



# NIUE SHIP REGISTRY

Website: [www.niueship.com](http://www.niueship.com)

## PORT STATE CONTROL DETENTIONS (Circular NMC4.2017 (rev1))

### (A) PURPOSE:

Provides ship owners/manager/operators and ROs guidance on the prevention of PSC detentions, and the actions that shall be taken by the Administration in the event of a PSC detention.

### (B) DEFINITIONS:

The following abbreviations stand for:

1. "DOC" – Document of Compliance as required by the ISM Code
2. "EU" – European Union
3. "FSI" – Flag State Inspection
4. "ISM Code" – International Management Code for the Safe Operation of Ships and for Pollution Prevention
5. "ISPS Code" – International Ship and Port Facility Security Code implemented through Chapter XI-2 Special measures to enhance maritime security in SOLAS
6. "ISSC" – International Ship Security Certificates as required by the ISPS Code
7. "MLC" – Maritime Labour Convention 2006
8. "PSC" – Port State Control
9. "RO" – Recognized Organization as defined by MSC.349(92) / MEPC.237(65)
10. "SMC" – Safety Management Certificate as required by the ISM Code
11. "US" – United States of America

The following terms in the context of this circular shall mean:

1. "Administration" shall mean the Niue Ship Registry.
2. "Substandard Ship" – a ship whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformity with the safe manning document.
3. "Detention" – intervention action taken by PSC when the condition of the ship or its crew does not correspond substantially with the relevant conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

### (C) REFERENCES:

The following references should be read in conjunction with this Circular:

1. Niue Marine Circular NMC4.2026 – Guidances on the Conduct of Port State Control (PSC) Inspections under Revised MARPOL ANNEX VI
2. Niue Marine Circular NMC5.2026 – Authority of Recognized Organizations on Port State / Flag State Detentions. (pending)
3. IMO Circular A.1185(33) – Procedures for Port State Control, 2023
4. Form FSI – Flag State Inspection Report (download at <https://niueship.com/form>)

### (D) APPLICATION:

This marine circular applies to all Niue flagged ships that are subject to PSC inspections.

## (E) CONTENTS:

### 1. GUIDANCE FOR THE PREVENTION OF PSC DETENTION

- 1.1 A PSC generally determines a substandard ship when the following (non-exhaustive list) are found:
  - 1.1.1 the absence of principal equipment or arrangements required by the Conventions;
  - 1.1.2 non-compliance of equipment or arrangements with relevant specifications of the Conventions;
  - 1.1.3 substantial deterioration of the ship or its equipment;
  - 1.1.4 insufficiency of operational proficiency, or unfamiliarity with essential operational procedures by the crew;
  - 1.1.5 insufficiency of manning or insufficiency of certification of seafarers; and
  - 1.1.6 expired statutory certificates or no statutory certificates.
- 1.2 To minimize the risk of PSC detention, the Master is strongly recommended to **complete a PSC Pre-Arrival Checklist and carry out an onboard pre-inspection** before calling ports known for having high-enforcement PSC in Tokyo and Paris MOU regions, and the US.
- 1.3 The checklist shall follow the Company's SMS and take reference from Section 5 Appendix 2 of IMO Circular A.1185(33) (Reference (c)), or the Administration's Form for Flag State Inspection Report (Form FSI – Reference (d)), adjusted as necessary to suit the vessel's design, construction, and operational characteristics. The master shall **maintain supporting evidence (photos/videos) for submission upon request by the Administration.**
- 1.4 In the event of **any defect affecting critical equipment**, the Owner/Manager/Master shall notify the Administration without delay, so that appropriate actions may be taken to mitigate the risk of PSC detention, rather than concealing the defect.

### 2. ACTIONS TO BE TAKEN UPON PSC DETENTION

- 2.1 Owner / Manager / Operator / Master is required to immediately notify the following parties in event of a detention:
  - 2.1.1. The Administration at [technical@niueship.com](mailto:technical@niueship.com);
  - 2.1.2. RO issuing the affected Statutory Certificates;
  - 2.1.3. RO issuing the ISM, DOC and SMC – for ISM Code related deficiencies;
  - 2.1.4. RSO issuing the ISSC – for security/ISPS Code related deficiencies;
  - 2.1.5. RO issuing the MLC Certificate – for MLC related deficiencies.
- 2.2 The following documents are to be provided to the Administration, at the earliest opportunity:
  - 2.2.1 PSC Report (Form A and B)
  - 2.2.2 PSC Detention Notice
  - 2.2.3 Confirmation of notification to the parties listed in subsection 2.1, as applicable; and

2.2.4 Corrective actions supported with photographs showing before and after (where applicable) and/or corrective action plans to rectify the deficiencies at the earliest opportunity.

2.3 Owner / Manager / Operator of a detained vessel shall arrange for all the relevant deficiencies and/or non-conformities to be rectified and request the RO and/or RSO to conduct an Occasional Survey / Additional Verification Audit (ISM and ISPS Code) / MLC Additional Inspection (as required) to verify that the deficiencies and/or non-conformities are rectified. In addition, the RO and/or RSO shall ensure that corrective actions and preventive measures are implemented to prevent recurrence. A copy of the RO and/or RSO verification report is to be submitted to the Administration ([technical@niueship.com](mailto:technical@niueship.com)) and PSC authority for consideration of release of the vessel from detention.

### 3. CONSEQUENCES OF PSC DETENTION

3.1 A Niue-flagged vessel detained by PSC shall be subjected to **a chargeable mandatory FSI**, which may include additional inspections, surveys, or audits of shipboard and shore-based safety management systems of a Company, and this shall be arranged **no later than three (3) months** from the date of the vessel's release from detention.

3.2 In addition to the charge of the mandatory FSI, the Owner / Manager / Operator will be responsible for all costs and logistical arrangement of the inspections mentioned in subsection 3.1 of this circular. The arrangement shall be communicated to the Administration ([technical@niueship.com](mailto:technical@niueship.com)) at the earliest opportunity.

3.3 The fee for the mandatory FSI will be determined based on various factors including location, extent of crew negligence, etc.

3.4 **After release of PSC detention, the Administration will require the Master to complete a PSC Pre-Arrival Checklist and carry out an onboard pre-inspection as stipulated in Sections 1.2 and 1.3 above, before calling any ports in the Tokyo / Paris MOU regions and the US for a period of at least 6 months or longer if deemed necessary by the Administration.**

### 4. CANCELLATION OF REGISTRY DUE TO PSC DETENTION

4.1 The Administration reserves the right to cancel a vessel's registration if the vessel is detained twice in one (1) year by PSC.

4.2 In the event that the Administration cancels a vessel's registration in accordance to subsection 4.1, then Section 3 of this circular shall not apply.

Please do not hesitate to contact the Registry at [technical@niueship.com](mailto:technical@niueship.com) or call: +65 6226-2001 for further assistance.