



# TUVALU SHIP REGISTRY

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## YACHT CIRCULAR

YC-2/2012/1

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**FOR:** Yacht Owners, Yacht Managers, Yacht Operators, Yacht Masters/Skippers, Yacht Officers, Classification Societies, Flag State Inspectors.

**SUBJECT: REGISTRATION AND STATUTORY REQUIREMENTS FOR YACHTS OF 24 METRES IN LENGTH AND OVER UNDER TUVALU FLAG**

### PURPOSE:

This circular provides guidance and instructions with respect to the registry requirements for all yachts of 24 metres in length and over registered under the Tuvalu flag.

### APPLICATION:

This circular applies to all yachts of 24 metres 'Load Line' length (approximately 85 feet overall length (LOA)) and over.

### REFERENCES:

- (a) Tuvalu Merchant Shipping Act 2008, as amended
- (b) Tuvalu Yacht Code, Edition 09 May 2012
- (c) International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
- (d) Tuvalu Marine Guidance MG-2/2012/1 - Guidance on Medical Examinations and Certificates for Seafarers

### BACKGROUND

Tuvalu Ship Registry (TSR) understands that yacht owners have different requirements from other ship owners and has established a simplified framework for yacht registrations to help yacht owners understand and comply with the requirements of the registry. The Tuvalu Merchant Shipping Act shall remain as the general maritime law in respect to all yachts registered under the Tuvalu flag.

It should be noted that yachts are not allowed to carry more than 12 passengers. Yachts that carry more than 12 passengers are regarded as passenger ships and therefore subject to applicable technical, operational and certification provisions of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended.

### 1. DEFINITIONS

1.1. The following terms shall mean:

- 1.1.1. *Yacht* – includes a sailing boat propelled by sail as well as a motor sailing boat used for leisure, sports or commercial purposes.
- 1.1.2. *Non-Commercial Purposes* – to operate as a 'pleasure vessel', for private use.
- 1.1.3. *Commercial Purposes* – when used for hire, to carry onboard a charterer and their party.

- 1.1.4. *LOA* – means length overall of yachts.
- 1.2. *Passengers* shall be defined in accordance to SOLAS Reg I/2.
- 1.3. *Persons* shall include passengers, master / skipper, crew, or anyone employed or engaged in any capacity on board a yacht.

## **2. OWNERSHIP AND REGISTRY CERTIFICATION**

- 2.1. Any yachts engaged in international service are eligible to be registered under TSR.
- 2.2. A Yacht may be owned by:
  - 2.2.1. A citizen of Tuvalu;
  - 2.2.2. A legal entity incorporated under the laws of Tuvalu;
  - 2.2.3. A foreign owner; or
  - 2.2.4. A legal entity incorporated under the laws of a foreign country
- 2.3. All yachts, upon registration by the owner for normal registration, or registration by the charterer for Bareboat Charter In (BBC-In) registration, will be issued with a Provisional Certificate of Registry for yachts valid for 6 months. Upon conversion to permanent registration status, the yacht will be issued with a Certificate of Registry (Yacht) valid for 36 months from the first date of entry.
- 2.4. For yachts registered under BBC-In registration, upon conversion to permanent registration status, the Certificate of Registry (Yacht BBC-In) will be valid for 36 months from the first date of entry, or until expiry of Bareboat Charter Agreement, whichever is earlier.
- 2.5. All yachts will be provided with a Call Sign. A Maritime Mobile Service Identity (MMSI) number is optional and may be requested for separately upon application (additional fees apply for issuance of a MMSI number).
- 2.6. Every Tuvalu flagged yacht shall have her name marked upon the stern. The Port of Registry "FUNAFUTI" must be marked immediately below the name of the yacht upon the stern.
- 2.7. Please refer to Tuvalu Registry Circular RC-8/2012/1 for registration procedures.

## **3. USAGE OF YACHT – COMMERCIAL / NON-COMMERCIAL**

- 3.1. During the initial registration of the yacht, the applicant shall declare whether the yacht will be designated for "Commercial" or "Non-commercial" use. This declaration shall be made on the application form for Registration of Yachts (Form Y1).
- 3.2. Any change in the usage of the yacht after registration shall be notified by the yacht owner / manager / master / skipper by completing a Declaration of "Commercial" or "Non-commercial" status (Form Y3) every time the usage of the yacht is changed.
- 3.3. TSR will acknowledge receipt by email/fax once Form Y3 is submitted. The original Form Y3 and a copy of the acknowledgement email/fax by TSR are to be kept on board together with the Official Log Book as evidence of the yacht's status.
- 3.4. Yachts that change status must record such changes in the Official Log Book for each period that the yacht is in "Commercial" or "Non-commercial" status.
- 3.5. The record referred to in section 3.4. shall be entered in Section 7 of the "Official Log Entry" and consist of an entry under Occurrence details similar to one of the following:
  - 3.5.1. At the Date/Time/Place when commencing "Commercial" use:

*"[NAME OF YACHT] commenced Commercial use and Declaration has been received and acknowledged by the Registry."*

3.5.2. At the Date/Time/Place when commencing "Non-commercial" use:

*"[NAME OF YACHT] commenced Non-commercial use and Declaration has been received and acknowledged by the Registry."*

3.6. Yachts in "Non-commercial" use should comply with the requirements on statutory surveys and certification as closely as practicable. In any case, TSR has mandated that such yachts are to at least comply with tonnage requirement and safety equipment standards (refer to sub-section 6.2 and Reference (b) of this Yacht Circular).

#### **4. MANNING REQUIREMENTS AND CREW COMPETENCIES**

4.1. It is the responsibility of the yacht owner / manager to ensure that the master / skipper hold the relevant experience to operate the yacht considering the type and size of yacht, the machinery on board, and the conditions in which the yacht is usually engaged in. The owner / manager should also ensure that there are sufficient crew on board taking into consideration the type and duration of voyage/excursion being undertaken.

4.2. Minimum Safe Manning Certificate

4.2.1. All Commercial yachts are required to carry a Minimum Safe Manning Certificate (MSMC).

4.2.2. Non-commercial yachts are not required to carry a MSMC. However, it is recommended that if a yacht is to engage in commercial activities on an ad-hoc basis, then it would be advisable to apply for a MSMC to facilitate smooth transition between "Commercial" and "Non-commercial" use.

4.2.3. A MSMC shall be applied through the use of Form Y2 (additional fees apply for issuance of a MSMC).

4.2.4. All MSMCs shall be issued by TSR.

4.3. The owners / managers are to refer to the Tuvalu Yacht Code (reference (b) above), Section 26.2.4, for Guidance on Appropriate Manning Levels and the Tables found in Sections 26.2.8 and 26.2.9, for minimum manning requirements (reproduced in ANNEX I).

4.4. All crew employed on board the yacht should be medically fit and hold a valid medical fitness certificates (please refer to reference (d) above - Tuvalu Marine Guidance MG-2/2012/1).

4.5. All crew employed on board the yacht should have completed the basic STCW courses listed below:

- Personal Survival Techniques
- Fire Prevention and Fire Fighting
- Elementary First Aid
- Personal Safety and Social Responsibility

4.6. At least 1 officer/crew must hold the relevant Radio Operator qualification appropriate to the radio equipment on board.

4.7. Yachts operating in near coastal areas from ports outside of Tuvalu are required to comply with the manning requirements of that Coastal State.

4.8. All Officers with Certificate of Competencies issued under the STCW convention may be endorsed by TSR in accordance with the procedures for flag state endorsements in

Regulation I/10 of the STCW, as amended. Please refer to Tuvalu Registry Circular RC-5/2012/1.

## **5. SAFETY BRIEFING**

- 5.1. Before the commencement of any voyage, the master / skipper shall ensure that all persons on board are briefed, as a minimum, on the stowage and use of personal safety equipment such as lifejackets, thermal protective aids and lifebuoys, and the procedures to be followed in cases of emergency.
- 5.2. The master / skipper should also brief at least one other person who will be sailing on the voyage with regards to the following:
  - 5.2.1. Location of life rafts and the method of launching;
  - 5.2.2. Procedures for the recovery of a person from the sea;
  - 5.2.3. Location and use of pyrotechnics;
  - 5.2.4. Procedures and operation of radios carried on board;
  - 5.2.5. Location of navigation and other light switches;
  - 5.2.6. Location and use of firefighting equipment;
  - 5.2.7. Method of starting, stopping, and controlling the main engine; and
  - 5.2.8. Method of navigating to a suitable port of refuge.

## **6. SURVEY REQUIREMENTS**

- 6.1. TSR authorises and delegates the functions of statutory surveys, plan approvals / reviews, and issuance of non-convention statutory certificates to the following Recognized Organizations (ROs):
  - 6.1.1. American Bureau of Shipping (ABS)
  - 6.1.2. Bureau Veritas (BV)
  - 6.1.3. DNV-GL (DNV GL)
  - 6.1.4. Indian Register of Shipping (IRS)
  - 6.1.5. Korean Register of Shipping (KRS)
  - 6.1.6. Lloyd's Register (LR)
  - 6.1.7. Nippon Kaiji Kyokai (NK)
  - 6.1.8. Polish Register of Shipping (PRS)
  - 6.1.9. Registro Italiano Navale (RINA)
  - 6.1.10. Russian Maritime Register of Shipping (RS)
- 6.2. Yachts of 24 metres in length and over:
  - 6.2.1. engaged in "Commercial" use, are required to follow the survey and certification requirements of the Tuvalu Yacht Code; and
  - 6.2.2. those engaged in "Non-commercial" use should comply as closely as practicable with the requirements on statutory surveys and certification as indicated in the Tuvalu Yacht Code.

## 7. CERTIFICATES TO BE CARRIED ON BOARD (Yachts 24 metres in length onwards)

Certificate/Document	Criteria	Yacht status		Issued by
		Non-Commercial	Commercial	
Certificate Of Registry (Yacht)		All	All	TSR
Ship Radio Station Licence		On request	All	TSR
Minimum Safe Manning		On application	All	TSR
Official Log Book		All	All	TSR
Continuous Synopsis Record	> 500 GT	-	All	TSR
Tonnage Certificate		All	All	RO
Safety Equipment Certificate		All	All	RO
International Load Line Certificate	= or > 24 m	-	All	RO
Ship Safety Radio Certificate	> 300 GT	-	All	RO
Ship Safety Construction Certificate	> 500 GT	-	All	RO
ISM- Document of Compliance	> 500 GT	-	All	RO
ISM- Safety Management Certificate	> 500 GT	-	All	RO
ISPS- International Ship Security Certificate	> 500 GT	-	All	RO
International Oil Pollution Prevention	> 400 GT	All	All	RO
International Sewage Pollution Prevention*	> 400 GT	All	All	RO
International Air Pollution Prevention	> 400 GT	All	All	RO
International Anti-fouling System Certificate	> 400 GT	All	All	RO
Garbage Management Plan and Record Book*	> 400 GT	All	All	Ship
LRIT Test report	> 300 GT	-	All	ASP
Bunker Convention Certificate	> 1000 GT	All	All	TSR
Certificate of Class		Recommended	All	Class
P&I Insurance Cover		Recommended	All	P&I Club

**Note:** \* Certificate applies to yachts more than 400GT or more than 15 persons on board.

## ANNEX I

### Manning Scale for Yachts 24 metres or more in Length

#### Manning Scale for Motor Yachts

Miles from a safe haven	Personnel	Vessel Type		
		>24m <200 GT	200-500 GT	500-3000 GT
Up to 60	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	-	-
	Chief Engineer	1	1	1
	Second Engineer	-	-	-
	Assistant Engineer	-	1	1
	Yacht Rating	1	2	2
Up to 150	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	-	-
	Chief Engineer	1	1	1
	Second Engineer	-	-	1
	Assistant Engineer	-	1	-
	Yacht Rating	1	2	2
Unlimited	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	1	1
	Chief Engineer	1	1	1
	Second Engineer	-	1	1
	Assistant Engineer	1	-	-
	Yacht Rating	2	2	2

#### Manning Scale for Sailing Yachts

Miles from a safe haven	Personnel	Vessel Type		
		>24m <200 GT	200-500 GT	500-3000 GT
Up to 60	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	-	-
	Chief Engineer	1	1	1
	Second Engineer	-	-	-
	Assistant Engineer	-	1	1
	Yacht Rating	2	2	3
Up to 150	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	-	-
	Chief Engineer	1	1	1
	Second Engineer	-	-	1
	Assistant Engineer	-	1	-
	Yacht Rating	2	2	3
Unlimited	Master	1	1	1
	Chief Officer	1	1	1
	OOW (Navigation)	-	1	1
	Chief Engineer	1	1	1
	Second Engineer	-	-	1
	Assistant Engineer	1	1	-
	Yacht Rating	2	2	2

STCW qualifications will be acceptable to the Tuvalu Ship Registry subject to the recognition process detailed in STCW I/10. Qualifications issued to officers based upon National standards will be recognized upon review.