



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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Marine Advisory: 13/2021

Subject: Issuance, Closure, and Extension of Statutory Dispensations issued to Liberian Flagged Vessels

Dear Vessel Owners/Operators/Masters and Recognized Organizations:

The purpose of this Marine Advisory is to inform you of the Liberian Administration's policy regarding the issuance, closure and extensions of dispensations issued to Liberian flagged vessels. It also aims to provide increased flexibility through additional options for vessel owners and operators for closing dispensations.

Background

International and Liberian national laws or regulations require that the condition of a vessel and its equipment shall be maintained in conformance with the provisions of the laws or regulations applicable to the vessel to ensure that the vessel in all respects remains fit to proceed to sea without danger to the vessel, the environment, or persons on board.

Whenever a vessel encounters a situation where the vessel does not fully comply with international or national laws or regulations; or an accident occurs to a vessel or a defect is discovered, either of which affects the safety of the vessel or the efficiency or completeness of its equipment, the owner/operator or the master/person in charge of the vessel shall report the non-compliance to the Administration at the earliest opportunity.

When circumstances prevent the immediate rectification of the non-compliance, the owner/operator of the vessel, or if applicable, the master/person in charge of the vessel, shall request issuance of a dispensation by the Administration authorizing operation of the vessel until the non-compliance can be rectified. The owner/operator or the master/person in charge of the vessel may also, when applicable, request issuance of a dispensation authorizing the extension of the due date for statutory certificate renewal survey; or extension of the due date for a required annual/intermediate survey and/or inspection; or to allow short duration voyages with more persons on board than permitted by the issued statutory certificates; or fewer qualified crew members than required by the minimum safe manning certificate.

After review of the submitted request, the Administration may issue a dispensation letter authorizing operation of the vessel until the deficiency or non-compliance can be rectified. Dispensation letters are issued with a specific time limit of validity either for a single voyage or for a set period of time limited to the minimum period of time necessary for the vessel to rectify the deficiency or non-conformity. Dispensations letters are issued with corrective action requirements and/or operational restrictions.

Dispensations are scrutinized by Port State authorities worldwide and challenged if there is lack of due-diligence to adhere to conditions listed in the dispensation or to correct the issue or the non-compliance.

Dispensation letters require the vessel owner/operator to report to the Administration the rectification of the deficiency or non-compliance or, if applicable, the completion of a survey/inspection, and when the dispensation is no longer needed.

Issuance of Dispensations

The technical and safety dispensations are only issued when circumstances prevent the immediate rectification of a non-compliance with a specific Convention or Code.

When requesting a dispensation, the owner/operator or the master/person in charge of the vessel must submit to the Administration specific information regarding the details and circumstances concerning the non-compliance and all relevant supporting documentation demonstrating the nature of the deficiency and difficulties encountered in rectifying the non-compliance. In addition, the owner/operator or the master/person in charge of the vessel shall provide a proposed corrective action plan to rectify the issue as expeditiously as possible.

Dispensation Letters shall be issued with a specific term limit of validity either for a single voyage or for a set period of time, and shall be limited to the minimum period of time necessary for the ship to rectify the deficiency or non-compliance.

If the vessel is already in a port when the non-compliance is discovered, the owner/operator or the master/person in charge of the vessel must provide information on why the deficiency cannot be rectified at the vessel's current port.

A copy of the dispensation will be provided to the vessel's classification society for information and/or to instruct that a short-term statutory certificate should be issued. If the non-compliance also affects the validity of the certificate of class, the classification society may also impose additional requirements pending rectification of the non-compliance.

Closure of Dispensations

As previously noted, the owner /operator or the master/person in charge of the vessel is required to notify the Administration when the non-compliance is rectified and/or postponed surveys/inspections have been conducted to the effect that the vessel has regained full compliance with the applicable laws and/or regulations.

Dispensation letters are issued with one of the following specific requirements for closure:

- a. Required inspection to close - The vessel owners/operators may choose either a Liberian flag State inspector or a classification society surveyor to carry out the inspection.
- b. Require survey by the classification society – For items that affect the vessel's Safety Construction certificate and/or Class certificates, such as International Load Line Convention deficiencies; main propulsion machinery or auxiliary engine/generator deficiencies; steering gear; vessel hull and structural integrity; etc., a survey by a classification society surveyor will be required in order to close the dispensation.

- c. May be administratively closed without inspection

In accordance with the specific closure method listed in the dispensation letter, the owner/operator or the master/person in charge shall notify the Administration of rectification of the non-compliance and/or completion of an outstanding survey/inspection and request that the dispensation be closed by providing documentary evidence either via:

1. a Liberian flag State inspector's report* or,
2. a classification society surveyor's report or,
3. a service facility/technician's report if applicable, or
4. if the rectification was carried out by the ship's crew, a statement from the master and, if applicable, the chief engineer verifying that the rectification of the deficiency and, as applicable, copies of purchase orders; proof of delivery of the needed item on board; pictures of the restored equipment; or video of the outstanding operation or drill shall also be provided.

*If attendance by a flag State inspector has not already been scheduled for an inspection/audit, subject to prior agreement with the Administration, closure may be carried out by remote survey/inspection to be verified by an attending flag State inspector at a later date.

Upon receipt and review of the documentary evidence, the Administration will close the dispensation and issue correspondence stating that the vessel has regained compliance with the applicable laws and/or regulations. The vessel's flag State records will be updated to show that the vessel is in compliance. A copy of the correspondence will be provided to the vessel's classification society (i.e. Recognized Organization) informing the classification society that any related outstanding statutory recommendations or deficiencies that may have been imposed by the classification society should be closed and, if applicable, authorize the reissuance of the full-term statutory certificate. Based on the Administrations correspondence, the vessel's class records will be updated to show that the vessel is in compliance.

Attachment A to this Advisory is a flowchart that graphically indicates the procedure for closure of a dispensation.

The closure correspondence issued by the Administration will verify for port States and classification societies that the items of non-compliance have been rectified and that the vessel is in compliance with the applicable laws and/or regulations.

Extension of a Dispensation

If a vessel is unable to rectify a deficiency or non-compliance before the expiration date of the dispensation or before departure from a port, an extension of the dispensation may be granted by the Administration.

Extension of a dispensation will only be granted when, due to extenuating circumstances, a vessel was unable to carry out the corrective action in the time specified in the dispensation or at the port specified in the dispensation. When requesting an extension of a dispensation that the owner/operator of the master/person in charge of the vessel shall be required to submit specific details on why the compliance date specified in the dispensation could not be met and must provide a new corrective action plan for rectifying the deficiency or non-compliance at the vessel's next port or at the first available opportunity.

If granted, the extension shall be limited to the minimum period of time necessary for the vessel to rectify the deficiency or non-compliance.

If extension of the dispensation is needed the owner/operator or master/person in charge of the vessel must contact the Administration prior to the expiration of the dispensation.

Dispensation Fees:

Issuance and/or Extension of a Dispensation - \$200 USD

Verification of Closure of a Dispensation – NEW

- 1) Verified via flag State inspector attendance during a scheduled annual safety inspection or audit - inspection/audit fees as pre-approved by the vessel owner/operator. Classification society surveyor does not need to attend.
- 2) Verified by remote inspection conducted by the Administration - \$500 USD. Classification society surveyor does not need to attend.
- 3) Verified administratively by reviewing documents submitted by owner/operator or the master/person in charge of the vessel – No Fee. Classification society surveyor does not need to attend.
- 4) Verified via classification society surveyor attendance and report – surveyor fees are set by the classification society.

If the dispensation required the issuance of a short-term statutory certificate, fees for re-issuance of the full-term statutory certificate are set by the cognizant classification society

Implementation:

The policy regarding the issuance and extension of dispensations is a continuation of existing policy and is effective immediately and the policy regarding closure of dispensation will enter into effect on 01 November 2021.

For questions regarding this note please contact this Administration's at email: regsandstandards@liscr.com or via telephone number +1 703 790 3434.

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