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## Passenger Yachts (PCY)

Notice to yacht owners, managers, Masters, officers, crew, Recognised Organisations, Yacht Survey Organisations and Approved Nautical Inspectors

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### 1. Purpose

- 1.1. This Yacht Notice (YN) is issued by The Bahamas Maritime Authority (BMA) to provide guidance on the technical standards, statutory and classification requirements for Passenger Yachts (PYs) which do not carry cargo and carry more than 12 but not more than 36 passengers.
- 1.2. This Yacht Notice shall be read in conjunction with YN002.
- 1.3. Information on yachting in The Bahamas is provided in YN001.
- 1.4. Any queries may be referred to the BMA at [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com).

### 2. Application

- 2.1. This Notice applies to all passenger yachts, i.e.:
  - i. Passenger Charter Yacht (PCY);
  - ii. Passenger Yacht 1 (PY-L1);
  - iii. Passenger Yacht 2 (PY-L2);
  - iv. Passenger Private Yacht (PPY)
  - v. Passenger Private Yacht Restricted Charter (PPYRC)

### 3. Technical Standards

- 3.1. The Bahamas Passenger Yacht Code (BPLYC) has been developed to provide the necessary national technical standards to ensure that Bahamas registered Passenger Yachts meet current international standards.
- 3.2. The BPLYC applies to PYs of any size, in private use or engaged in trade, which carry more than 12 but not more than 36 passengers and which do not carry cargo.

- 3.3. New<sup>1</sup> PYs are required to comply with the technical standards and mandatory provisions of the Bahamas Passenger Yacht Code (BPYC) for their size and total number of persons on board.
- 3.4. Existing PYs<sup>2</sup> which have been or are currently under survey to equivalent Passenger Yacht Codes, shall continue to be considered under the standards in force at the time of initial survey except as indicated in paragraph 1.7.1 of the BPYC. The items listed under paragraph 1.7.1 of BPYC shall be complied with by the first annual survey after 01 January 2021.
- 3.5. PYs on unrestricted geographical operations are required to comply with the technical standards and mandatory provisions of the BPYC applicable to their size and total number of persons on board.
- 3.6. PYs on restricted operations may comply with the provisions of the BPYC for "*Passenger Yacht 1*" (PY-L1) engaged on a prescribed international voyage" or "*Passenger Yacht 2*" (PY-L2) engaged on voyages in limited weather conditions and limited distance from land.
- 3.7. PPYs on restricted charter shall comply with the provisions of the BPYC for the category PY-L2 or higher.
- 3.8. PYs which are intended to operate in Polar Regions shall meet the requirements of the BPYC, the IMO Polar Code and those of a Recognised Organisation (RO)<sup>3</sup> appropriate to the intended area of operation.
- 3.9. The depth and extent of the survey for the BPYC, will depend upon the tonnage of the yacht and other statutory surveys that may be in place which duplicate certain sections of the Code.
- 3.10. Some sections of the BPYC modify some aspects of the SOLAS certificates for yachts that are over 500 gross tonnage. Surveyors engaged on such surveys shall be guided by the specialist provisions of the BPYC when surveying for SOLAS compliance.

#### **4. Bahamas Passenger Yacht Certificate of Compliance**

- 4.1. Compliance with the BPYC will entitle a PY to be issued with a Bahamas Passenger Yacht Certificate of Compliance.

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<sup>1</sup> A new PY means a yacht, the keel of which was laid or the construction or lay up was started on or after 01 January 2021.

<sup>2</sup> An existing PY means a yacht, the keel of which was laid or the construction or lay up was started before 01 January 2021.

<sup>3</sup> A list of Bahamas RO is provided in [Marine Notice 002](#).

- 4.2. Compliance with the standards required by the BPYC will entitle PYs to also be issued with the certification required by the international conventions applicable to the vessel, upon satisfactory completion of the corresponding surveys and inspections.
- 4.3. The Certificate of Compliance will indicate the relevant PY category:
- i. Passenger Charter Yacht (PCY);
  - ii. Passenger Yacht 1 (PY-L1);
  - iii. Passenger Yacht 2 (PY-L2); or
  - iv. Passenger Private Yacht (PPY).
- 4.4. A PPY on restricted charter (PPYRC) shall have a valid Certificate of Compliance as a PPY and a Private Yacht Restricted Charter Certificate (please see sections 8 & 9 below).
- 4.5. The initial, annual and renewal surveys shall be carried out by a Bahamas Recognised Organisation. On satisfactory completion of the surveys the surveyor will issue a short-term Certificate of Compliance valid for 6 months.
- 4.6. The short-term Certificate of Compliance and survey report shall be forwarded to the BMA by the Recognised Organisation. Upon satisfactory review and payment of the applicable fee, the BMA will issue a full-term Certificate of Compliance.
- 4.7. The full-term Certificate of Compliance is valid for five years, subject to annual survey by the Recognised Organisation within the three-month period before or after the anniversary date.
- 4.8. If surveys are not carried out as required by the BPYC, the Certificate of Compliance ceases to be valid.

## **5. Statutory Requirements**

- 5.1. Depending on the tonnage and number of persons carried on board, PYs shall comply with The Bahamas regulations and international conventions.
- 5.2. The statutory requirements for surveys and certification are summarised below and a list of statutory documents to be carried is shown in Annex 1 to this YN.
- 5.3. ***Carving and Marking***
- 5.3.1. All yachts shall be permanently and conspicuously marked with the name, port of registry, official number, net tonnage and draft marks in accordance with the Merchant Shipping Act.

#### 5.4. **Tonnage**

- 5.4.1. All PYs shall have their tonnage determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969 by a Recognised Organisation or Bahamas Authorised Yacht Surveyor and issued with an International Tonnage Certificate.
- 5.4.2. The International Tonnage Certificate shall be in the format specified in the International Convention on Tonnage Measurement of Ships, 1969.
- 5.4.3. Tonnage is calculated and issued at construction or when a yacht is altered such that the tonnage is increased or decreased.

#### 5.5. **Ship Radio Licence**

- 5.5.1. All yachts are required to hold a Bahamas Ship Radiocommunications Licence, which is issued by the BMA on behalf of the responsible communications regulatory body<sup>4</sup>.
- 5.5.2. A Ship Station Radio Licence Application [Form R108](#) is to be submitted at the time of registration and when any of the radio equipment is replaced, including Emergency Position Indicating Radio Beacons (EPIRBs).
- 5.5.3. **EPIRBs must be registered** – see [BMA Information Bulletin No. 6](#).

#### 5.6. **Load Line**

- 5.6.1. All LCYs engaged on international voyages shall be surveyed and hold an International Load Line Certificate.

#### 5.7. **Manning and Minimum Safe Manning Document**

- 5.7.1. PYs shall comply with the provision of Section 14 of the BPYC for the certification, training and qualifications of the master, officers and crew and their hours of work and rest.
- 5.7.2. PYs shall be issued with and carry a Minimum Safe Manning Document (MSMD). The MSMD is valid for 5 years and is subject to the fee indicated in [BMA Information Bulletin No. 81](#). Further details including the application procedure are provided in [BMA Information Bulletin No. 115](#).
- 5.7.3. Officer's watchkeeping certificates issued under the STCW Convention<sup>5</sup> and similar certificates for yachts, such as those of the master, deck and engineer officers referred to in 4.8.4 below, must be endorsed by the BMA in accordance with the procedures for

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<sup>4</sup> For The Bahamas this is the [Utilities Regulation & Competition Authority \(URCA\)](#)

<sup>5</sup> The International Convention on Standards of Training and Certification for Watchkeepers, 1978, as amended

Flag State Endorsements in regulation I/10 of STCW, as amended, referred to in detail in [BMA Information Bulletin No. 108](#).

- 5.7.4. Watchkeeping Certificates of lower grades than those detailed in the STCW Convention, as amended, may be recognised by the BMA on a case by case basis. Please refer to [BMA Information Bulletin No. 108](#).
- 5.7.5. Seafarer Employment Agreements and the social and employment provisions of the Merchant Shipping Act and the Maritime Labour Convention, 2006, as amended, are mandatory on PYs.
- 5.7.6. Seafarers working on Bahamian yachts may apply for and be issued with Seaman's Record Books (SRBs), which are available on request. It should be noted however 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 relevant agency in seafarer's home country. Please refer to [BMA Information Bulletin No. 107](#).
- 5.8. **Maritime Labour Convention 2006 (MLC)**
- 5.8.1. MLC 2006 applies to all seafarers and all yachts, whether publicly or privately owned, ordinarily engaged in commercial activities.
- 5.8.2. PYs shall be constructed and operated under the provisions of the MLC for passenger ships carrying not more than 36 passengers.
- 5.8.3. PYs shall be issued with a Maritime Labour Certificate. Further details are provided in [BMA Information Bulletin No. 127](#) and BPYC section 9.
- 5.9. **Safety Certificates**
- 5.9.1. PYs are required to be surveyed and certified in accordance with the applicable requirements of the survey guidelines under the IMO Harmonized System of Survey and Certification adopted by resolution [A.1140\(31\)](#) as applicable to passenger ships carrying not more than 36 passengers.
- 5.9.2. *Passenger Ship Yacht Safety Certificate (PSYSC)*
- i. Applicable to all PYs. Yacht Safety covers the provisions of SOLAS, as modified by the BPYC for passenger ships carrying not more than 36 passengers.
- 5.9.3. *Long Range Identification and Tracking of Ships (LRIT)*
- i. Applicable to PYs. The LRIT requirements are described in [BMA Information Bulletin No. 111](#).

- ii. Yachts that operate exclusively in a GMDSS<sup>6</sup> A1 sea area<sup>7</sup> **and** are fitted with an Automatic Identification System (AIS) are not required to install LRIT.

5.9.4. *International Safety Management Code (ISM Code)*

- i. PYs shall comply with the ISM Code and hold a Safety Management Certificate and a copy of the Company's<sup>8</sup> ISM Document of Compliance.

5.9.5. *International Ship & Port Facility Security Code (ISPS Code)*

- i. PYs shall comply with the ISPS Code and hold an International Ship Security Certificate.

5.9.6. *Continuous Synopsis Record (CSR)*

- i. PYs are required to hold a Continuous Synopsis Record in compliance with Regulation 5 of SOLAS Chapter XI-I. Please refer to [BMA Information Bulletin No. 57](#).

5.10. ***Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG)***

5.10.1. Navigation lights and shapes shall comply with the applicable provisions of COLREG, including the following provisions:

- i. all navigation lights shall be provided with main and emergency power supply;
- ii. all navigation lights required to be shown whilst underway are required to be duplicated in accordance with IMO Resolution MSC.253(83)<sup>9</sup> as may be amended from time to time; and
- iii. approved LED Lights may be used providing the lights meet the technical specifications of COLREG.

5.11. ***Prevention of marine pollution (MARPOL Convention<sup>10</sup>)***

5.11.1. PYs shall comply with the provisions of the MARPOL Convention as detailed below.

5.11.2. The required MARPOL Record Books shall always be readily available on board for inspection by surveyors and other duly authorised officials (such as Port State Control Officers) to demonstrate compliance with the Convention.

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<sup>6</sup> Global Maritime Distress and Safety System

<sup>7</sup> Provision for exemption or equivalent arrangement is made for PYs engaged in an international voyage outside the GMDSS A1 sea area – see BMA Information Bulletin No.111.

<sup>8</sup> The “Company” is the entity responsible for the management of the ship in accordance with the ISM Code. For ships to which the ISM Code is not applicable, the Company is the Managing Owner in accordance with section 52 of the Merchant Shipping Act (Ch.268)

<sup>9</sup> See [MSC.253\(83\)](#) - Adoption of the Performance Standards for Navigation Lights, Navigation Light Controllers and Associated Equipment - (Adopted on 8 October 2007).

<sup>10</sup> The International Convention for the Prevention of Pollution from Ships, 1973, as amended

- 5.11.3. MARPOL Record Books are available to purchase from the BMA – please refer to [BMA Information Bulletin No. 169](#). Alternatively, electronic record keeping systems are accepted – please refer to [Marine Notice 010](#).
- 5.11.4. *MARPOL Annex I (Oil Pollution)*
- i. PYs of 400 gross tonnage and above are required to:
    - (a) be surveyed and to hold an International Oil Pollution Prevention (IOPP) Certificate in compliance with MARPOL Annex I; and
    - (b) maintain on board an Oil Record Book Part I.
- 5.11.5. *MARPOL Annex IV (Sewage)*
- i. PYs certified to carry more than 15 persons, **OR** of 400 gross tonnage and above, are required to be surveyed and provided with an International Sewage Pollution Prevention (ISPP) Certificate.
- 5.11.6. *MARPOL Annex V (Garbage)*
- i. PYs shall comply with the provisions of MARPOL Annex V for the discharge of garbage into the sea;
  - ii. PYs shall display placards which notify the crew and passengers of the discharge requirements of regulations 3, 4, 5 and 6 of MARPOL Annex V;
  - iii. PYs certified to carry 15 or more persons, **OR** of 100 gross tonnage and above, are required to carry a Garbage Management Plan in accordance with Regulation 10 of MARPOL Annex V.
  - iv. PYs certified to carry 15 or more persons engaged on voyages outside The Bahamas, **OR** of 400 gross tonnage and above, are required to maintain records in a Garbage Record Book<sup>11</sup> as described in Regulation 10 of MARPOL Annex V
- 5.11.7. *MARPOL Annex VI (Air Pollution)*
- i. PYs shall comply with the provisions of MARPOL Annex VI unless expressly provided otherwise.
  - ii. More information on MARPOL Annex VI is provided in [BMA Information Bulletin No. 75](#) and [BMA Information Bulletin No. 183](#).
  - iii. PYs of 400 gross tonnage and above are required to:
    - be surveyed and to hold an International Air Pollution Prevention (IAPP) Certificate in compliance with MARPOL Annex VI; and
    - be surveyed and to hold an International Energy Efficiency Certificate (IEEC) in compliance with MARPOL Annex VI.
  - iv. **Engine International Air Pollution Prevention (EIAPP) Certificate**
    - All diesel engines with an output of more than 130kW<sup>12</sup>, installed on PYs on or after 01 January 2000, are to be certified in accordance with the NO<sub>x</sub> Technical Code and provided with an EIAPP Certificate and an approved Technical File.

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<sup>11</sup> Available for purchase from the BMA – see [BMA Information Bulletin No.169](#)

<sup>12</sup> Approximately 177 horsepower

- A marine diesel engine installed on a PY of 500 gross tonnage and above on or after 01 January 2021 shall comply with the Tier III NO<sub>x</sub> requirements specified in Regulation 13 of MARPOL Annex VI. However, compliance with Tier III requirements is only required for PYs that intend to enter a NO<sub>x</sub> Emission Control Area.

5.12. ***International Anti-Fouling System Convention (AFS Convention)***

- 5.12.1. The AFS Convention applies to *all* vessel types operating in the marine environment, irrespective of tonnage, including every yacht.
- 5.12.2. PYs of less than 400 gross tonnage **are not required** to have an International Anti-fouling System Certificate. However, the yacht's owner shall carry onboard evidence that the type of anti-fouling coating used is compatible with the AFS Convention.
- 5.12.3. PYs of 400 gross tonnage and above engaged on international voyages shall be surveyed and hold an International Anti-Fouling System Certificate. A survey shall be carried out whenever the anti-fouling systems are changed or replaced and endorsed on the certificate.

5.13. ***International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker Convention)***

- 5.13.1. PYs of 1,000 gross tonnage are required to maintain insurance or other financial security in accordance with the Bunker Convention and hold a Bunker CLC Certificate.
- 5.13.2. Please refer to [BMA Information Bulletin No.112](#).

5.14. ***Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended (BWM 2004);***

- 5.14.1. Yachts that use water for ballasting purposes are required to comply with the BWM Convention<sup>13</sup>.

5.15. ***Nairobi International Convention on the Removal of Wrecks, 2007***

- 5.15.1. Yachts of 300 gross tonnage and above are required to carry an appropriate level of insurance covering liability for costs arising from the costs of wreck removal.
- 5.15.2. As evidence that adequate insurance cover is in place the owner or operator of the ship is required to carry a Certificate to this effect issued by the BMA<sup>14</sup>.

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<sup>13</sup> See [BMA Information Bulletin No.165](#)

<sup>14</sup> See [BMA Information Bulletin No.157](#)



- 5.15.3. The BMA will issue such a Wreck Removal Convention Certificate only where it is satisfied that the insurance cover provided is acceptable.

## 6. Classification Requirements.

- 6.1. PYs are required to be “in class” with a Bahamas RO.
- 6.2. Bahamas ROs are authorised to examine plans, perform surveys and issue statutory certification on behalf of The Government of The Commonwealth of the Bahamas.

## 7. Bahamas Safety Inspection

- 7.1. PYs are required to have an annual safety inspection carried out by Bahamas authorised yacht surveyor. The schedule for this inspection will be arranged through The BMA and will be tailored to the cruising style and location of the PY.
- 7.2. This Inspection cannot be carried out by a Recognised Organisation surveyor.

## 8. Passenger Private Yacht Restricted Charter

- 8.1. Passenger Private Yachts are permitted to engage in restricted chartering for a maximum of 84 days per calendar year provided that they:
- i. carry no more than 36 passengers or social guests; and
  - ii. are restricted to operating in forecast or actual wind of a maximum Beaufort Force 4, for a motor yacht, and Beaufort Force 6 for a sailing yacht; and
  - iii. remain within 60 nautical miles of a safe haven<sup>15</sup>.
- 8.2. A Passenger Private Yacht on Restricted Charter will maintain the yacht type “Passenger Yacht” on the Certificate of Registry but will be issued with a **Private Yacht Restricted Charter Certificate (PYRCC)** when chartering.
- 8.3. The PYRCC will specify the type of the private yacht (i.e. passenger) and will include the operational limitations within which the yacht can be operated whilst on charter.
- 8.4. Any passenger private yacht that intends to charter must also consider the national and local laws of the coastal State, which shall prevail at all times.
- 8.5. The BMA strongly recommends that the owner/manager of any passenger private yacht considering chartering outside the jurisdiction of The Bahamas seeks appropriate advice from the authorities in the intended are(s) of operation: this is especially important when considering chartering anywhere in Europe.

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<sup>15</sup>. The BMA may permit operation on specific routes up to 90 nautical miles from a safe haven as appropriate.

- 8.6. A passenger private yacht shall, in good time before the first charter, submit the yacht for survey by a Bahamas RO. On satisfactory completion of the survey, the RO will issue a PYRCC to the yacht and provide a copy to the BMA.
- 8.7. The PYRCC has a maximum validity of 84 days. A yacht can be issued with more than one PYRCC provided that the cumulative validity of all the certificates is not more than 84 days in any one calendar year.
- 8.8. A passenger private yacht that does not hold a valid PYRCC is prohibited from commencing a charter.
- 8.9. ***Conditions before and during chartering***
- 8.9.1. Before a private yacht is permitted to charter, the BMA must be informed in writing of the date(s) and cruising area(s) of the intended charter.
- 8.9.2. Whilst chartering, the yacht shall:
- i. comply with operational limitations listed in the PYRCC at all times; and
  - ii. have appropriate Protection & Indemnity (P&I) and Hull & Machinery insurance cover that includes operating whilst engaged in trade for the period of each and any charter; and
  - iii. be constructed and maintained in compliance with the structural, mechanical and electrical requirements of the BPYC for the category PY-L2 or higher; and
  - iv. be equipped and maintained in compliance with the BPYC:
    - live saving appliances (Section 13);
    - firefighting equipment (Section 15);
    - manning, including the certification and number of the crew as required by the Minimum Safe Manning Document (Section 26); and
  - v. shall operate a Safety Management System that meets the requirements of the ISM Code.
- 8.9.3. Should any of the conditions above not be met at any time the BMA may revoke the Private Yacht Restricted Charter Certificate without notice, upon which chartering will be prohibited.

## Annex 1 - List of statutory documents to be carried by a PY

| Gross Tonnage   | Document   | Issuing body        |
|---|--|---------------------|
| All   | Certificate of Registry  | BMA                 |
|   | Form Y301 - Declaration of private use; or Form Y302 - Declaration of charter use                            | Owner & BMA         |
|   | Carving and Marking Inspection   | BMA                 |
|   | Bahamas Passenger Yacht Code Certificate of Compliance (BPLYC COC)   | BMA                 |
|   | Bahamas Safety Inspection Certificate  | BMA                 |
|   | International Load Line Certificate  | RO / BMA            |
|   | International Tonnage Certificate  | RO / BMA            |
|   | Ship Radio Licence   | BMA                 |
|   | Minimum Safe Manning Document  | BMA                 |
|   | Engine International Air Pollution Prevention Certificate  | Engine Manufacturer |
|   | International Ballast Water Management Certificate/Statement (if applicable)                                 | RO / BMA            |
|   | Certificate of Class   | RO                  |
|   | Passenger Ship Yacht Safety Certificate (PSYSC) and Form P   | RO / BMA            |
|   | ISM Safety Management Certificate  | RO / BMA            |
|   | International Ship Security Certificate  | RO / BMA            |
|   | Continuous Synopsis Record (CSR)   | BMA                 |
| Maritime Labour Certificate   | RO / BMA   |                     |
| ≥ 300   | Wreck Removal Insurance Certificate  | BMA                 |
|   | LRIT Conformance Test Report   | BMA                 |
| ≥ 400   | International Oil Pollution Prevention Certificate and Oil Record Book Part I                                | RO / BMA            |
|   | International Sewage Pollution Prevention Certificate (Also applies to yachts carrying more than 15 persons) | RO / BMA            |
|   | Garbage Management Plan and Garbage Record Book Part I (Also applies to yachts carrying 15 or more persons)  | Owner               |
|   | International Air Pollution Prevention Certificate and MARPOL Annex VI Record Book                           | RO / BMA            |
|   | International Energy Efficiency Certificate and Ship Energy Efficiency Management Plan (SEEMP)               | RO / BMA            |
|   | International Anti-Fouling System Certificate  | RO / BMA            |
| ≥ 1000  | Bunker CLC   | BMA                 |
| BMA – Bahamas Maritime Authority<br>RO – Recognised Organisation (Classification Society) |  |                     |

