

VIRGIN ISLANDS SHIPPING REGISTRY MARINE INFORMATION NOTICE 005

Coronavirus (COVID-19) - VISR approach to survey and certification of Virgin Islands ships.

Notice to all Surveyors, Recognised Organisations, Certifying Authorities, Authorised Persons, Ship Operators, Ship Owners, Masters, Officers and Crew

Summary

This notice sets out the policy of the VISR with respect to Virgin Islands Vessels which are prevented from arranging the Surveys, Inspections and Audits required for compliance with the relevant Statutory Instruments due to the ongoing Coronavirus (COVID-19) outbreak.

The MIN has been reissued as amendment Vi-MIN-003 to incorporate developments in VISR policy and Government guidance regarding the COVID-19 pandemic.

It includes extended policy guidance on the testing, servicing and calibration of equipment and clarification of the extension of the authorisations to the BVI Recognised Organisations.

1. Impact of Coronavirus (COVID-19) on the provision of statutory activities

- 1.1 The VISR has put in place contingency plans to mitigate disruption to essential statutory activities during the current worldwide coronavirus pandemic.
- 1.2. The plans acknowledge that Virgin Islands registered vessels may find it difficult to arrange the surveys, audits, inspections and servicing activities required under national and international regulations due to a lack of availability of surveyors, a restriction on surveyor travel to reach the port of survey or a local outbreak of coronavirus which increases the risk to health.
- 1.3 From the 15th March 2020, VISR Surveyors suspended routine survey and inspection activity either domestically or overseas. The relevant Recognised Organisations and Certifying Authorities have developed their own policies on their ability to conduct surveys, inspections and audits as appropriate. The VISR will publish details of the resumption of survey and inspection operations as the situation develops.

2. Arrangement of Statutory Surveys of internationally trading ships

- 2.1 The VISR has policy to extend the authorisations provided to their Recognised Organisation's (RO's) for the conduct of International Safety Management Certificate and Document of Compliance Audits (SMC and DOC), International Ship Security Certificate Audits (ISSC), Maritime Labour Certificate Inspections (MLC), Safety Construction (SAFCON) and Safety Equipment Certificate Surveys (SEC) on all internationally trading Virgin Islands cargo vessels to facilitate the engagement of local surveyor resource.
- 2.2 Ship operators are encouraged to commence making arrangements for the survey/audit/inspection of their vessels by the relevant RO at the earliest opportunity within

the window provided by the regulations and, where the operation of the vessel permits, in an area with no or limited instances of infection by coronavirus.

- 2.3 An operator requiring the Audits or surveys set out in section 2.1 should make arrangements for the conduct of the activities directly with the RO if possible.
- 2.4 Interim and Initial Audits will be dealt with on an individual basis by the VISR
- 2.5 It is the VISR Policy that should neither the VISR nor an RO acting under an authorisation from the Director, be able to attend the vessel to complete a survey, verification, audit or inspection leading to the endorsement or renewal of a relevant certificate then the issuing authority may issue a short-term certificate on the basis of a declaration from the Master or responsible person that the vessel remains in compliance with the requirements for of the relevant instrument. A template for the declaration is contained in Annex A to this notice.
- 2.6 The short-term certificate issued should be valid for not more than three months from the date of expiration of the current certificate or the closure of the required window for the conduct of the required activity.
- 2.7 Where the vessel requires survey due to major repairs or modifications it will only be considered for the issue of a short-term certificate in exceptional circumstances by the VISR.
- 2.8 A short-term certificate issued under the terms of section 2.6 may be transmitted in electronic format to the vessel for presentation to officials as required.
- 2.9 It remains the responsibility of the company and Master to ensure that the vessel is maintained and operated in accordance with the statutory requirements for the duration of the short-term certificate.
- 2.10 On expiration of the short-term certificate, or earlier if circumstances permit, a survey, inspection, audit or inspection to the same standard as that previously required must be completed and a new certificate issued, aligned with the expiration date of the previous certificate. Pending the development of an international policy on the conduct of survey, inspection and audit activities beyond the three month period based on alternative measures, extensions to the validity of the short-term certificate may be considered on an individual basis to facilitate the completion of the necessary activity within a timeframe agreed by the relevant RO.

3. Routine Servicing of Life Saving and Fire Fighting Apparatus

- 3.1 SOLAS III Regulation 20.8.1.1 permits an administration to extend the period of servicing of inflatable liferafts and inflatable lifejackets to 17 months where servicing at the required interval is impracticable. The VISR recognises that servicing facilities may not be available due to the restrictions caused by the COVID-19 outbreak and therefore, subject to an on board inspection by the Master, the VISR is content to extend the servicing of inflatable liferafts and inflatable lifejackets to 17 months but not later than six months from the date of issue of this notice. Operators are not required to approach the VISR to take advantage of this extension to service periods but should retain a copy of this notice on board for the guidance of officials should it be required.
- 3.2 Routine on-board inspections of Life Saving Apparatus should continue as normal on equipment subject to the above extensions.
- 3.3 The routine on-board inspection and maintenance of Fire-Fighting Apparatus should continue in line with MSC.1/Circ.1432. Where servicing of equipment by an external service provider is required but the provider is unable to attend the vessel for matters associated with COVID-19 the VISR are content for such servicing to be postponed by up to three months provided that on-board inspections do not identify any defects. A record of any postponement should be retained on board.

4. Dry-docking and In-Water Surveys

- 4.1 The VISR recognises that the current outbreak will impact the ability of operators to complete the dry-docking, or in-water surveys, required under the relevant IMO Conventions.
- 4.2 Where a ship operator wishes to extend the period between dry-docking or scheduled in-water survey due to matters associated with the COVID-19 outbreak, application should be made to the VISR for an agreement to extend beyond the relevant required period. In all cases such applications should be supported by the vessel's RO and shall include the reasons and evidence why the vessel is unable to comply. It is strongly advised that owners and managers engage with the RO and submit the relevant documentation before the due date in order to avoid port State control issues.
- 4.3 Any deviation from the requirements for dry-docking or in-water survey should be recorded within the Safety Management System and a record of the VISR agreement maintained with the associated statutory certificate.

5. Servicing, Testing and Calibration of Equipment

Where equipment on board a vessel is required to be serviced or calibrated through an external service provider every effort should be made to secure ensure such activity is completed within the required period. It is accepted, however that the restrictions being placed on industry as the result of the COVID-19 outbreak may result in operators being unable to secure the services of external providers. In such circumstances, the VISR is content for such servicing, testing and calibration to be postponed by a period not exceeding three months from the date that the service, test or calibration became overdue on the basis of a Risk Assessment carried out on board.

6. Internal audit requirements

- 6.1 Section 12.1 of the ISM Code requires that the Company carry out internal safety audits on board and ashore at intervals not exceeding twelve months to verify whether safety and pollution-prevention activities comply with the safety management system. In exceptional circumstances, this interval may be exceeded by not more than three months.
- 6.2 The VISR accepts that the current situation clearly meets the definition of exceptional circumstances and will accept deferral of the next scheduled internal audits required by section 12.1 of the ISM Code by up to no more than 15 months from the date of the previous internal audit without a requirement for approval by the VISR to do so. The requirement for internal audit during an interim period will be dealt with on a case by case basis.

7. Documents of Compliance (DOC)

- 7.1 Where an operator requires an audit of their Safety Management System for the endorsement or renewal of the Document of Compliance required by Part B, Section 13 of the ISM Code then, should neither the VISR, an RO acting under an authorisation from the VISR nor another contracting government be able to complete the required audit, consideration will be given to issuing a short term DOC for a period not exceeding three months on the basis of a declaration by the Designated Person that the Safety Management System remains in full compliance with the requirements of the ISM Code.
- 7.2 Applications for changes to the applicable ship types the company is able to manage will only be considered in exceptional circumstances.
- 7.3 Companies holding interim DOC's may, on application, be considered for the issue of a short-term DOC with a validity not exceeding 3 months to allow continued operation on the basis of evidence provided by the company that it has implemented a safety management system meeting the full requirements of this Code within the period of validity of the Interim Document of Compliance

8. Vessels Laying-Up

8.1 An operator considering laying their vessel up during the outbreak of COVID-19 should contact the VISR for guidance on the requirements regarding survey, audit and inspection during this period.

8.2 Operators laying their vessels up overseas should co-ordinate with the VISR regarding the requirements and co-ordination with the local authorities

9. Port State Control

9.1 The arrangements set out in this notice are intended to provide a pragmatic framework to permit the continued operation of Virgin islands registered vessels during the current period of disruption caused by the COVID-19 outbreak. The allowances set out in the notice, specifically in the extension of survey periods, are not expressly permitted under the relevant conventions.

9.2 Some Port State Control Authorities have already issued guidance on the acceptability of delaying periods for surveys, inspections and audits, etc. in a pragmatic and harmonised manner however operators taking advantage of the VISR guidance should be aware that non-compliance with fundamental aspects of the relevant conventions may lead to control action being imposed by an attending Port State Control Officer.

9.3 Should Port State Control action be taken during an inspection of a Virgin Islands Registered ship, the VISR should be informed without delay to allow the VISR to engage with the Port State Control authority directly.

10. Other Vessel Operations

10.1 Other operators within the Virgin Islands are to follow a similar framework as provided for internationally trading large vessels. Operators are encouraged if possible to commence making arrangements for the survey/audit/inspection of their vessels at the earliest opportunity within the window provided by the regulations and, where the operation of the vessel permits, in an area with no or limited instances of infection by coronavirus.

10.2 Where equipment on board a vessel is required to be serviced or calibrated through an external service provider every effort should be made to secure ensure such activity is completed within the required period. It is accepted however, that the restrictions being placed on industry as the result of the COVID-19 outbreak may result in operators being unable to secure the services of external providers. In such circumstances, the VISR is content for such servicing, testing and calibration to be postponed by a period not exceeding three months from the date that the service, test or calibration became overdue on the basis of a Risk Assessment carried out on board.

10.3 Routine on-board inspections of safety equipment should continue as normal.

10.4 Should an operator decide to lay their vessel up and not place it into service until the wider industry is in a position to recommence normal operations then a short-term certificate will not normally be issued. When re-entry into service is planned the circumstances will dictate whether a survey can be completed leading to the issue of a full-term certificate or the endorsement of the current certificate endorsed, maintaining the original expiration date. Should it not be possible to complete the required surveys, inspections or audits then consideration will be given to issuing a short-term certificate on the basis of a declaration from the operator.

10.5 Domestic Passenger Vessels

10.5.1 Domestic Passenger Vessels requiring a survey to renew, their Caribbean Small Commercial vessel certificate should in the first instance contact the VISR to arrange the required surveys in accordance with the current arrangements at the earliest opportunity.

- 10.5.2 The VISR will look favourably on requests to defer inspections of the outside of the ships bottom where the COVID-19 outbreak affects their ability to present the vessel for survey. Any request will be agreed on a case-by-case basis and should be supported by a suitable declaration from the operator that the vessel has not suffered any grounding or contact damage since the last inspection.
- 10.5.3 Should the VISR not be in a position to attend the vessel for survey the operator may apply to the VISR for a short-term certificate to be issued supported by a declaration from the operator that the vessel remains in compliance with the requirements of the relevant instruments following the template in Annex A. The decision as to whether a short-term certificate is issued or not lies with the VISR and will be based on the previous survey history of the vessel and the need to recommence services in accordance with government guidance (see also section 11). Operators should ensure that the required declaration in Annex A is accompanied by a full description of the intended service.
- 10.5.4 On resumption of normal services, a survey to the extent of a renewal survey will be required.
- 10.5.5 The short-term certificate will be valid for a period not greater than 3 months. Extensions to the validity of the short-term certificate may be considered on an individual basis on application to the VISR

10.6 Operators of vessels certified under the MCA SCV Codes of Practice:

- 10.6.1 Within this section the term survey should be taken to mean annual, mid-term or renewal examinations and the term certificate should be taken to include any annual endorsement of the five-year certificate.
- 10.6.2 Operators of vessels outside the British Virgin Islands, scheduled for survey during the period of the outbreak should in the first instance contact their certifying authority to make arrangements for the required survey within the required timescales. Where circumstances dictate that it is not possible to complete a specific element of survey due to the COVID-19 outbreak it should not prevent the conduct of the remaining parts.
- 10.6.3 In circumstances, where no certifying authority surveyor is available as a consequence of the COVID-19 outbreak, the VISR authorises the Certifying Authority (CA) to issue a short-term certificate on the basis of a declaration from the operator that the vessel remains in compliance with the requirements of the relevant instrument following the template in Annex A. The short-term certificate should be valid for not more than three months from the date of expiration of the previous certificate or the closure of the appropriate survey window.
- 10.6.4 On expiration of the short-term certificate, or earlier if the circumstances permit, the required survey should be undertaken, and a new certificate issued with an expiration date aligned with that of the original certificate. Extensions to the validity of the short-term certificate may be considered on an individual basis on application to the Certifying Authority.
- 10.6.5 If, due to the lack of availability of a CA Surveyor, the 3 year intermediate examination is not able to be completed within the certification timeframe, including any extension provided in this notice, the Coding certificate may be suspended pending completion of the intermediate examination. The CA may decide on the extent of the examination required based on the type, age and history of the vessel and may give credit for any recent and detailed competent examination of a vessel for which a report is available. A suspension under this section should not exceed three months in length.

10.6.6 Operators should ensure that annual inspections for self-certification are completed as required.

10.6.7 No short-term certificate may be issued to a vessel requiring an initial survey which has not been previously certified.

11. Tonnage Measurement.

11.1 The tonnage regulations require the physical measurement of a vessel for the calculation of tonnage required for registration. In light of the difficulties in arranging surveys for this measurement to take place and to facilitate registration, the VISR have issued a general exemption which will permit, under certain conditions, the assessment of tonnage remotely. Once survey activity is recommenced in the industry, a measurement will be necessary, and a new tonnage certificate issued if necessary. The General Exemption is contained in Annex B to this notice.

12. Guidance for Recognised Organisations and Certifying Authorities.

12.1 The aim of this notice is to provide a basis for the continued operation of VISR vessels during the period of the COVID-19 outbreak.

12.2 Where an RO or CA is able to conduct a survey or audit on board a vessel in compliance with the normal course of survey and certification, no notification is required to the VISR and the certificate may be issued or endorsed as necessary.

12.3 For statutory certificates issued by an RO or CA, they are empowered to issue a short-term certificate for a period of validity not exceeding three months from the date of expiration of the current certificate or closure of the survey window, without the relevant survey, audit or inspection being carried out on board following the principles set out in this notice. The RO or CA as appropriate should retain a copy of the declaration received and the certificate issued for provision to the VISR if required. Limited extensions to short-term certificates may, however, be considered on a short term basis due to the extended period of the pandemic.

15.5 A short-term certificate issued under the terms of this notice may be transmitted in electronic format to the vessel for presentation to officials as required.

Further information can be obtained from the Virgin Islands Shipping Registry.



Declaration for issuance of Short-Term Certification

Recognising the serious nature of the Coronavirus (COVID-19) and the restrictions it is placing on the movement of personnel and availability of staff, the VISR will permit the issuance of a short-term certificate with a validity not longer than three months from the date of expiration of the current certificate or closure of the relevant survey window. To support the application for the issue of the certificate the following declaration is required to be completed by the Master or responsible person:

Name of Vessel : _____ **IMO/Official No./Callsign :** _____

Registered Owner / Operator : _____

Area and description of intended Operation : _____

Description of nature of service provided :

DECLARATION: I HEREBY CERTIFY THAT:

The above-named vessel has been maintained in compliance with the requirements for the issue of a short-term certificate:

Certificate : _____

Date of expiration of previous certificate : _____

The condition of the vessel, it's structure, equipment, fittings, management and operation are satisfactory for the issue of a short-term certificate not exceeding three months from the date of expiration of the above certificate / date of closure of the appropriate survey window / until the agreed extension date of (delete as appropriate).

Signature

Position:

Date:



EXEMPTION CERTIFICATE

Issued under the provisions of the Virgin Islands
MERCHANT SHIPPING ACT 2001 (No.13 of 2001)
under the authority of the Government of
(name of State)
by THE **VIRGIN ISLANDS SHIPPING REGISTRY**
(person or organization authorized)

GENERAL EXEMPTION

The Director, in exercise of his powers under Section 44891) of the Merchant Shipping Act 2001, hereby exempts:

All vessels wishing to become Virgin Islands ships

From the requirements of:

- a) Regulation 4(1) of Part II of the MS (Tonnage) regulations (SI1997 No.1510) as amended, which requires a Virgin Islands ship of 24m in length and over to be measured by a Surveyor.
- b) Regulation 14(1) Part III of the MS (Tonnage) Regulations (SI1997 No 1510) as amended, which requires Virgin islands ships of less than 24 metres in length to be measured by a surveyor or a measurer.

Recognising the serious nature of Coronavirus (COVID-1()), the restrictions it is placing on the movement of personnel and availability of Surveyors or Authorised measurers. The VISR will permit the issuance of a Tonnage certificate without the subject vessel being physically measured.

Calculations and measurements are to be completed as per the relevant regulations and are acceptable when obtained from the following:

1. A sister vessel of a series build which is in possession of an existing Tonnage certificate issued on behalf of the Government of the Virgin islands
2. Measurements taken from the drawings of the vessel.

On the condition that at the earliest opportunity the vessel is formally measured. Should the measurement result in a variation of tonnage greater than 2% ,the tonnage certification should be re-issued.

This general exemption should be attached to any tonnage certificate issued under the exemption granted by it.

This exemption, which may be modified or revoked at any time, shall otherwise remain valid until 31st March 2021.

Issued at: Tortola, BVI
(Place of issue of certificate)

3rd Nov 2020
(Date of issue)

.....
Captain Raman Bala.
(Signature of authorized official issuing the certificate)

SEAL

This certificate is issued by or on behalf of the British Virgin Islands under the responsibility of the United Kingdom as flag-state under the Convention.