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## Registration of Yachts in The Bahamas

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

*This Notice supersedes BMA Information Bulletin Nos. 102 & 133*

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### 1. Purpose

- 1.1. This Yacht Notice (YN) is issued by The Bahamas Maritime Authority (BMA) to provide definitions and general information for the registration of:
  - i. Charter (commercial) Yachts;
  - ii. Private (non-commercial) Yachts;
  - iii. Restricted Charter Private Yachts; and
  - iv. Passenger yachts.
- 1.2. Any queries may be sent to the BMA at [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com).
- 1.3. For the purposes of this YN, unless expressly provided otherwise, the term “yacht” means either a Yacht (as defined in paragraph 4.1) or a Passenger Yacht (as defined in paragraph 4.6).

### 2. Application

- 2.1. This YN applies to all yachts.

### 3. Introduction

- 3.1. The Bahamas flag is well respected within the maritime industry with a reputation for progress, service and quality.
- 3.2. The BMA is the Bahamas government agency responsible for the Bahamas ship registry, including yachts. The BMA has a number of offices worldwide and provides a 24-hour emergency response service. For more information, please refer to [BMA Information Notice 06](#).

- 3.3. The Bahamas is a member of the International Maritime Organization (IMO) Council<sup>1</sup> and is strongly represented at both the IMO and International Labour Organization (ILO), participating in all major committee and subcommittee meetings.
- 3.4. The Bahamas continues to be included on the “White Lists” of all Port State Control regimes, as well as being listed on the United States Coast Guard’s “QUALSHIP 21” program.

#### **4. Definitions**

- 4.1. A **Yacht** is a vessel engaged on international and unrestricted voyages which:
- i. does not carry cargo; **and**
  - ii. does not carry more than 12 passengers; **and**
  - iii. does not carry fare-paying passengers on pre-defined routes or itineraries.
- 4.2. A **Private Yacht** is:
- 4.2.1. Any yacht (as defined in paragraph 4.1) used:
- i. in the case of a yacht:
    - (a) wholly owned by an individual or individuals, only for the sport or pleasure of the owners or the owner’s guests; **or**
    - (b) owned by a body corporate, only for sport or pleasure of officers, directors, or beneficial owners of the corporate entity, or their guests; **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 yacht or carrying any person, other than as a contribution to the direct expenses of the operation of the yacht incurred during the voyage or excursion; **or**
- 4.2.2. Any yacht 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 guests, and for the use of which any charges levied are paid into club funds and applied for the general use of the club; **and**
- 4.2.3. In the case of any yacht referred to in the paragraphs above, no other payments are made by or on behalf of users of the yacht, other than by the owner.

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<sup>1</sup> The Council is the Executive Organ of IMO and is responsible, under the Assembly, for supervising the work of the Organization.

4.3. A **Charter Yacht** is:

4.3.1. Any yacht (as defined in paragraph 4.1) engaged in trade and which is not a Private Yacht.

4.4. A **Short-Range Yacht** is:

4.4.1. A Charter Yacht (as defined in paragraph 0) not normally engaged in international voyages, of 24 metres (approximately 78 feet 8 inches) or over in length (L)<sup>2</sup> and of under 500 gross tonnage, if an existing yacht, or under 300GT, if new yacht, that is restricted to operating in forecast or actual wind of a maximum Beaufort Force 4<sup>3</sup>, and within 60 nautical miles of a safe haven<sup>4</sup>.

4.5. A **Private Yacht Restricted Charter (PYRC)** is:

4.5.1. Any Private Yacht (as defined in paragraph 4.2) which is permitted to be engaged in restricted chartering for not more than 84 days per calendar year and which:

- i. is 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
- ii. remains within 60 nautical miles of a safe haven<sup>4</sup>.

4.6. A **Passenger Yacht** is:

4.6.1. A vessel engaged on international and unrestricted voyages which:

- i. carries more than 12 but not more than 36 passengers; and
- ii. has a maximum of 200 persons on board; and
- iii. does not carry cargo.

4.7. A **Passenger Charter Yacht (PCY)** is:

4.7.1. A Passenger Yacht (as defined in paragraph 4.6) engaged in trade.

4.8. A **Passenger Private Yacht (PPY)** is:

4.8.1. A Passenger Yacht (as defined in paragraph 4.6) which:

- i. is not engaged in trade; **and**

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<sup>2</sup> Length (L) or "Load Line length" means 96% of the total length on a waterline of a ship at 85% of the least moulded depth measured from the top of the keel, or the length from the fore-side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this is measured shall be parallel to the designed waterline.

<sup>3</sup> See <https://www.spc.noaa.gov/faq/tornado/beaufort.html>

<sup>4</sup>. The BMA may permit operation on specific routes up to 90 nautical miles from a safe haven as appropriate.

- ii. is being used as per paragraphs: 4.2.1, 4.2.2 and 4.2.3.
- 4.9. A **Passenger Yacht 1 (PY-L1)** is:
- 4.9.1. A Passenger Yacht (as defined in paragraph 4.6) which:
- i. has a maximum of 120 persons on board; and
  - ii. is **ONLY** engaged on a prescribed international voyage.
- 4.10. A **Passenger Yacht 2 (PY-L2)** is:
- 4.10.1. A Passenger Yacht (as defined in paragraph 4.6) which:
- i. has a maximum of 120 persons on board; and
  - ii. is **ONLY** engaged on voyages in wind and weather conditions not exceeding Wind Scale 6 and Sea State 5 on the Beaufort scale and during which the yacht is:
    - (a) not more than 20 nautical miles from land; and
    - (b) not more than 60 nautical miles from a port or place where the passengers and crew could be placed in safety.
- 4.11. A **Passenger Private Yacht on Restricted Charter (PPYRC)** is:
- 4.11.1. A Passenger Private Yacht (as defined in paragraph 4.8) which is permitted to be engaged in restricted chartering for not more than 84 days per calendar year, subject to the same operational conditions as a Passenger Yacht 2 (PY-L2), as defined in paragraph 4.10.
- 4.12. A **"Guest"** on board a yacht is a collective term used to describe "immediate family and friends".
- 4.13. **"Immediate family"** 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.
- 4.14. A **"Crew"** member is a person employed or engaged in any capacity on board for the business of the yacht and 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 yacht; and
  - ii. person(s) employed by the owner in connection with business interests of the owner and providing service to the owner and guests; and
  - iii. person(s) employed by the owner in relation to social activities on board and providing a service available the owner and guests.

- 4.15. A “**passenger**” means:
- 4.15.1. Any person carried on a yacht who does not meet the criteria in paragraphs 4.12, 4.13 and 4.14 except:
- i. a person on board either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed, or other persons; or
  - ii. 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.
- 4.16. It should be noted that whether a person on board a yacht 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*’ may be 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’.
- 4.17. Persons engaged on the business of the yacht 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 yacht. They are also to be provided with familiarisation and training appropriate to their duties.
- 4.18. A Bahamas **Recognised Organisation** (RO) is one of the Classification Societies listed in [Marine Notice 002](#).
- 4.19. A **Bahamas Yacht Survey Organisation (YSO)** is an organisation authorised by the BMA to undertake the following:
- i. Carving and Marking inspections
  - ii. Bahamas Safety Inspections
  - iii. Tonnage Measurements/Surveys
  - iv. Statutory surveys for yachts of less than 500 gross tonnage that are not classed by a Recognised Organisation
- 4.20. A list of Bahamas YSOs is provided in [Yacht Notice 09](#).

**5. Technical Requirements for Registration**

**5.1. General**

- 5.1.1. Private and Charter Yachts are accepted for registration provided that they are 12 metres (approximately 39 feet 4 inches) length (L)<sup>5</sup> and above. **Yachts of less than 12 metres length (L) are not accepted for registration.**
- 5.1.2. Passenger Yachts are accepted for registration provided they have a classification society certificate with either “passenger ship” or “passenger yacht” notation.
- 5.1.3. There are no ownership requirements, limitations or conditions of nationality, residence, or company incorporation for yacht registration.
- 5.1.4. Yachts may be registered whilst under construction<sup>6</sup>.
- 5.1.5. Private, Charter Yachts and Passenger Yachts, depending on their size, shall meet the technical standards and maintain the minimum inspection and certification requirements described in the following Yacht Notices:

<b>Yacht size</b>	<b>Yacht Notice</b>
Small Private Yacht (SPY) - less than 24 metres length (L)	YN003
Large Private Yacht (LPY) – 24 metres and above length (L)	YN004
Small Charter Yacht (SCY) - less than 24 metres length (L)	YN005
Large Charter Yacht (LCY) – 24 metres and above length (L)	YN006
Private Yacht Restricted Charter (PYRC)	YN007
Passenger Yacht (all types PCY, PPY, PY-L1, PY-L2, PPYRC)	YN008

- 5.1.6. Geographical limitations of cruising are based upon the yacht design, standards of manufacture, cruising range, anticipated weather, crew number and qualification.

**5.2. Initial Assessment**

- 5.2.1. Yachts proposed for registration in The Bahamas will be assessed by the BMA for compliance with relevant technical standards and statutory requirements.

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<sup>5</sup> Length (L) or “Load Line length” means 96% of the total length on a waterline of a ship at 85% of the least moulded depth measured from the top of the keel, or the length from the fore-side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this is measured shall be parallel to the designed waterline.

<sup>6</sup> “Under construction” means a vessel whose keel has been laid or is at a similar stage of construction (i.e. the stage at which (a) construction identifiable with a specific vessel begins; and (b) assembly of that vessel has commenced comprising of at least 50 tonnes or one (1) percent of the estimated mass of all structural material, whichever is less)

5.2.2. Any new yacht, or any existing yacht of 20 years of age or less, will be approved for provisional registration on satisfactory completion of the initial assessment.

5.3. **Pre-Registration Inspection**

5.3.1. Existing private or charter yachts of over 20 years of age may be subject to a pre-registration inspection. The decision will be made by the BMA on a case-by-case basis following the initial assessment.

5.3.2. The pre-registration inspection is carried out by a Bahamas YSO, or Approved Nautical Inspector, at the discretion of the BMA.

5.3.3. The pre-registration inspection report will be reviewed by the BMA and:

- i. If satisfactory, the yacht will be approved for provisional registration. Any minor deficiencies are to be addressed in the 6-month period of provisional registration; or
- ii. If unsatisfactory, a list of major deficiencies to be addressed prior to approval for provisional registration will be provided. When major deficiencies have been addressed to the satisfaction of the BMA, the yacht will be approved for provisional registration. Depending on the nature of the deficiencies, a re-inspection may be required<sup>7</sup>.

5.4. **Initial Inspection**

5.4.1. All yachts, within the 6 months of provisional registration, shall undergo an initial inspection by a YSO or inspector.

5.4.2. After a satisfactory initial inspection, the yacht will be approved for permanent registration.

5.5. **Carving and Marking Inspection**

5.5.1. The carving and marking inspection, which is usually done together with the initial inspection, is to verify 'permanent' marking on the hull and structure of a yacht's name, port of registry, official number, net tonnage and draft marks in accordance with the Merchant Shipping Act.

5.5.2. Special consideration may be given to alternative means of permanent marking depending on the structural material of the yacht.

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<sup>7</sup> In most cases, photographic and documentary evidence will suffice

- 5.5.3. The carving and marking inspection is required at first registration (during the period of provisional registration) and subsequently for any changes, such as change of name or net tonnage.
- 5.5.4. Bahamas Recognised Organisation surveyors are NOT generally authorised to undertake any of the above inspections but may be considered in special cases where a YSO or inspector is unavailable.

## **6. Application to Register a Yacht**

- 6.1. Owners, agents or managers seeking registration with the Bahamas should initially make contact with the BMA by email to [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com) or by phoning any BMA office where further information and advice can be provided. The BMA website contains useful information on registration including required forms.
- 6.2. Form [YR101 Requirements for Provisional and Permanent Registration of a New or Existing Yacht](#) provides the list of documents required for the registration of a yacht with the Bahamas.
- 6.3. Form [R102 Application to Register a Ship or Change the name of a Bahamian Ship](#) 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.
- 6.4. Form [R102](#), together with the relevant documents listed in form YR101, shall be sent directly to the BMA by email to [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com) or to any BMA office.
- 6.5. In the case of a new construction the owner, or their designated representative, should determine at an early stage the intended operational status of the yacht throughout the yacht's life – including after possible re-sale – as this may have a direct bearing on the design and technical requirements.

## **7. Dual Registration**

- 7.1. The Bahamas allows any yacht registered in The Bahamas to be dual registered under a bareboat charter agreement to a second flag, whilst also maintaining Bahamas registration, on the following conditions:
- i. The laws of the second flag allow it; and
  - ii. A bareboat charter is entered in to with any citizen of the Bahamas or to any corporate body established under the laws of the Bahamas.



- 7.2. Similarly, The Bahamas allows any yacht registered on a second flag to be dual registered under a bareboat charter agreement to The Bahamas flag, whilst also maintaining registration with the second flag, on the following conditions:
- i. The laws of the second flag allow it; and
  - ii. A bareboat charter is entered in to with any citizen of the Bahamas or to any corporate body established under the laws of the Bahamas.

## 8. Registration

- 8.1. When first registered, a yacht will be assigned the status of provisional registration and will be issued with a Provisional Certificate of Registry. This certificate is valid for 6 months giving the owner/manager time to comply with all conditions for full registration.
- 8.2. A yacht can operate as soon as it is provisionally registered.
- 8.3. A yacht will be provided with a Certificate of Registry with unlimited validity, once accepted into permanent registry. The Certificate of Registry will describe the Yacht Type.
- 8.4. Yachts are entered onto the Register with Yacht Type as: "Charter Yacht", "Private Yacht" or "Passenger Yacht".
- 8.5. Yachts will have the default Yacht Type as "Charter Yacht" if the BMA is not advised otherwise.
- 8.6. In order to have and maintain "Private Yacht" Yacht Type, the owner or their representative shall submit a "Declaration of Private Use of a Yacht" ([Form Y301](#)) to the BMA at the first registration and at each year end at the same time as the payment of the annual fees for the following year.
- 8.7. If a [Form Y301](#) is not submitted, the yacht will go back to default Yacht Type "Charter Yacht".
- 8.8. Any time there is a change on the Yacht Type a new Certificate of Registry is issued to reflect the latest and current Yacht Type.
- 8.9. The Bahamas offers competitive fees for all yachts. Details of the fees may be obtained from the Registrar or by reference to [Marine Notice 050 - Fee Schedule](#).
- 8.10. The required annual fees shall be paid to the Registrar upon registration of the yacht, and thereafter on 01 January of each subsequent year.

- 8.11. As per the provisions of the Merchant Shipping Act, the port of registry of all Bahamian yachts is "NASSAU".
- 8.12. Full registration and receipt of the permanent Certificate of Registry from the BMA will be issued upon completion of all registration requirements during provisional registry and the payment of any relevant fees.

## **9. Change of Name**

- 9.1. Where the owner wishes to change the name of a yacht, the Registrar must first be advised to ensure the name selected is available by completing a new Form [R102](#) and payment of the appropriate fee, as listed in [Marine Notice 050 – Fee Schedule](#).

## **10. Change of Ownership**

- 10.1. Changes of ownership must be advised to the BMA by the new owner and comply with the BMA's [Requirements for Change of Ownership](#).
- 10.2. For private yachts, the new owner shall also submit a new "Declaration of Private Use of a Yacht" [Form Y301](#) (see section 5 of this YN).

## **11. Bahamas Safety Inspections**

- 11.1. The United Nations Convention on the Law of the Sea (UNCLOS)<sup>8</sup> requires flag States to ensure that vessels flying their flag carry on board certificates required by and issued pursuant to international rules and standards and ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels.
- 11.2. The Bahamas safety inspection requirements for each type of yacht are provided in the relevant YN (see paragraph 4.6).
- 11.3. Upon successful completion of a Bahamas safety inspection, the yacht will be issued with a Certificate of Inspection (CoI).
- 11.4. Bahamas Recognised Organisation surveyors are NOT authorised to undertake Bahamas safety inspections.

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<sup>8</sup> [United Nations Convention on the Law of the Sea, 1982](#) - Article 217(3)

**12. Marine Incidents and Marine Casualty Reporting and Investigations.**

- 12.1. The BMA is obliged to investigate accidents or incidents in which a vessel registered in The Bahamas is involved, in accordance with the requirements of the International Conventions. In addition to this legal requirement, the BMA may investigate any incidents where there may be important safety lessons to be learned<sup>9</sup>.
- 12.2. It is an offence for the vessel's master, skipper or owner not to inform the BMA of a reportable accident immediately<sup>10</sup> after it occurs and to provide details so that an assessment of its seriousness can be made quickly. The BMA shall appoint a suitable investigator whenever an investigation is required. The BMA will receive the investigator's report of the investigation and shall deal with the follow up action.
- 12.3. The BMA is mandated to conduct an investigation into any very serious marine casualty occurring on any ships to which the IMO Casualty Investigation Code applies<sup>11</sup>. Such an investigation may assist in determining what changes in the content of this Code may be desirable. Casualty investigations are carried out in accordance with the IMO Casualty Investigation Code and Bahamas legislation.
- 12.4. All very serious marine casualties in accordance with the IMO definition are reported to IMO by the BMA.

**13. Queries.**

- 13.1. Any queries on this Notice may be addressed to [yachts@bahamasmaritime.com](mailto:yachts@bahamasmaritime.com) or any BMA office.

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<sup>9</sup> Please refer to [BMA Marine Notice 04](#)

<sup>10</sup> Within 4 hours of occurrence

<sup>11</sup> [MSC.255\(84\) Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident](#)

**Revision History**

Version	Description of Revision
1.0	First Issue
1.1	Editorial amendments, Sec 8.8 replaced “Form Y301, signed by the Owner, Manager or Captain, and countersigned by the BMA shall form an attachment to the Certificate of Registry to confirm the yacht’s status.” with “Any time there is a change on the Yacht Type a new Certificate of Registry is issued to reflect the latest and current Yacht Type.”
1.2	New branding and simplification of section 5.9
1.3	Periodic review, new paragraph 13. Change from 12 years to 20 years in paras.5.2.2 and 5.3.1