be learnt and conclusions derived from the investigation of casualties,

REQUESTS the Maritime Safety Committee to examine regularly such reports supplied by Contracting Governments and to recommend action as necessary,

FURTHER REQUESTS the Maritime Safety Committee in consultation with the Secretariat to consider whether the Organization should take the initiative in listing serious casualties and in requesting Administrations to give information regarding the inquiries held into them and their findings and thereafter to take any appropriate action to this end.