

## CHAPTER 5

### PART A – IMPLEMENTATION

#### 1 GENERAL

##### 1.1 Definitions

The following definitions apply to parts A and B of this Code.

- *International Safety Management Code (ISM) Code* means the International Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the Assembly, as may be amended by the Organisation.
- *Company* means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the ship-owner and who, on assuming such responsibility, has agreed to take over all duties and responsibility imposed by the Code.
- *Administration* means the Government of the State whose flag the ship is entitled to fly.
- *Safety Management System* means a structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy.
- *Document of Compliance* means a document issued to a Company which complies with the requirements of the Code.
- *Safety Management Certificate* means a document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved safety management system.
- *Objective Evidence* means quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of a safety management system element, which is based on observation, measurement or test and which can be verified.
- *Observation* means a statement of fact made during a safety management audit and substantiated by objective evidence.
- *Non-conformity* means an observed situation where objective evidence indicates the non-fulfilment of a specified requirement.
- *Major non-conformity* means an identifiable deviation that poses a serious threat to the safety of personnel or the ship or a serious risk to the environment that requires immediate corrective action and includes the lack of effective and systematic implementation of a requirement of this Code.
- *Anniversary date* means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate.
- *Convention* means the International Convention for the Safety of Life at Sea, 1974, as amended.

## 1.2 Objectives

1.2.1 The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment and to property.

1.2.2 Safety management objectives of the Company should, inter alia:

- .1 provide for safe practices in ship operation and a safe working environment
- .2 establish safeguards against all identified risks and
- .3 continuously improve safety-management skills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection

1.2.3 The safety management system should ensure:

- .1 compliance with mandatory rules and regulations; and
- .2 that applicable codes, guidelines and standards recommended by the Organization, Administrations, Classification Societies and maritime industry organizations are taken into account.

*The company Safety Management System (SMS) should provide for methods of identification of risks and establishment of safeguards against the same. This shall be verified during the course of audits of the company for issuance of Document of Compliance and the company should be able to provide evidence of following the risk assessment procedures. During the safety management system audits on board, a few risk assessments need to be randomly sampled and verified for effectiveness. Inadequacies in the general standard of risk assessment should lead to closer examination of on board risk assessments and the related procedure. While selecting the sample, auditors should be guided by incidents/ accidents on board the vessel and other vessels in the fleet.*

## 1.3 Application

The requirements of this Code may be applied to all ships.

## 1.4 Functional requirements for a Safety-Management System

Every company should develop, implement and maintain a Safety Management System (SMS) which includes the following functional requirements:

- .1 a safety and environmental protection policy

.2 instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation

.3 defined levels of authority and lines of communication between and amongst, shore and ship board personnel

.4 procedures for reporting accidents and non-conformities with provisions

.5 procedures to prepare for and respond to emergency situations; and

.6 procedures for internal audits and management reviews.

*The objectives lay down clear guidelines for the development of a Safety Management System that complies with the ISM Code. The Company's policy statement is fundamental to the system and should be examined during the document review. Some Companies have a single policy statement while others have a number of statements which together comprise the Company's safety and environmental protection policy. The statement(s) describe how the objectives of the Code will be met and also serve to demonstrate the Company's commitment to its SMS and the ISM Code.*

## **2 Safety and Environmental Protection Policy**

2.1 The Company should establish a safety and environmental protection policy which describes how the objectives given in paragraph 1.2 will be achieved.

*The policy statement(s) should be clear and concise, with emphasis being placed on the Company's commitment to safety and the environment. It should identify a strategy by which the Company aims to achieve its policy objectives and include methods to encourage improvement in safety awareness and safety management skills. The policy should be endorsed (not necessarily signed) by the Senior Management of the company*

2.2 The Company should ensure that the policy is implemented and maintained at all levels of the organization, both ship based as well as shore based.

*The strategy for implementation of the policy should be clear so that it can be understood at all levels within the Company. Members of the Company's management team should be interviewed during an assessment. This is an effective means of establishing whether there is commitment to the Safety Management System at the highest levels within the Company. Personnel to be interviewed should include, but not be limited to, the following:*

### **Shore**

*Managing Director*

*Operations Manager*

### **Ship**

*Master*

*Chief Engineer*

Technical Managers	Safety Officer
Designated Person	Chief Officer/Mate
Quality Manager	Training Officer
Safety Manager	Engineer / Deck Officers
Personnel/Training Manager	Bosun / CPO
Superintendents	Sample of Deck / Engine / Catering Ratings
Other Office Staff	Cook & Galley Staff

*Junior personnel should be interviewed on a random basis concerning their responsibilities within the Safety Management System. They must have the background and experience appropriate to their role, received suitable training, and possesses adequate knowledge of the SMS. There should be procedures in place to ensure that adequate training is provided as required.*

### **3 Company Responsibilities and Authority**

3.1 If the entity that is responsible for the operation of the ship is other than the owner, the owner must report the full name and details of such entity to the Administration.

*It is incumbent on the operator to ensure that the owner fulfils the requirement of this section of the Code. These details should be reported to the MCA. The identification of the Manager on the Continuous Synopsis Record issued by the MCA should be considered as evidence of compliance with this requirement.*

3.2 The Company should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

*It is necessary to document responsibilities and authorities so that personnel involved in the SMS know what is expected of them and to ensure that the safety and environmental functions have been allocated. The Company's documented management system should contain clearly worded, descriptions of the responsibilities and authorities together with the reporting lines of personnel within the management structure. Schematics or flowcharts to document lines of authority and inter-relations between roles would be acceptable.*

3.3 The Company is responsible for ensuring that adequate resources and shore-based support are provided to enable the Designated Person or persons to carry out their functions.

*It must be established whether the Company is committed to providing the support necessary for the Designated Person to fulfil his / her duties. This may include reviewing correspondence between the Designated Person and the management board, the budget for safety training and the attitude towards*

*safety issues at management level. Commitment must start at the top and be prevalent throughout the Company.*

#### **4 Designated Person(s).**

To ensure the safe operation of each ship and to provide a link between the Company and those on board, every company, as appropriate, should designate a person or persons ashore having direct access to the highest level of management. The responsibility and authority of the Designated Person or persons should include monitoring the safety and pollution prevention aspects of the operation of each ship and ensuring that adequate resources and shore based support are applied, as required.

*In order for any system of management to be adequately maintained it is essential that it is monitored at regular intervals. This will ensure that:*

- *implementation is verified;*
- *deficiencies are reported; and*
- *those responsible for corrective action are identified and that appropriate action is taken.*

*The task of implementing and maintaining the SMS is a management responsibility however, the Designated Person holds a key role in the monitoring process. Designated Persons should be suitably qualified (refer to MSC-MEPC.7/Circ.6) and experienced in ship operations or management systems and be fully conversant with the Company's safety and environmental protection policies and Safety Management System. It is essential that they have the independence and authority to report to the highest level of management. Their responsibilities may include the organisation of the Company's safety audits.*

#### **5 Master's Responsibility and Authority**

5.1 The Company should clearly define and document the master's responsibility with regard to:

- .1 implementing the safety and environmental-protection policy of the Company
- .2 motivating the crew in the observation of that policy;
- .3 issuing appropriate orders and instructions in a clear and simple manner;
- .4 verifying that specified requirements are observed; and
- .5 reviewing the SMS and reporting its deficiencies to the shore based management.

*The responsibility for overseeing and implementing all relevant aspects of the Company's SMS on their vessels rests with the Master. Clear guidance should be provided to Masters concerning their responsibility on matters affecting the safety of the ship, its passengers and/or cargo and the environment.*

5.2 The Company should ensure that the SMS operating on board the ship contains a clear statement emphasizing the master's authority. The Company should establish in the SMS that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution and to request the Company's assistance as may be necessary.

*Masters should expect support and encouragement from the Company at all times. There must be a clear statement in the documented management system that the Master has overriding authority to deviate from the documented system in time of crisis and seek assistance from the Company if required. Both statements must be clear and unequivocal with the appropriate emphasis placed on the Master's overriding authority.*

## **6 Resources and Personnel**

6.1 The Company should ensure that the Master is:

- .1 properly qualified for command;
- .2 fully conversant with the Company's SMS; and
- .3 given the necessary support so that the Master's duties can be safely performed.

6.2 The Company should ensure that each ship is manned with qualified, certificated and medically fit seafarers in accordance with national and international requirements.

*The Company has a clear responsibility to employ properly qualified and medically fit seafarers and to be satisfied that they are familiar with the management system operated by the Company. The company should be able to satisfy the auditors, by whatever means, that this requirement of the Code is being adequately addressed. Copies of certificates may be held on file in the office or it may be necessary to have a random sample of certificates faxed in from a cross section of the fleet. Some companies maintain electronic data bases as opposed to a paper filing system. In this case a random sample of certificates should be obtained by fax in order to verify the accuracy of the database.*

6.3 The Company should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarization with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and given.

*STCW A-I/14 (Responsibilities of Companies) requires the Company to provide written instructions to the Master setting forth the policies and procedures to be followed to ensure newly joined seafarers are familiar with their duties before they are assigned to tasks on board. This shipboard familiarisation should include sufficient time to become acquainted with:*

- emergency / evacuation procedures and arrangements to perform assigned duties properly.
- ship specific duties related to the role the seafarer will fulfil onboard
- ship specific knowledge of any safety and environmental protection procedures with which the seafarer should be acquainted

*A knowledgeable crew member should be designated to ensure that essential information is provided to newly joined seafarers in a language they understand. The STCW Code requires mandatory training in crowd management for some personnel serving on passenger ships. Records of familiarisation and instructions received by crew members should be available for examination by the auditor(s).*

6.4 The Company should ensure that all personnel involved in the Company's SMS have an adequate understanding of relevant rules, regulations, codes and guidelines.

*While there are no new legislative requirements introduced by the ISM Code the SMS must embrace all existing International Conventions, national rules and regulations, industry guidelines and codes of practice. It is acceptable for the SMS to encompass such documents as the Code of Safe Working Practices for Merchant Seamen, the Bridge Procedures Guide and the Tanker Safety Guide etc.*

6.5 The Company should establish and maintain procedures for identifying any training which may be required in support of the SMS and ensure that such training is provided for all personnel concerned.

*The means of identifying the training needs of individuals, both ashore and onboard, is for the Company to address. This may be achieved by a staff appraisal, the end of contract report for seagoing staff, by results of internal audits, drills and analysis of accidents. Training requirements could be met by refresher training courses and on the job experience.*

6.6 The Company should establish procedures by which the ship's personnel receive relevant information on the SMS in a working language or languages understood by them.

*The SMS, in whatever form, must be available to all personnel, both ashore and afloat. It is the responsibility of the Company to ensure that the Manuals are in a language(s) understood by the crew. Many Companies employ the services of manning agencies, often in several countries world-wide. The Company's procedures should detail the process by which crew members are*

*selected and detailed to its ships and are familiarised with their responsibilities prior to taking up a position on board.*

6.7 The Company should ensure that the ship's personnel are able to communicate effectively in the execution of their duties related to the Safety Management System.

*The ability of crew members to communicate effectively is fundamental to the safety of the ship. This should be assessed at the recruitment stage and manning agencies should be vigilant in this exercise. The Company should ensure that there are procedures in place to monitor the manning agencies which they use.*

## **7 Development of Plans for Shipboard Operations**

The Company should establish procedures for the preparation of plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the ship and the prevention of pollution. The various tasks involved should be defined and assigned to qualified personnel.

*The Company should establish the key shipboard operations and ensure that procedures and instructions are laid down for carrying out these operations. While shipboard operations will vary from ship type to ship type, it is suggested that plans and instructions for the following operations should be documented:*

- *general shipboard operations*
- *port operations*
- *preparation for sea*
- *conduct of the voyage*
- *preparation for arrival in port and*
- *emergency response organisation*

*The auditor(s) should verify that the operations established by the Company are pertinent and comprehensive for the ship type(s) that the Company operates.*

## **8 Emergency Preparedness**

8.1 The Company should establish procedures to identify describe and respond to potential emergency shipboard situations.

*The procedures should integrate the response to potential emergencies by shore-side and shipboard operations. The Maritime Safety Committee of the IMO has developed "Guidelines for an Integrated System of Contingency Planning for Shipboard Emergencies", produced as MSC/Circ. 760. This circular is not intended to impose a new system or supersede existing systems which are tried and tested, such as SOPEP, however the Guidelines may be of assistance to Companies in developing an integrated emergency response system.*

*Contingency Plans may include:*

- *the role and responsibilities of shore and ship personnel at the time of an emergency*
- *a list of names and contact numbers of all relevant parties*
- *procedures to be followed in response to varying emergency scenarios*
- *procedures for communication between ship and shore*
- *a database of plans, particulars of vessels, emergency response capabilities, damage stability information and pollution prevention equipment*
- *checklists for a range of emergencies (the use of checklists is strongly encouraged)*
- *procedures for notifying next of kin*
- *guidelines for liaising with the press and media; and. procedures for requesting emergency services from third parties*

*Emergency scenarios for which contingency plans might be developed, include, but are not restricted to:*

- *structural failure;*
- *main engine failure;*
- *failure of steering gear;*
- *failure of electrical power;*
- *collision;*
- *grounding;*
- *shift of cargo;*
- *pollution (spillage of oil or other cargo);*
- *fire;*
- *flooding;*
- *abandon ship;*
- *man overboard;*
- *entry into enclosed spaces;*
- *terrorism or piracy;*
- *helicopter operations for medical evacuation;*
- *heavy weather damage; and*
- *treatment of serious injury.*

8.2 The Company should establish programmes for drills and exercises to prepare for emergency actions.

*The drill programme should exercise the emergency plans listed in 8.1 above and where appropriate, mobilise the shore-side emergency contingency plans.*

8.3 The SMS should provide for measures ensuring that the Company's organization can respond at any time to hazards, accidents and emergency situations involving its ships.

*Drills should be carried out at regular intervals in order to test the Company's emergency response organisation and the competence of those who will be*

*called upon in a real emergency. The ability of the personnel ashore to respond to emergencies should also be tested periodically. Records of all drills and exercises should be kept and be made available for examination. In the event of the Company having to respond to a real emergency this may be considered in lieu of an exercise drill, providing that records have been retained and analysed.*

## **9 Reports and Analysis of Non-conformities, Accidents and Hazardous Occurrences**

9.1 The SMS should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the company, investigated and analyzed with the objective of improving safety and pollution prevention.

9.2 The Company should establish procedures for the implementation of corrective action.

*The SMS should contain procedures that require reports to be prepared and forwarded to the Company on all accidents, hazardous occurrences and non-conformities. They should be monitored by the Designated Person and the appropriate corrective action determined with the ultimate aim of avoiding a recurrence of the incident or non-conformity.*

*Any deviation from the SMS procedures and instructions, that represents a non-conformity, should be recorded, raised on a non-conformity note and forwarded to the Designated Person. The system should be designed to allow for continual updating, amendment and improvement as a result of the reporting procedures.*

*The reports should be recorded, investigated, evaluated, analysed and acted upon as necessary. There should be procedures for feedback to the reporting ship and for circulation around all appropriate areas. Motivation is a significant factor in the success of the management system and feedback is a powerful motivator. Feedback should be recorded. Evaluation and analysis may lead to:*

- identification and implementation of corrective action;*
- benefits to the whole Company;*
- amendments to existing procedures;*
- development of new procedures.*

*The Accident Reporting and Investigation Regulations (S.I. 2005 No. 881) define accidents, serious injuries and dangerous occurrences along with statutory reporting requirements.*

## **10 Maintenance of the Ship and Equipment**

10.1 The Company should establish procedures to ensure that the ship is maintained in conformity with the provisions of the relevant rules and

regulations and with any additional requirements which may be established by the Company.

10.2 In meeting these requirements the Company should ensure that:

- .1 inspections are held at appropriate intervals;
- .2 any non conformity is reported, with its possible cause, if known;
- .3 appropriate corrective action is taken; and
- .4 records of these activities are maintained.

*Procedures should be developed to ensure that maintenance, surveys, repairs and dry-docking are carried out in a planned and structured manner with safety as a priority. All personnel responsible for maintenance should be suitably qualified and familiar with national and international legislation as well as classification society requirements. The shore-side management team ashore shall provide technical support and advice to the seagoing staff.*

*Maintenance procedures should include:*

- *hull and superstructure;*
- *life saving, fire fighting and anti-pollution equipment;*
- *navigational equipment;*
- *steering gear;*
- *anchors and mooring equipment;*
- *main engine and auxiliary machinery including pressurised systems;*
- *cargo loading and discharge equipment;*
- *tank venting and inerting systems;*
- *fire detecting systems;*
- *bilge and ballast pumping systems;*
- *waste disposal and sewage systems;*
- *communications equipment;*
- *emergency lighting; and*
- *gangways and means of access.*

*Maintenance procedures must also include work instructions to ensure that machinery or systems undergoing maintenance have been rendered safe prior to starting work i.e. that systems under pressure such as engine cooling water, oil fuel and steam systems have been securely isolated and de-pressurised.*

*The Company should arrange for inspections of its vessels to be carried out at regular intervals. These inspections should be executed in compliance with the appropriate procedures by competent and qualified personnel. Records of maintenance, inspections, certificates and reports may be maintained both on board ship and ashore if considered appropriate by the company.*

*There should be procedures for reporting non-conformities and deficiencies that should include a time scale for completion of corrective action. It is the Company's responsibility to ensure that reports are investigated and feedback provided to the reporting officer. The Company should be seen to be providing support to enable the SMS to function effectively.*

10.3 The Company should establish procedures in its SMS to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations. The SMS should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

*These equipments are commonly referred to as 'critical equipment'.*

10.4 The inspections mentioned in 10.2 as well as the measures referred to in 10.3 should be integrated into the ship's operational maintenance routine.

*It is the Company's responsibility to identify critical systems and equipment. Once the critical systems have been identified, procedures should be developed to ensure reliability of these systems or the provision of alternative arrangements in the event of sudden failure. The procedures implemented should include the regular testing of stand-by systems in order to ensure that one failure does not result in the total loss of that critical function. Maintenance routines should include the regular and systematic testing of the all such critical and stand-by systems.*

*Critical equipment listings may include:*

- navigational aids including radar;
- fire pumps including emergency fire pump(s);
- generators including emergency generator;
- steering gear;
- fuel systems;
- lubricating oil systems;
- emergency stops and remote closing devices;
- communications systems;
- main engine propulsion systems.

*The auditor(s) should examine the measures which have been developed to promote reliability including records, frequency of inspection/testing and maintenance procedures.*

## **11 Documentation**

11.1 The Company should establish and maintain procedures to control all documents and data which are relevant to the SMS.

11.2 The Company should ensure that:

- .1 valid documents are available at all relevant locations;
- .2 changes to documents are reviewed and approved by authorized personnel; and
- .3 obsolete documents are promptly removed.

*Procedures should be in place for the control of all documentation, which should be approved prior to issue and assessed for its user friendliness. This is an essential element of any SMS Personnel at all levels within the Company should be familiar with the procedures and with the latest version of the documentation. Obsolete documentation should be removed from all locations, otherwise, there is the risk that superseded procedures may remain in use.*

*Companies should be encouraged to limit their documentation to that which is necessary to meet their safety and environmental protection requirements. The Keep it Short and Simple (KISS) principle should be promoted in the development of procedures and instructions. The documentation developed by the Company should be that which is most effective for its operation. Excessive documentation may be counter productive to the effective functioning of a SMS and will certainly be more cumbersome for the personnel implementing the system.*

11.3 The documents used to describe and implement the SMS may be referred to as the Safety Management Manual. Documentation should be kept in a form that the Company considers most effective. Each ship should carry on board all documentation relevant to that ship.

*The Company's SMS should encompass all the elements of the ISM Code. The use of a matrix to identify relevant sections is a simple and effective method. The Company may consider appointing a person ashore with responsibility for control, amendment, approval and distribution of SMS documentation, which should be monitored by the Designated Person. On board ship, the control of documentation will normally lie with the Master.*

## **12 Company Verification, Review and Evaluation**

12.1 The Company should carry out internal safety audits to verify whether safety and pollution-prevention activities comply with the SMS.

*Internal audits should be conducted in order to verify that the SMS is functioning effectively. All sections of the SMS should be audited on a regular basis. While there is no stated period for audit, most Companies opt to audit each office or vessel annually. The company must complete internal audit procedures prior requesting for an External Audit.*

12.2 The Company should periodically evaluate the efficiency of and, when needed, review the SMS in accordance with procedures established by the Company.

*A periodic review of the SMS should be carried out by company management. This review will form part of the safety management strategy of the Company and will be conducted in accordance with documented procedures. Minutes of the management review meetings should be recorded and corrective actions allocated to appropriate members of the management team with a view to improvement. The management review should be an opportunity for a critical review by the company and ship of the performance of the SMS over the past year, or other period. Audit reports, inspection reports, non-conformities, accident reports, risk assessments, permits to work, near miss reports, defect lists, complaints, etc should be reviewed with the object of identifying trends, root causes, areas of concern, etc with a view to continually improve the operation of the SMS both ashore and on board.*

12.3 The audits and possible corrective actions should be carried out in accordance with documented procedures.

*Procedures and instructions for carrying out audits should be incorporated into the SMS and the audits should be conducted according to these procedures. Checklists are useful as an aid to the auditor and may be used as appropriate.*

12.4 Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and the nature of the Company.

*Internal auditors should be Independent of the operation being audited however this may not always be possible in small companies with limited management resources. Wherever practicable, the auditor should not normally be involved in the working of the area being assessed. Personnel carrying out internal audits should, have received appropriate training.*

12.5 The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.

12.6 The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

*In order to improve the SMS it is important that the results of the Company's internal audits and reviews are promulgated to all persons having responsibility for the SMS. Findings, conclusions and recommendations should be recorded. The persons with responsibility for that area should take timely corrective action.*

## **PART B – CERTIFICATION & VERIFICATION**

### **13 CERTIFICATION AND PERIODICAL VERIFICATION**

13.1 The ship should be operated by a company which has been issued with a Document of Compliance or with an Interim Document of Compliance in accordance with paragraph 14.1, relevant to the ship.

*This is self explanatory; ships over 500GT engaged in international trade should not operate if the company does not hold a DOC or Interim DOC.*

13.2 The Document of Compliance should be issued by the Administration, by an organisation recognised by the Administration or, at the request of the Administration, by another Contracting Government to the Convention to any Company complying with the requirements of this Code for a period specified by the Administration which should not exceed five years. Such a document should be accepted as evidence that the Company is capable of complying with the requirements of this Code.

*The period of validity of a DOC must not exceed 5 years (except when the renewal audit is carried out in the 3 month window prior to the expiry of the certificate) and, during PSC inspections etc, should be accepted as evidence that the company complies with the Code unless there is evidence to the contrary.*

13.3 The Document of Compliance is only valid for the ship types explicitly indicated in the document. Such indication should be based on the types of ships on which the initial verification was based. Other ship types should only be added after verification of the Company's capability to comply with the requirements of this Code applicable to such ship types. In this context, ship types are those referred to in regulation IX/1 of the Convention.

*The company must only operate the ship types that are on the DOC and the initial verification must have included these ship types. If the company wants to operate a ship type not included on the DOC an additional interim verification audit must be done. In this case an Interim certificate carrying the new ship type alone will be issued. An audit of procedures and records relevant to the new ship type must be completed before the full term DOC may be amended.*

13.4 The validity of a Document of Compliance should be subject to annual verification by the Administration or by an organisation recognised by the Administration or, at the request of the Administration, by another Contracting Government within three months before or after the anniversary date.

*The validity of the DOC is subject to annual verification the window for which is three months either side of the anniversary date. The annual verification should include an examination of:*

- *the reports of internal audits of offices and ships;*
- *follow up of corrective action and closing out of non-conformities;*
- *records of management reviews;*
- *reporting of accidents, hazardous occurrences and non-conformities;*
- *amendments to procedures, instructions and revisions to documentation;*
- *recruiting and training records of staff, ashore and seagoing;*
- *reports of inspections of ships;*

- *forward planning schedules for the SMC Audits of the company's ships; and*
- *reports on any Initial, Intermediate or Renewal Audits conducted to date.*

*Non-conformities may be issued during the annual verification. The SMC must be revalidated between the second and third anniversaries. Certificates should be endorsed after verification.*

*Word of warning — when verifying the anniversary date, work BACKWARDS from the expiry date. The issue date has little relevance in this context since the certificate may have been reissued due to a change of company name or address etc*

13.5 The Document of Compliance should be withdrawn by the Administration or, at its request, by the Contracting Government which issued the Document when the annual verification required in paragraph 13.4 is not requested or if there is evidence of major non-conformities with this Code.

*Quite straight forward, if the annual verification is not requested or if there is evidence of major non-conformities then the DOC can be withdrawn. This should only be done in consultation with the ISM/ISO branch at MCA HQ.*

13.5.1 All associated Safety Management Certificates and/or Interim Safety Management Certificates should also be withdrawn if the Document of Compliance is withdrawn.

*Self explanatory.*

13.6 A copy of the Document of Compliance should be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration or by an organisation recognised by the Administration or for the purposes of the control referred to in regulation IX/6.2 of the convention. The copy of the Document is not required to be authenticated or certified.

*A copy of the DOC must be placed on board and produced on request. It need not be certified or authenticated in any way.*

13.7 The Safety Management Certificate should be issued to a ship for a period which should not exceed five years by the Administration or an organisation recognised by the Administration or, at the request of the Administration, by another Contracting Government. The Safety Management Certificate should be issued after verifying that the Company and its shipboard management operate in accordance with the approved safety management system. Such a Certificate should be accepted as evidence that the ship is complying with the requirements of this Code.

*SMC valid for 5 years from date of completion of the initial audit, issued only after confirmation of issuance of full term DOC. SMC should be accepted as*

*evidence that the ship complies with the Code unless there is evidence to the contrary.*

13.8 The validity of the Safety Management Certificate should be subject to at least one intermediate verification by the Administration or an organisation recognised by the Administration or, at the request of the Administration, by another Contracting Government. If only one intermediate verification is to be carried out and the period of validity of the Safety Management Certificate is five years, it should take place between the second and third anniversary dates of the Safety Management Certificate.

*At least one Intermediate Verification is required (which implies that the flag can insist on more than one), and the SMC is valid for 5 years (which implies that it may be for a shorter period). If only one Intermediate Verification is required then it must be done between the 2<sup>nd</sup> and 3<sup>d</sup> anniversaries of the EXPIRY of the SMC.*

13.9 In addition to the requirements of paragraph 13.5.1, the Safety Management Certificate should be withdrawn by the Administration or, at the request of the Administration, by the Contracting Government which has issued it when the intermediate verification required in paragraph 13.8 is not requested or if there is evidence of major non-conformity with this Code.

*The SMC can be withdrawn if the verification audit is not requested or if there is evidence of major non-conformities.*

13.10 Notwithstanding the requirements of paragraphs 13.2 and 13.7, when the renewal verification is completed within three months before the expiry date of the existing Document of Compliance or Safety Management Certificate the new Document of Compliance or the new Safety Management Certificate should be valid from the date of completion of the renewal verification for a period not exceeding five years from the date of the expiry of the existing Document of Compliance or Safety Management Certificate.

*If the renewal audit is conducted within the three month window, the new DOC or SMC is valid from the expiry date of the old one.*

13.11 When the renewal verification is completed more than three months before the expiry date of the existing Document of Compliance or Safety Management Certificate, the new Document of Compliance or the new Safety Management Certificate should be valid from the date of the completion of the renewal verification for a period not exceeding five years from the date of completion of the renewal verification.

*If the renewal audit is conducted prior to the beginning of the three month window then the new DOC or SMC will be valid from the date of completion of the audit.*

## 14 INTERIM CERTIFICATION

14.1 An Interim Document of Compliance may be issued to facilitate initial implementation of this Code when:

- .1 a Company is newly established
- .2 new ship types are to be added to an existing Document of Compliance,

following verification that the Company has a safety management system that meets the objectives of paragraph 1.2.3 of this Code, provided the Company demonstrates plans to implement the safety management system meeting the full requirements of this Code within the period of validity of the Interim Document of Compliance. Such an Interim Document of Compliance should be issued for a period not exceeding 12 months by the Administration or by an organisation recognised by the Administration or, at the request of the Administration, by another Contracting Government. A copy of the Interim Document of Compliance should be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration or by an organisation recognised by the Administration or for the purposes of the control referred to in regulation IX/6.2 of the Convention. The copy of the Document is not required to be authenticated or certified.

*Interim DOC's may be issued to a new company or when new ship types are to be added to an existing DOC. After an interim audit and Document Review an Interim DOC may be issued provided that:-*

- 1. The company can demonstrate plans to implement the system within the term of the Interim DOC.*
- 2. Term not to exceed 12 months.*
- 3. A copy of the Interim DOC to be placed on board (it does not have to be certified).*

14.2 An Interim Safety Management Certificate may be issued:

- .1 to new ships on delivery
- .2 when a company takes on responsibility for the operation of a ship which is new to the company; or
- .3 when a ship changes flag.

Such an Interim Safety Management Certificate should be issued for a period not exceeding 6 months by the Administration or an organisation recognised by the Administration or, at the request of the Administration, by another contracting government.

### *Self explanatory*

14.3 An Administration or, at the request of the Administration, another Contracting Government may, in special cases, extend the validity of an Interim Safety Management Certificate for a further period which should not exceed six months from the date of the expiry.

### *SMC valid for 6 months, possible to extend a further 6 months.*

14.4 An Interim Safety Management Certificate may be issued following verification that:

.1 the Document of Compliance, or the Interim Document of Compliance, is relevant to the ship concerned;

.2 the safety management system provided by the Company for the ship concerned includes key elements of this Code and has been assessed during the audit for issuance of the Document of Compliance or demonstrated for issuance of the Interim Document of Compliance;

.3 the Company has planned the audit of the ship within three months

.4 the master and officers are familiar with the safety management system and the planned arrangements for its implementation;

.5 instructions which have been identified as being essential, are provided prior to sailing; and

.6 relevant information on the safety management system has been given in a working language or languages understood by the ship's personnel.

### *Self explanatory*

## **15 VERIFICATION**

15.1 All verifications required by the provisions of this Code should be carried out in accordance with procedures acceptable to the Administration, taking into account the guidelines developed by the Organisation.

## **16 FORMS OF CERTIFICATES**

16.1 The Document of Compliance, the Safety Management Certificate, the Interim Document of Compliance and the Interim Safety Management Certificate should be drawn up in a form corresponding to the models given in the appendix to this Code. If the language used is neither English nor French, the text should include a translation into one of these languages.

### *Self explanatory*

16.2 In addition to the requirements of paragraph 13.3, the ship types indicated on the Document of Compliance and the Interim Document of Compliance may be endorsed to reflect any limitations in the operations of the ships described in the safety management system.

*Self explanatory*

## **LETTERS OF ACCEPTANCE ETC**

The MCA has taken note of MSC Circular 762 regarding Companies that operate multi-flag fleets and accepts the principle that we will co-operate with other flag Administrations. This means being involved in the audit process and reaching agreement with the other Flag States as to who will carry out the DOC audit. In such cases, HQ should be informed. The MCA may recognise the DOC issued on behalf of another flag state, see 3.7 and 3.8. A Letter of Acceptance will then be issued (if the number of ships flying the UK flag is <50%). Letters of Acceptance are issued by the MCA QA after examination of the audit reports from the other flag or class society. Only if the audit has been conducted in accordance with UK standards will a letter be issued. The letter is valid only for the span of the existing DOC. A replacement certificate must be applied for on DOC renewal. All annual verification audit reports and copies of the DOC must be submitted to MCA QA in order that the MCA can verify that the Safety Management System continues to function effectively.

Every ship should carry a copy of the DOC (certified copies are not necessary).

Companies are required to have a periodic verification of the DOC annually and at least one periodic verification on each ship between the second and third anniversary dates for the SMC.

## **EXTENSION OF CERTIFICATES/AUDITS NOT REQUESTED ON TIME**

Extension of any ISM certificate should not be encouraged as owners/managers have ample opportunity to get these organised. The ISM code allows the extension of the validity of an Interim SMC for a further period of 6 months. This should only be done, if for some reason the MCA cannot put a surveyor on board before the expiry of the Interim Certificate, although the company had given appropriate notice for carrying out the audit. Any such extension is to be given only after consulting MCA HQ.

### **No extensions are permitted to the full term certificates.**

If during an initial audit (DOC or SMC) it is found that the company/ship does not merit the issuance of a full term certificate due to the number of non-conformities, a short term certificate valid for 3 months is to be issued so that another audit can be carried out prior to the issuance of a full term certificate. This is to be done in consultation with MCA HQ.

If the company/ship fails to request the initial/intermediate/renewal audits and the DOC/SMC does not get endorsed or expires, the certificate becomes invalid. The company needs to provide written explanation for allowing the certificate to lapse and the auditor should consider further action in consultation with the ISM/ISO branch. In such a case an audit to the scope of a renewal audit is to be carried out and a new certificate issued. For all such cases a new certificate would need to be issued with the same expiry date as the earlier certificate.