



# The Bahamas Maritime Authority

## BMA INFORMATION BULLETIN No. 133 v1

### YACHTS OF LESS THAN 24 METRES LENGTH: PROCEDURES FOR REGISTRATION AND STATUTORY MANAGEMENT

#### Guidance and Instructions for Owners, Owners' Agents, Managers, Masters, Bahamas Recognised Organisations and Bahamas Appointed Surveyors of Yachts in Commercial and Non Commercial use

*Note: This bulletin replaces and includes minor updates to BMA Bulletin No. 133 Rev 0 in respect to the registration of any yacht of less than 24 metres and includes updates, principally in section 2.*

## 1. INTRODUCTION

- 1.1. The Bahamas Maritime Authority (BMA) launched a new initiative to enhance the statutory management of yachts under The Bahamas register in 2011. This Bulletin ONLY deals with "Small Yachts", being those of less than 24 metres "Load Line" length, (about 85 feet overall length). The layout and principles are in the same style Bulletin No 102 Rev 6 which deals solely with yachts of "Load Line" length<sup>1</sup> 24 metres or more.
- 1.2. All Bahamas registered yachts will be registered with the status as a "Yacht." This Bulletin is divided into the following sections, including the status of either **Commercial** or **Non-commercial use** as follows:
  - .i Sections 1, 2 & 3 - General information
  - .ii [Section 4](#) - Non-commercial yachts;
  - .iii [Section 5](#) - Commercial yachts – additional information
  - .iv [Section 6](#) - Manning
  - .v [Section 7](#) - Casualty, Incident reporting and Investigation.
- 1.3. Yachts in Non-commercial use are also are recommended to follow a system of management that will aid identification of maintenance and appropriate certification.

<sup>1</sup> The length of a yacht is to be determined in accordance with Regulation 3 of the International Convention on Load Line, 1966, as amended.<sup>o</sup>

- 1.4. Yachts are not permitted to carry more than 12 passengers (see [Annex 1 - Definitions](#)). Yachts that carry more than 12 passengers are regarded as passenger ships and therefore subject to applicable technical, operational and certification provisions of the SOLAS Convention 1974, as amended.
- 1.5. The principal requirements of The Bahamas Merchant Shipping Act are to ensure that all vessels, including yachts, registered in The Bahamas, are built, maintained and operated in accordance with suitable standards of construction, safety and pollution prevention, to safeguard life, property and the environment.
- 1.6. **Definitions:**
  - 1.6.1. **“Yacht”** - The Bahamas Merchant Shipping Act does not define the term ‘yacht’ but for the purposes of this Bulletin, a yacht is taken to mean a vessel that
    - .i does not carry cargo
    - .ii does not carry fare-paying passengers on pre-defined routes or itineraries and
    - .iii is intended for sport or pleasure.
  - 1.6.2. A yacht has a user status of:
    - .i **Non-commercial** – when it operates as a “pleasure vessel” or
    - .ii **Commercial** – when it is available for hire, to carry onboard a charterer and their party.
  - 1.6.3. Further definitions of ‘pleasure vessel’, ‘immediate family’ and ‘passenger’ are included in [Annex 1](#) to this Bulletin.

## 2. OWNERSHIP, CRUISING REQUIREMENTS AND STATUS

- 2.1.1. The Bahamas Maritime Authority does not accept for registration any yacht of less than 12 metres “Load Line” length<sup>2</sup>.
- 2.1.2. There are no ownership requirements, limitations or conditions of nationality, residence or company incorporation for yachts.
- 2.1.3. Owners of yachts that are resident in or intend to visit The Bahamas must make themselves aware of any importation or customs duties may be payable for yachts of less than 24 metres length (about 85 feet overall length). Such matters are outside the responsibility or purview of The Bahamas Maritime Authority.

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<sup>2</sup> The length of a yacht is to be determined in accordance with Regulation 3 of the International Convention on Load Line, 1966, as amended.<sup>o</sup>

## 2.2 Certificate of Registry

### 2.2.1. **The Certificate of Registry will not declare the yacht's use or status.**

All yachts, once accepted into permanent registry will be provided with a Yacht Certificate of Registry with unlimited validity. The previous BMA policy of issuing an Annual Certificate of Registry for non-commercial yachts is cancelled and an appropriate certificate will be issued after payment of the 2012 fees.

2.2.2. Details of initial and annual registration fees may be obtained from the Registrar or by reference to [Bulletin No 81](#). Links are available on the ["Yachts" page](#) of the BMA website.

### 2.3. Certification in accordance with use or status

2.3.1. Yachts in '**Non-commercial**' use must maintain the minimum survey and certification in accordance with the provisions of [section 4](#) of this Bulletin.

2.3.2. Yachts in '**Commercial**' use must maintain survey and certification in accordance with the provisions of [section 5](#) of this Bulletin.

2.3.3. If an owner plans to change usage between 'Commercial' and 'Non-commercial,' in accordance with section 2.5 below, the owner must ensure that the yacht and crew are properly certificated at all times appropriate to the status.

2.3.4. Yachts in '**Commercial**' use for part of a year should be maintained in accordance with the survey, certification and manning provisions of section 5 on a continuous basis, year on year. Any break in the continuity of such certification may require re-survey under the BYC.

2.3.5. The lists in [Annex 2](#) include certificates required under the BYC and other certificates required for the size and use of each yacht.

### 2.4. Recording a Yacht's 'Commercial' or 'Non-commercial' use and status

#### 2.4.1. **The Declaration of 'Commercial' or 'Non-commercial' use, signed by the Owner, Manager or Captain, and countersigned by the BMA, as detailed in section 2.5 below, should form an attachment to the Certificate of Registry to demonstrate the yacht's use and status.**

Yachts in 'Non-commercial' use at each year end are required to re-submit a copy of that declaration at the same time as the payment of the annual fees for the next year. That will be countersigned by the BMA and returned to the yacht.

- 2.4.2. Yachts that change use during a calendar year must record such changes in the yacht's Bahamas Official Log Book (OLB) for each period that the yacht is in 'Commercial' or 'Non-commercial' use. These records may be examined by a Bahamas Surveyor or officer, and may be shown to an attending Port State Control Inspectors as evidence of compliance with this Bulletin.
- 2.4.3. The record referred to in section 2.4.2 should be entered in the narrative section of the OLB and consist of an entry similar to one of the following:
- .i When commencing "Commercial" use: *"At the time and date specified [NAME OF YACHT] commenced Commercial use within the provisions of section 5 of The Bahamas Bulletin No 102."*
  - .ii When commencing in "Non-commercial" use: *"At the time and date specified [NAME OF YACHT] commenced Non-commercial use within the provisions of section 4 of The Bahamas Bulletin No 102."*

## 2.5. **Recording and changing a Yacht's "Use" with the BMA**

- 2.5.1. The following facility is intended to enable owners to change the usage of their yacht between 'Commercial' and 'Non-commercial' when the yacht is made exclusively available to the owner, their family or friends as described in section 1.6.2 above and Annex I. As such it is not intended to provide the facility to "bounce" between each use for a few days or hours. Each declaration shall therefore remain valid for a minimum period of about 20 days.
- 2.5.2. In order to maintain valid registration, all yachts have the default status of 'Commercial'. Thereafter any change of status between 'Commercial' and 'Non-commercial' shall be initiated by the owner, or their representative, submitting the appropriate 'Declaration of Use' form Y 301 or Y 302. These forms are now only available from the BMA website or BMA Yachts: [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com) with instructions to facilitate an optional paperless submission and response. The web site contains additional advice to aid this procedure.
- 2.5.3. Any appropriate additional annual fee, in accordance with [Bulletin No 81](#), shall be paid at the time. The higher fee will be valid for that year and, once paid is not refundable in full or in part. The fee differential between 'Commercial' and 'Non-commercial' is currently (December 2011) \$300 plus 20 cents per net ton. A copy of the Declaration received by the BMA will be signed and returned to the yacht for inclusion in the yacht's papers as this Administration's acknowledgement of that use or status.
- 2.5.4. Fees for processing and acknowledging the Forms Y 301 and Y 302 are under review and will be promulgated under a revision of Bulletin No 81.

- 2.6. **Geographical imitations of cruising** are based upon the yacht design, standards of manufacture, cruising range, anticipated weather, crew numbers and crew qualification.
- 2.7. **Change of ownership**
- 2.7.1. The existing owner shall advise the Registrar where there is a change of ownership and comply with the BMA's change of [Yacht Ownership requirements](#). The new owner shall make an appropriate Declaration of Use and comply with the provisions of this Bulletin.

### 3. APPLICATION TO REGISTER A YACHT

- 3.1. When considering registering a yacht with The Bahamas an owner, or their designated agent or manager may make a general email enquiry to [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com). The first formal application should be on the Yacht Forms [YR 102](#) and [YR 104](#) sent to that email address or directly to a Bahamas Registrar in [Nassau](#), [New York](#), [Hong Kong](#) or [London](#).
- 3.2. Form [YR 102](#) provides the BMA with the basic information needed to reserve the proposed name on the Register and commence registration. There is no obligation or firm commitment to register when submitting this form.
- 3.3. In the case of a new construction the owner, or their designated agent or manager, should determine at an early stage the intended operational status of the yacht throughout the yacht's life – after possible re-sale – as this may have a direct bearing on the design and technical requirements.
- 3.4. Owners and their representatives are advised to become familiar with the BMA's web site - [www.bahamasmaritime.com](http://www.bahamasmaritime.com) – where all necessary information is available, particularly on the [BMA "Yachts" page](#). Form [YR 101](#) lists all appropriate Registration Forms that will be needed to complete the registration process.
- 3.5. All yachts will be reviewed by the BMA for their compliance with required technical standards prior to provisional and permanent registration, irrespective of age. If any deficiencies or issues are identified during the review, the owner will be advised and requested to rectify them before registration is granted.

## 4. YACHTS in NON-COMMERCIAL USE

### 4.1. Survey and Technical Standards

4.1.1. All new yachts constructed on or after 01 January 2011 of less than 24 meters in length, accepted for Registration are to be built in accordance with either the UK ***Small Commercial Vessels & Pilot Boat Code of Practice***, (SCV) or a similar set of standards, that should be agreed with the BMA, Yachts. The above UK Code is published under the title of MGN 280.

4.1.2. Vessels constructed to other national, regional or international standards of build and safety will be considered for registration, provided they achieve an equivalent level of safety as that provided by the Code referenced above. The Bahamas is preparing a Code that will be suited to Bahamian yachts that will, when drafted, replace the provisions of MGN 280.

4.1.3. The technical standards required for yachts in Non-commercial use are given in detail in [Annex 2](#) which also contains a simplified table of required statutory surveys and certificates which may be applicable, according to size and tonnage. These are summarised here:

- .i Carving and Marking (see [Annex 2/2](#))
- .ii Tonnage Certificate (see [Annex 2/3](#))
- .iii Ship Radio Licence (see [Annex 2/4](#))
- .iv The provisions of the MARPOL Convention 73/78, as amended are applicable, including under Annex IV, V, VI and the EIAPPC although the only certification required is as described below. (See [Annex 2/5](#)):
  - **Oil Pollution** - MARPOL Annex I (see [Annex 2/5.2](#)) - **certification NOT required**, however the provisions of Annex I apply to every ship, yacht, craft or vessel. Rather obviously it can be summarised as:  
DO NOT POLLUTE THE SEA WITH PETROLEUM BASED OILS
  - **Sewage** - MARPOL Annex IV (see [Annex 2/5.3](#)) - Yachts that carry more than 15 persons must have a 'Statement of Compliance'
  - **Garbage** - MARPOL Annex V (see [Annex 2/5.4](#)) - Yachts that carry more than 15 persons must have a Garbage Management Plan and Garbage Record Book
  - **Air Pollution** - MARPOL Annex VI (see [Annex 2/5.5](#)) - Not applicable to small yachts although the principles of Annex VI apply in that any vessel, at any general inspection or survey, that shows obvious signs of air pollution shall be required to attend to the cause
  - **Engine International Air Pollution Prevention Certificate (EIAPPC)** (see [Annex 2/5.6](#)) - Applicable to each separate diesel engine greater than 130 kW (except emergency engines) on yachts constructed on or after 01 January 2000. This certificate is usually issued by the engine manufacturer
- .v **Anti-Fouling** - International Anti-Fouling System Convention (see [Annex 2/6](#)) - Applicable to every yacht although **no certification is required** for small yachts. The owner should ensure that some evidence of the anti-Fouling coating used is compatible with IAFSC.

- 4.1.4. Yachts in Non-commercial use are not mandated to comply with the provisions of any specific Code or standard. However the BMA recommends that all pleasure vessels at least comply with the standards of the UK MGN 280, (see section 5.3) as required for Commercial yachts, in respect of life saving, survival craft and fire fighting standards.
- 4.1.5. In addition the owner may wish to undertake periodic survey by the BMA to attest to this compliance. There is an increased awareness of the need for demonstrable compliance with recognised standards for all yachts worldwide. Maintaining an agreed programme of survey to such standards is an economic method of demonstrating compliance with published standards of the Flag State.
- 4.1.6. As referred to in section 2.3.4, above, owners who require the flexibility to easily change their yacht's use between 'Commercial' and 'Non-commercial' status should maintain compliance with the provisions of section 5 below, on a continuous year on year basis in order to enable quick and easy transfer of declared use. For Small Yachts this is a simple process to commence and maintain but sometimes can lead to unnecessary delays if required at short notice when a yacht in Non-commercial use has no history or continuity of maintaining standards and survey.

## 5. YACHTS in COMMERCIAL USE

### 5.1. Survey and technical standards

- 5.1.1. The over-riding principles to satisfy The Bahamas are that any yacht under the BMA register must be constructed and operated so as to give reasonable assurance of the safety of those on board and the marine environment.
- 5.1.2. [Annex 2](#) lists a general description of those requirements and contains a simplified table of required statutory surveys and certificates which are applicable, depending upon size and tonnage.
- 5.1.3. Yachts subject to this section shall comply with the technical standards and mandatory provisions for their size and total number of persons on board as follows:
  - .i The same standards and certification as applied to 'Non-commercial' yachts described in [section 4.1.3](#)
  - .ii UK Code of Practice – [MGN 280](#) - Small Vessels in Commercial Use for Sport or Pleasure Workboats and Pilot Boats or similar National
  - .iii Standard (see 5.3 below and Annex 2/2.2)
  - .iv Bahamas Safety inspection (see [section 5.5](#) below.)

5.2. **Daily excursions within Bahamian waters only** – where a small yacht is chartered for a daily excursion and the owner wishes to carry more than 12 passengers specific approval must be obtained from the Port Department of The Bahamas Government. The Yacht registry under The BMA will support any decision made by the Port Department providing there is verification **by survey** of adequate lifesaving and fire fighting equipment plus evidence that the captain holds suitable stability data appropriate to the numbers of persons to be carried on board. Individual tickets or places on board the yacht must not be made available for sale any. Such vessels are considered to be passenger ships.

5.3. **The Role of Classification Societies, Recognised Organisations and Bahamas Yacht Surveyors**

5.3.1. Small Commercial yachts are not required to be “in class” with any Recognised Organisation (RO) (see [Bulletin No 3](#)). If a yacht of less than 24 m length is constructed to Class standards or maintained in Class with one of The Bahamas Recognised Organisations (RO), as detailed in [Bulletin No 3](#), that Society is authorised to examine plans, perform surveys and issue statutory certification on behalf of The Commonwealth of the Bahamas. This authorisation excludes the attendances required under 5.3.4 below.

5.3.2. Owners of yachts that use a Classification Society must be aware of the Society Rules. Some Societies will not undertake statutory surveys unless the yacht is maintained “in Class” – under Classification Society Rules.

5.3.3. Additionally, some Classification Society rules may only allow them to class and survey vessels that are constructed to international standards or their own Rules. Furthermore owners of yachts who use an RO must be aware that some Societies will not undertake statutory surveys unless the yacht is simultaneously maintained “in Class.”

5.3.4. ROs are not authorised to undertake the following:

- Carving and Marking Inspections
- Bahamas Annual Inspections (where deemed necessary)
- Casualty or Incident Investigations.

5.3.5. Bahamas Appointed Yacht Surveyors are specialist surveyors, capable of undertaking surveys and audits for statutory surveys, certificates, inspections and investigations. Their appointment for survey is only through the BMA, unless specific directions from the BMA authorise differently.

5.4. **The UK Small Commercial Vessel and Pilot Boat Code of Practice – [MGN 280](#)**

- 5.4.1. The depth and extent of the survey for the above Code (MGN 280) will depend upon the type of service that the yacht is used for and the “Area Category” in which it operates, in accordance with the following criteria.
- 5.4.2. The following operational areas for service are referred to in various texts as the “categories” in which small yachts may cruise.

Area Category 6	To sea, within 3 miles of a nominated departure point(s), never more than 3 miles from land, in favourable weather & daylight
Area Category 5	To sea, Within 20 miles from a nominated departure point in favourable weather and daylight.
Area Category 4	Up to 20 miles from a safe haven, in favourable weather and in daylight
Area Category 3	Up to 20 miles from a safe haven
Area Category 2	Up to 60 miles from a safe haven
Area Category 1	Up to 150 miles from a safe haven
Area Category 0	Unrestricted service

- 5.4.3 The following table is a modified version of the Survey and Certification regime required under MGN 280, that shall be applied to Small Commercial Yachts.

<b>Type of Service Area Category</b>	<b>Fitted with a lifting device</b>	<b>Carrying 15 or less persons</b>	<b>Carrying 16 or more persons</b>
Category 0	AP	AP	AP
Category 1	AP	AP	AP
Category 2	AP	Self +3yr (IW)	AP
Category 3	AP	Self +3yr (IW)	AP
Category 4	AP	Self +3yr (IW)	AP
Category 5	AP	Self +3yr (IW)	AP
Category 6	AP	Self +3yr (IW)	AP

Where: AP = Authorised Person (see SCV section 27.4.2.2)  
 Self = Owner or managing agent (see SCV section 27.4.2.3)  
 OW = Out of water examination (see SCV section 27.4.2.5)  
 I W = In water examination (see SCV section 27.4.2.4)  
 3yr = Intermediate Examination

For vessels satisfying more than one of the service types, the most onerous survey regime will apply.

- 5.4.4. It should be noted that much of that process includes a programme of self-survey by the Owner, Manager or Captain. The detail of that will be thoroughly examined at the periodic attendances by a Bahamas Yacht Surveyor to ensure continuity of acceptable standards.
- 5.4.5. This Code is an attempt to incorporate all associated small commercial craft types into one Code. As such its simplicity is somewhat compromised when addressing the subject of this Bulletin. The Bahamas is applying this Code as an interim measure pending the drafting of a specific and more suitable Code for small commercial yachts. As such the application of the code will be at the joint discretion of the surveyor and the BMA. For example there are several specific references and requirements for port service boats, pilot boats and other working craft that will not be applicable.
- 5.4.6. The Code also includes many references to UK or European National standards or regulations that are not necessarily directly applicable to nations outside Europe. As such where a yacht is constructed to standards that may differ to those in the Code equivalents will be examined and where considered to be realistically similar, accepted.
- 5.4.7. Many yachts are constructed to be compliant with the UK MCA Codes and are termed "MCA Code Compliant." Due consideration will be given to such standards. Similarly other yachts may be constructed and stated to be compliant with other National Standards. These will be reviewed on a case by case process.
- 5.4.8. All Statutory Certificates will be issued by either
- .i a Bahamas Recognised Organisation (see [Bulletin No 3](#)) if one is appointed by the owner or
  - .ii The Bahamas Maritime Authority upon receipt of satisfactory survey reports from an appointed Bahamas Yacht Surveyor.

## 5.5. **Bahamas Safety Inspection**

- 5.5.1. The Bahamas is required under the provisions of the United Nations Convention on the Law of the SEA (UNCLOS) to inspect all ships on the register.
- 5.5.2. The BMA requires the mandatory attendance of a Bahamas Yacht Surveyor at least once during the five year period for all small yachts that are in Commercial use. This is a similar process to that for large yachts of 24 m or more in length, mandated by section 28.3.3 of the Bahamas Yacht Code ([BYC](#)). The schedule for this inspection will be arranged through the BMA Yachts and will be tailored to the cruising style and location of the yacht. This Inspection can only be made by a Bahamas Yacht Surveyor but can be made at the same time as any other attendance by such a Bahamas Surveyor.

- 5.5.3. Owners, or their agents, managers or captains, are encouraged to maintain communications with the BMA Yachts Section to facilitate this provision and to minimise unnecessary costs.
- 5.5.4. Where a Bahamas Yacht Surveyor is appointed to undertake another statutory survey the Bahamas Safety Inspection may be made simultaneously.

## 6. MANNING

- 6.1. **This section applies to all yachts**, both 'Commercial' and 'Non-commercial.' The manning levels and standards of competence detailed in section 6.3 are mandatory for yachts in 'Commercial' use. They are recommended for yachts in 'Non-commercial use.
- 6.2. The principles of safe manning of small yachts are adequately covered in MGN 280. The following text is used extensively in Bahamas policy and applies to every vessel under The Bahamas register, including every small yacht. It states:

*The Bahamas Maritime Authority requires that all vessels are safely and sufficiently manned in relation to the nature of their operation with the responsibilities placed on companies owning or operating seagoing vessels, to ensure that their vessels are manned with personnel of appropriate grades who have been properly trained and certificated. The numbers of certificated officers and certificated and non-certificated ratings must be sufficient to ensure safe and efficient operation of the vessel at all times.*

*The BMA places a duty on the owner and operator to provide the master of a vessel with the necessary resources to comply with the manning requirements.*

### 6.3. Yachts in 'Commercial' use - Manning

- 6.3.1. A Safe Manning Document is not required for a Small Yachts but the manning levels for small commercial yachts shall comply with the provisions of tables 6.3.4 and 6.3.5 below as qualified by the subsequent notes.
- 6.3.2. These are derived from Annex 3 to MGN 280, in particular tables 1 and 2. The areas of application are listed in [section 5.4.2](#) of this Bulletin. Qualifications that differ from those listed but that are considered by the BMA to be of a similar standard will be accepted.
- 6.3.3. At least one person should hold a Radio Operator Certificate of qualification appropriate to the equipment on board.

6.3.4.

	CATEGORY		6	5	4	3	2	1	0
<b>SKIPPER QUALIFICATION ACCEPTABLE FOR GIVEN CATEGORY</b>	Certificate of Competency – Yachtmaster Ocean (MCA Accepted )	Note A	✓	✓	✓	✓	✓	✓	✓
	Certificate of Competency or Service – Yachtmaster Offshore (MCA Accepted )	Note A	✓	✓	✓	✓	✓	✓	
	MCA Boatmasters Licence Grade 1,2 & Modified Grade 3	Note A Note B	✓	✓	✓	✓	✓		
	RYA/DfT Certificate of Competency or Service - Coastal Skipper	Note A	✓	✓	✓	✓			
	RYA/DfT Advanced Powerboat Certificate	2 years relevant experience	✓	✓	✓	✓			
		12 months relevant experience	✓						
	Certificate of competence for appropriate area issued by Competent Authority	Note A Note C	✓	✓	✓	✓			
	RYA/DfT Day Skipper Theory & Practical Certificate	Note A 12 months relevant experience	✓	✓					
	Local Authority Licence for appropriate area	Note A Note D	✓						
	RYA/DfT Day Skipper Practical Certificate	Note A	✓						
RYA/DfT Powerboat Level 2 Certificate	12 months relevant experience	✓							
<b>ADDITIONAL REQUIREMENTS</b>	Unless operating in the single-handed mode in accordance with Paragraph 7 of this Annex, a second person capable of assisting the Skipper in an emergency should also be on board		✓	✓	✓	✓			
	There should also be on board a second person deemed by the skipper to be experienced.						✓		
	There should also be on board a second person holding at least an RYA/DfT Certificate of Competency or Service as Coastal Skipper.							✓	
	There should also be on board another person holding at least an RYA/DfT Certificate of Competency as either Yachtmaster Ocean or Yachtmaster Offshore.								✓

Note 1 Qualifications differing from those tabled, but of equal standing or specialist application will be considered. The BMA is familiar with qualifications under the IYT brand. Most of these are acceptable, but in the interim specific agreement from the BMA, except as listed in the table is required

Note 2 Vessels regularly engaged on near coastal voyages from ports outside The Bahamas or the UK, have to abide by the manning requirements of the Administration regulating that coastal area.

Note 3 RYA/DfT certificates of competency and/or service, and other MCA recognised Yachtmaster certificates, should carry the endorsement - "valid for vessels of up to 24 metres in length used for commercial purposes" or some other statement that clearly includes the size and type of yacht.

Note A Certificate should be designated motor or sail as appropriate.

Note B Existing MCA Boatmasters Licence Grade 3 is only acceptable if it has been validated for the specific area in the license prior to this Code coming into force. All Boatmasters licence holders are subject to the area limitations as defined on the certificate.

Note C Competent Authority in respect of manning requirements means either the Maritime and Coastguard Agency or an organisation that issues Certificates of Competence which has been applied for and granted recognition by the Maritime and Coastguard Agency as having the appropriate technical and administrative expertise or such an organisation recognised by The Bahamas Maritime Authority with a certificate issued within 5 years of the date the time of issue.

Note D Local Authority Licence - only those Local Authorities that have the approval of the MCA may issue Licences under this Code.

6.3.5.

		CATEGORY					6	5	4	3	2	1	0
<b>ENGINEERING REQUIREMENTS</b>	<b>RYA Diesel Engine Course or satisfied the Maritime and Coastguard as to their appropriate engineering experience and competency</b>										<b>Sail Vessel</b>	<b>Sail Vessel</b>	
	<b>Approved Engine Course or satisfied the Maritime and Coastguard Agency as to their appropriate engineering experience and competency</b>									<b>Power vessel W</b>	<b>Power vessel SL</b>	<b>Power vessel SL</b>	
	<b>Marine Engine Operators Licence (MN) (Y)</b>										<b>Power vessel W</b>	<b>Power vessel W &lt;1500 Kw</b>	
	<b>Senior Marine Engine Operators Licence, STCW C/Eng (Y4)</b>											<b>Power vessel W &gt;=1500 Kw &lt;3000 KW</b>	

Note 1 Qualifications differing from those tabled, but of equal standing or specialist application will be considered.

Note 2 The person holding the engineering requirement may be a crew member listed in table 1.

Note 3 In all cases, one of the crew should be sufficiently familiar with the operation and maintenance of the vessel's machinery to ensure safe passage.

Note 4 Power Vessel W is a Power Vessel employed in towing operations, lifting operations or carriage of cargo greater than 1000 kg.

Note 5 Power Vessel SL is a Power Vessel other than Power Vessel designated by Power Vessel W.

## 6.4. Safe Manning Document

6.4.1. Safe Manning Documents are not mandatory for yachts in 'Commercial' or Non-commercial' use although they are recommended for 'Commercial' yachts as they serve as a useful document to demonstrate to port and National authorities the number of persons required. They are valid for a period of 5 years and are charged in accordance with the 'Fee' [Bulletin No 81](#). Please refer to [Bulletin No 115](#) (Safe Manning requirements) in making an application and use the form [YR 106](#) in order to ensure that all relevant data is supplied.

## 6.5. Seafarers Documents

6.5.1. Seafarers Documents as detailed below are available on a voluntary basis.

6.5.2. Officers' Appropriate Certificates (Certificate of Competency) issued under the STCW Convention and similar certificates for yachts, such as those of the master, deck and engineer officers referred to in 6.3.4 and 6.3.5 above, may be Endorsed by the BMA in accordance with the procedures for Flag State Endorsements in regulation I/10 of STCW, as amended, and by the additional authorisation of this Bulletin. The procedure is referred to in detail in [Bulletin No 108](#). Owners should use the [Application Form](#) from the website, [Bulletin No 124](#) and, for fees, in [Bulletin No 81](#).

- 6.5.3. Seafarers working on board Bahamian yachts may apply for and be issued with Seaman's Record Books (SRB). These are dealt with under [Bulletin No 107](#). Please note that a Bahamas SRB is NOT an identity document and is unsuitable for immigration purposes or as an authoritative identity document. Such documents should be issued by the seafarer's National body.

## 7. **INCIDENT, CASUALTY AND ACCIDENT REPORTING**

- 7.2. All yachts, of any size or status, must comply with the Incident reporting Procedures detailed in [BMA Bulletin No 4](#). Any incident on any vessel, from slips and falls to death, fire, grounding or piracy, be it on a 12 metre yacht or a 150,000 GT bulk carrier or tanker, has the same priority and capacity from which to learn lessons.

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## ANNEX 1

### Definitions

1. A **"Guest"** on board a non-commercial pleasure vessel is a collective term used to describe the "immediate family and friends" in the following definitions that have been extracted from the [BYC](#).
  
2. A **"Pleasure vessel"** is:
  - 2.1.1. any vessel which at the time it is being used is:
    - i. (aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; **or**
  
    - (bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; **and**
  
  - ii. on a voyage or excursion which is one for which the owner does not receive money for, or in connection with, operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; **or**
  
- 2.1.2. any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; **and**
  
- 2.2. In the case of any vessel referred to in paragraphs 2.1.1 or 2.1.2 above, no other payments are made by or on behalf of users of the vessel, other than by the owner.
  
- 2.3. The term **"immediate family"** in 2.1.1 i (aa), (bb) and 2.1.2 above means an individual, the husband or wife of the individual, and a relative of the individual or the individual's husband or wife and a "relative" means brother, sister, ancestor or lineal descendant.

- 2.4. A 'passenger' means any person carried in a ship or yacht who does not meet the criteria in 2 above except:
- i. a person employed or engaged in any capacity on board the ship on the business of the ship or yacht **or**
  - ii. a person on board the ship or yacht either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented **or**
  - iii. a child under one year of age.
3. Further amplification of persons employed on board:
- 3.1. "A person employed or engaged in any capacity on board the vessel on the business of the vessel" i.e. crew, includes:
- i bona-fide members of the crew over 16 years of age who are properly employed by the owner in the operation of the vessel;
  - ii person(s) employed by the owner in connection with business interests of the owner and providing service to passengers or the owner and guests: and
  - iii person(s) employed by the owner in relation to social activities on board and providing a service available to passengers or the owner and guests.
- 3.2. It should be noted that whether a person on board a vessel should be considered as a 'passenger' or as a member of the 'crew' is determined by their employment status. Recognising that not all members of the crew are directly employed by the owner, the term '*employed by the owner*' maybe elaborated to mean 'employed by the owner, or employed by a Company, who under contract, is required to provide the owner with personnel to be engaged on board'.
- 3.3. The above persons engaged on the business of the vessel are to be provided with accommodation that has been approved for the use of crew and, are to be included in the crew Articles of Agreement, which is required for the vessel. They are also to be provided with familiarisation and training, appropriate their duties.

## ANNEX 2

### STATUTORY SURVEYS AND CERTIFICATES REQUIRED FOR SMALL YACHTS

#### 1. **SCV Code**

- 1.1. All new yachts constructed on or after 01 January 2011 of less than 24 meters in length, accepted for Registration are to be built in accordance with either the UK ***Small Commercial Vessels & Pilot Boat Code of Practice***, (SCV) or a similar set of standards, that should be agreed with the BMA. The above UK Code is published under the title of MGN 280.

#### 2. **Carving and Marking**

- 2.1. The term “Carving and Marking” covers the ‘permanent’ marking on the hull and structure of a vessel’s name, port of registry, official number, net tonnage and draft marks. The legislative requirement for this is in the Merchant Shipping Act section 9.
- 2.2. Special consideration may be given for the structural material of the yacht.
- 2.3. Inspection for Carving and Marking is a requirement at first registration when yacht is new or during the period of provisional registration and subsequently for any changes, such as name or net tonnage.

#### 3. **Tonnage Certificate**

- 3.1. All yachts of less than 24 m length must be measured against The Bahamas Tonnage Regulations currently in force. In July 2011 this is detailed in Schedule 5 to The Bahamas Merchant Shipping (Tonnage) Regulations, 1982. Tonnage is calculated and issued at construction or when a yacht is altered such that the tonnage is increased or decreased. A yacht owner that submits a tonnage certificate should ensure that it includes the method of calculations used. The BMA has some options in those Regulations but in order to reasonably interpret them the basis for any tonnage calculation must be included.

#### 4. **Ship Radio Licence**

- 4.1. A **Ship Radio Licence** will be issued at the time of registration by the BMA on behalf of The Bahamas Utilities Regulation & Competition Authority (URCA), which is the responsible national communications regulatory body. See the Application forms [R 108](#) and [Bulletin No 6](#) (for registration of an EPIRB.)

## 5. MARPOL Convention 73/78, as amended

5.1. All yachts are required to comply with the provisions of the MARPOL Convention 73/78 subject to the applicability of each Annex as detailed below. Such surveys, and any periodic inspections from any national or official body, will also require appropriate record books to be available on board to demonstrate compliance. Blank books, for MARPOL Annexes I (Oil), V (Garbage) and VI (Air) are available from the BMA Publications: [publications@bahamasmaritime.com](mailto:publications@bahamasmaritime.com).

### 5.2. MARPOL Annex I (Oil Pollution)

- Applicable in principle but **small yachts are not required** to be surveyed, certificated or to hold statutory records
- This covers the control and discharge of any form of petroleum oil
- International Oil Pollution Prevention Certificate (IOPPC) **not required**
- Oil Record Book (ORB) **not required**
- IOPPC and ORB are both **only** applicable to all yachts of 400 GT or over.

### 5.3. MARPOL Annex IV (Sewage)

- Applicable, in principle, to **all yachts** and mandatory for **all yachts carrying more than 15 persons**
- Also applicable to vessels of 400 GT and over
- The Bahamas has not ratified MARPOL Annex IV (Sewage) but the provisions of this Annex apply to any yacht that visits a port, or sails to or within the waters of an IMO Member State that has ratified that Annex
- Surveyors are authorised to issue a 'Statement of Compliance' in lieu of a Convention Certificate.

### 5.4. MARPOL Annex V (Garbage)

- Applicable to all yachts of any size
- Yachts that **carry more than 15 persons** are required under Annex V Regulation 9 **to carry a Garbage Management Plan** and to maintain records in **a Garbage Record Book**
- There are no survey or certification requirements for this Annex but Port States and other Inspections will require compliance with applicable provisions of the Annex. This is best demonstrated by completion and retention of a Garbage Record Book.

### 5.5. MARPOL Annex VI (Air Pollution)

- Applicable to all yachts of any size except as expressly provided in Annex VI
- Small yachts have **no requirement** to be surveyed or carry an International Air Pollution Prevention Certificate (IAPPC)
- That is only applicable to yachts of 400 GT or over. (See Annex VI, Regulations 6 & 7)
- Please see [Bulletins Nos 75](#) and [126 \(Annex VI record Book\)](#).

- 5.6. **Engine International Air Pollution Prevention Certificate (EIAPPC)**
- This is required for every diesel engine greater than 130 kW (except emergency engines) in yachts that are constructed or that undergo a major conversion after 01 January 2000.
  - This certificate is usually issued by the engine manufacturer.
  - Please again see [Bulletin No 75](#), particularly with respect to recent constructions or new engines.

6. **International Anti-Fouling System Convention**
- Applicable to *all* registered vessel types operating in the marine environment, without any tonnage limitation including every yacht although no certification is required for small yachts. The owner should therefore ensure that some evidence of the type of anti-fouling coating used is compatible with the IAFSC.
  - Please see [Bulletin No 113](#).

**Bahamas Registered Yachts of less than 24 m in length  
Statutory Documents required on board**

Certificate/Document	Issuing body <sup>1</sup>	<b>Non-commercial</b>	<b>Commercial</b>
Form Y301 - <a href="#">Declaration of Non-commercial use</a> or Form Y302 - <a href="#">Declaration of Commercial use</a>	Owner & BMA	✓ (B133/2.5)	✓ (B133/2.5)
<a href="#">Carving and Marking Inspection</a>	BMA	✓ (B133/4.1.3.i)	✓ (B133/4.1.3.i)
<a href="#">Certificate of Compliance SCV Code UK MGN 280 or similar</a>	Recognised Organisations (Class) / BMA	-	✓ (B133/5.1.3.ii) & (B133/5.4)
<a href="#">Tonnage Cert.</a>	RO / BMA	✓ (B133/4.1.3.ii)	✓ (B133/4.1.3.ii)
<a href="#">Statement of Comp: International Sewage Prevention</a> if carrying more than 15 persons.	RO / BMA	✓ (B133/4.1.3.iv)	✓ (B133/4.1.3.iv)
<a href="#">Garbage Management Plan</a> and Record Book if carrying more than 15 persons.	Owner	✓ <sup>3</sup> (B133/4.1.3.iv)	✓ <sup>5</sup> (B102/4.1.3.iv)
<a href="#">Engine Int'l Air Pollution Prevention Cert.</a>	Manufacturer	✓ <sup>2</sup> (B133/4.1.3.iv)	✓ <sup>4</sup> (B133/4.1.3.iv)
<a href="#">Bahamas Safety Inspection Certificate</a>	BMA	-	✓ (B133/5.5)
<a href="#">Safe Manning Document</a> Optional	BMA	-	(B133/6.3)
<a href="#">Certificate of Registry</a>	BMA	✓ (B133/2.2)	✓ (B133/2.2)
<a href="#">Ship Radio Licence</a>	BMA	✓ (B133/4.1.3.iii)	✓ (B133/4.1.3.iii)

**Notes**

1. Details of the only Classification Societies that are Recognised Organisations are in [BMA Information Bulletin no. 3](#)
2. Applies to diesel engines > 130 kW in yachts built or having a major conversion after 01 Jan 2000
3. The Bahamas has not ratified MARPOL Annex V (Garbage) but the provisions of Annex V applies to any yacht that visits a port, or sails to or within the waters of an IMO Member State that has ratified that Annex.