



Maritime Circular No.9

To:

Ship – Owners / Managers / Operators, Registration Officers (RegOffs), Recognised Organisations (ROs), Secretariat Paris MoU on PSC, Director Med MoU on PSC, Secretariat Tokyo MoU on PSC, Secretariat India MoU on PSC, Secretariat Abuja MoU on PSC, Secretariat Riyadh MoU on PSC, Secretariat Latin America MoU on PSC, Office Chief US Coast Guard, Flag State Inspectors (FSIs), All Parties Concern, SLMARAD Departments (All)

Subject:

Detention Policy

Date:

26th October 2018

References:

SLMARAD Maritime Circular No.11

SLMARAD Maritime Circular No.31

Purpose

To provide instructions on the establishment of a Detention Policy.

The Detention Policy aims to improve the performance of Sierra Leone's fleet on Port State Control (PSC) Inspections in all major MOUs. This is a measure to ensure reduction on the number of detentions for the vessels registered under Sierra Leone Flag.

Definitions

- Relevant Parties, means shipowners, managers, operators, charterers, agents, registration officers, PSC MoUs, Recognised Organisations, Classification Societies and any other interested party.

Application

1. This circular applies to all vessels registered with the Sierra Leone Flag.
2. If a vessel is detained following a PSC inspection the Recognized Organization (RO) must inform immediately the Flag Administration. This procedure is mandatory to all ROs and they will be considered partly liable for any ISM detention of the ship.
 - a. The RO shall perform an Occasional Attendance Survey, immediately after the PSC detention to ensure rectification of the deficiencies. A report shall be submitted by the RO to the Administration, no later than ten days after the detention.
 - b. Even if the detention is not related to any RO matters, a survey as mentioned above, must be performed.
 - c. If the detention occurs within the annual/renewal window, the RO shall give first priority to the annual/renewal survey and inform the Flag Administration of the imminent arranged survey. In this case the annual/renewal shall be completed within the next three (3) ports of call after the vessel is released from detention. Failure to comply with this

will result to suspension of the vessel until annual/renewal survey is carried out and confirmed by the RO.

- d. If the detention occurs out of the annual/renewal window the RO must request an additional ISM audit to the vessel, taking into consideration the importance and number of the deficiencies. The additional ISM audit shall be fully reported upon completion by the RO to the Flag Administration (schedule and results).
3. The below actions will be taken by SLMARAD in case a Sierra Leonean Vessel is detained in **Paris MOU, and/or Med MOU, and/or Black Sea MOU.**
 - a. If it is the **first detention within one year** while the vessel is registered under Sierra Leone Flag:
 - i. SLMARAD will contact all relevant parties informing them about the specific detention of their vessel. This will be considered as a warning letter.
 - ii. Additionally, Special Flag State **Inspection must be carried out within 2 months after the detention** of the vessel, at owner's cost. The owners/managers are responsible to present their vessels for the Special Flag State Inspection. **More information on the applicable surcharges and Special FSI fees can be found in SLMARAD Maritime Circular No.11.**
 - iii. Points 2a, 2b, 2c and 2d above, will take place if applicable. The Flag Administration will update the records accordingly.
 - b. If it is the **second detention within a period of three (3) years** while the vessel is registered under Sierra Leone Flag:
 - i. Special Flag State **Inspection must be carried out within 2 months after the detention** of the vessel, at owner's cost. The owners/managers are responsible to present their vessels for the Special Flag State Inspection. **More information on the applicable surcharges and Special FSI fees can be found in SLMARAD Maritime Circular No.11.**
 - ii. Vessel will be **Ex-Officio Cancelled** if found in an unsatisfactory condition, following FSI. Vessel shall apply for deletion within 1 month from the issuance of the cancellation letter. Ex Officio Cancellation will be also circulated to PSC Authorities will also be informed of this decision.
 4. The below actions will be taken by SLMARAD in case a Sierra Leonean Vessel is detained in **any PSC MOU other than Paris MOU, Med MOU and Black Sea MOU.**
 - a. If it is the **first detention within one year** while the vessel is registered under Sierra Leone Flag:
 - i. SLMARAD will contact all relevant parties informing them about the specific detention of their vessel. This will be considered as a warning letter and **will also increase the annual taxes by 10%** which will be taken into account at the time of the vessel's next schedule payment for annual taxes.
 - ii. Additionally, a Special Flag State Inspection may be carried out within 2 months after the detention of the vessel, at owner's cost, if deemed necessary. The owners/managers are responsible to present their vessels for the Special Flag State Inspection when it is requested by SMLARAD.

- iii. Points 2a, 2b, 2c and 2d above, will take place if applicable. The Flag Administration will update the records accordingly.
 - b. If a **second detention within a period of three (3) years** occurs while the vessel is registered under Sierra Leone Flag:
 - i. SLMARAD will contact all relevant parties informing them about the specific detention of their vessel. This will be considered as a warning letter and **will also increase the annual taxes by 15%** which will be taken into account at the time of the vessel's next schedule payment for annual taxes.
 - ii. Additionally, a Special Flag State Inspection may be carried out within 2 months after the detention of the vessel, at owner's cost, if deemed necessary. The owners/managers are responsible to present their vessels for the Special Flag State Inspection when it is requested by SMLARAD.
 - iii. Points 2a, 2b, 2c and 2d above will take place if applicable. The Flag Administration will update the records accordingly.
 - c. If a **second detention within a period of twelve (12) months** occurs while the vessel is registered under Sierra Leone Flag:
 - i. SLMARAD will contact all relevant parties informing them about the specific detention of their vessel. This will be considered as a warning letter and **will also increase the annual taxes by 35% plus a surcharge of US\$3,500** which will be taken into account at the time of the vessel's next scheduled payment for annual taxes.
 - ii. Additionally, a Special Flag State Inspection may be carried out within 2 months after the detention of the vessel, at owner's cost, if deemed necessary. The owners/managers are responsible to present their vessels for the Special Flag State Inspection when it is requested by SMLARAD.
 - iii. Points 2a, 2b, 2c and 2d above, will take place if applicable. The Flag Administration will update the records accordingly.
 - d. If a **third detention within twelve (12) months** occurs while the vessel is registered under Sierra Leone Flag:
 - i. Vessel will be **Ex-Officio Cancelled** by the Administration, and owners will be required to apply for deletion within 1 month from the issuance of the cancellation letter. PSC Authorities will also be informed of this decision.
5. Recognized Organizations are required to fully read and understand this policy, their actions, decisions, authorities and obligations upon the detention of a Sierra Leonean vessel. The ROs are also free, to perform any (additional, annual or renewal) surveys which shall be reported to SLMARAD upon completion. The Flag Administration will fully support the ROs in the event of a non-compliance of the requirements of this circular, in any of their decisions, even suspension or cancellation against the vessel. ROs are requested to maintain records of inspections/detentions and shall be made available to the administration upon request.
6. Managing companies which hold DOC on behalf of Sierra Leone and are in charge of the management of a Sierra Leonean vessel are expected upon the receipt of this circular to read it and confirm the understanding and familiarisation with it. The Flag Administration abide in the full cooperation and communication of the managing companies.

7. Registration Officers and Agents of the owner(s)/managing companies are required upon the receipt of this circular to read it and confirm the understanding and familiarisation with it. Full cooperation from the Registration Officers and Agents is expected.
8. Owners have the right to seek the assistance of this Administration to appeal against any PSC decision they find unfair or unfounded. At all times, the relevant policies and timeframes of the relevant MoUs shall be strictly followed, to enable the Administration to assist the shipowners accordingly.
9. Measures against detentions are for the sole purpose of reducing the number of detentions which are prompting the safety of life at sea, the protection of the environment, the safety of the properties engaged and compliance with the IMO instruments.

For additional information please contact SLMARAD at info@slmarad.com

Revision Status

Date	Revision	Comments - Changes
10/01/2017	0	Initial – Adopted
26/10/2018	1	Amendment of paragraphs 3 & 4. Removal of paragraph 5 & addition of paragraph 8