

## **Summary of the Detention Case 22-01-2015**

### **General**

#### **Ground for detention**

The vessel was detained due to the following detainable deficiency:

01101-Cargo Ship Safety Equipment (including exemption) - INVALID CERTIFICATE RECORD VRN0/NKO/2014140827114726 MISSING.

#### **Dispute**

The flag State did not agree with the detention by the port State Authority and expressed views that:

1. The missing Form E (Record of Equipment) pointed out by the PSC officer was caused by a typo (wrong reference No.) when issuing the short term Safety Equipment Certificate; the Form E supplemented to the previous full term Safety Equipment Certificate was available onboard;
2. It is not required to re-issue Form E when the Safety Equipment Certificate is re-issued; and
3. Since there was no equipment related detainable deficiencies found during the inspection and the immediate corrective action on the finding by the PSC officer had been taken (i.e. the new full term Safety Equipment Certificate and Form E were issued at the port of inspection), it is considered sufficient to use code 17 instead of 30 in this case.

Based on the above, the flag State is of the opinion that the detention was not justified.

The port State Authority is of the opinion that:

1. The Safety Equipment Certificate was considered invalid because the certificate in question was a scanned copy not the original and the reference No. of the Form E stated in the short term certificate was wrong;
2. In accordance with the SOLAS and the Guidelines for the detention of ships contained in Appendix 2 to IMO Resolution A.1052(27), the lack of valid certificates is a detainable deficiency; and
3. The master of the ship agreed and signed the Detention Order Notice without objection.

Based on the above, the detention was correct.

### **Opinions of the panel**

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. From a procedural perspective, the proper procedure for detention of a vessel has been adequately followed by the PSC officer and the port State Authority;

2. There is no doubt or argument that the Form E reference number was wrong. This was a mistake from the RO. However, this mistake did not have a consequential deterioration of the equipment or the material condition of the ship. Therefore, it would have been more appropriate to have this administrative error rectified within a specified time period;

3. In accordance with the Guidelines for the detention of ships contained in Appendix 2 to IMO Resolution A.1052(27), the lack of a valid certificate as required by the relevant instruments **MAY** warrant a detention. This **does not** meant that it **MUST** be detained. In the case of a PSCO attending a vessel and finding no certificates on board, it would normally be considered appropriate to detain the vessel. However, it is incumbent on the attending PSCO to verify, by using his/her professional judgement, the validity and appropriateness of the certificate in question by all practicable means before taking the step of detaining the vessel;

4. The explanations and information provided by the flag State & RO are considered relevant and justifiable for this case; and

5. The signing of the detention order notice by the master could only be considered as an evidence of appropriate notification of detention rather than agreement by the master/flag State/RO to the detention.

### **Conclusion**

The panel members are of the unanimous opinion that the decision of detention was not justified. Therefore, the port State Authority would be asked to re-consider the decision of the detention, i.e. to change the code from 30 into 17.