



TUVALU SHIP REGISTRY

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YACHT CIRCULAR

YC-1/2012/1

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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 LESS THAN 24 METRES IN LOAD LINE LENGTH UNDER TUVALU FLAG

PURPOSE:

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

APPLICATION:

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

REFERENCES:

- (a) Tuvalu Merchant Shipping Act 2008, as amended
- (b) International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
- (c) Tuvalu Safety regulations for non-SOLAS vessels of more than 12 metres in length, Edition 1st July 2011
- (d) Tuvalu Marine Guidance MG-2/2012/1 - Guidance on Medical Examinations and Certificates for Seafarers
- (e) Tuvalu Yacht Code for Private and Commercial Yachts, as amended

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 and International Maritime Regulations. 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 permitted 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 boat propelled by sails or motor, used private leisure, sports or commercial purposes.
- 1.1.2. *Private Yacht* – to operate as a 'pleasure yacht', for private use.
- 1.1.3. *Commercial Yacht* – when used for charter or reward.

- 1.1.4. *Dual Purpose Yacht* – to operate either as a pleasure / private yacht, or as a commercial yacht with dual certification to suit.
- 1.1.5. TYC – Tuvalu Yacht Code for Private and Commercial Yachts, as amended

1.2. *Passengers* shall be defined in accordance to SOLAS Reg I/2 and the TYC.

1.3. *Persons* shall include passengers, master / skipper, crew, or anyone employed or engaged in any capacity on board a yacht, as further described in the TYC.

2. OWNERSHIP AND REGISTRY CERTIFICATION

2.1. Any yachts that are seaworthy, well managed, and comply with the requirements of the TYC 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 on acceptance by TSR 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 12 months or 36 months from the date of issue of the Provisional Certificate.

2.4. All yachts will be provided with a Call Sign and a Maritime Mobile Service Identity (MMSI) number.

2.5. 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.

2.6. Please refer to Tuvalu Registry Circular RC-8/2012/1 for registration procedures.

3. USE OF YACHT – PRIVATE / COMMERCIAL / DUAL PURPOSE

3.1. During the initial registration of the yacht, the applicant shall declare whether the yacht will be designated for "Private", "Commercial" or "Dual Purpose" use. This declaration shall be made on the application form for Registration of Yachts (Form Y1).

3.2. The yacht owner / manager / master / skipper should notify TSR (support@tvship.com) by email at least 24 hours before any change in the use of the yacht by completing a Declaration of Private/Commercial use (Form Y3) every time the usage of the yacht is changed.

3.3. The original Form Y3 is to be kept on board with all changes in the use of the yacht recorded in the Official Log Book with an entry asf:

"At the Date/Time/Place, [NAME OF YACHT] commenced Private / Commercial / Dual Purpose use and a Declaration has been received and acknowledged by the Yacht Fleet Manager or the Registry."

3.4. All yachts will need to comply with the requirements of statutory surveys and certification as described in the TYC. Take note that yachts in "Dual Purpose" are required to comply with the requirements for "Commercial Yachts" at all times during navigation, even when in private use.

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 and suitable valid qualifications to operate the yacht taking into

consideration its type and size, machinery on board, and conditions in which the yacht is usually engaged in. The yacht 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. Yachts less than 24m are not required to carry a Minimum Safe Manning Certificate (MSMC). However, a voluntary MSMC may be issued at an applicable fee through the use of Form Y2 or online.
- 4.3. All crew employed on board the yacht should be medically fit and hold a valid medical fitness certificate issued by a competent authority – please refer to Tuvalu Marine Guidance MG-2/2012/1.
- 4.4. 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
 - Proficiency in Security Awareness
- 4.5. At least 1 officer/crew must hold the relevant Radio Operator qualification appropriate to the radio equipment on board.
- 4.6. Yacht owners / managers should refer to ANNEX I for the required competency of officers and crew.
- 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 working on “Commercial” or “Dual Purpose” use yachts are required to hold crew endorsements issued by TSR in accordance with Regulation I/10 of the STCW, as amended. Please refer to Tuvalu Registry Circular RC-5/2012/1. Officers on “Private Yacht” vessels may apply for crew endorsements voluntarily. Fees apply for the issuance of crew endorsements.

5. SAFETY BRIEFING

- 5.1. Before the commencement of any voyage, the master / skipper of all yachts regardless of use 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. International Ship Classification (ISC)
- 6.1.6. Korean Register of Shipping (KRS)
- 6.1.7. Lloyd's Register (LR)
- 6.1.8. Nippon Kaiji Kyokai (NK)
- 6.1.9. Polish Register of Shipping (PRS)
- 6.1.10. Registro Italiano Navale (RINA)
- 6.1.11. Russian Maritime Register of Shipping (RS)

6.2. All yachts are required to comply with the TYC, as well as Safety Regulations for non-SOLAS vessels of more than 12 metres in length, as closely as practicable.

7. CERTIFICATES TO BE CARRIED ON BOARD

Certificate	Yacht Status		Issued By
	Private	Commercial	
Certificate of Registry (Yacht)	All	All	TSR
Ship Radio Station Licence	On request	All	TSR
Minimum Safe Manning Certificate	On application	On application	TSR
Tonnage Certificate	Recommended	Recommended	RO
Safety Equipment Certificate	All	All	RO
International Sewage Pollution Prevention Certificate	N/A	>400GT or >15 Persons	RO
P&I / H&M Insurance Cover	Recommended	All	Insurance Co.

ANNEX I

Crew Competencies for Yachts

DECK MANNING FOR YACHTS

MASTER / SKIPPER QUALIFICATION	SEA AREA
RYA Certificate of Competency - Yachtmaster Ocean	Unlimited. Category 0
RYA Certificate of Competency - Yachtmaster Offshore	150 Nautical Miles from Safe Haven Category 1
RYA Certificate of Competency - Coastal Skipper	60 Nautical Miles from Safe Haven. Category 2
Certificate of Competency for appropriate area issued by Competent Authority*	As specified in Certificate of Competency

Additional Requirements:

1. Unless operating in the single-handed mode, a second person capable of assisting the master / skipper in an emergency should also be on board.
2. For yachts operating more than 60 nautical miles from safe haven (Category 2), there should be a second person deemed by the master / skipper to be experienced.
3. For yachts operating more than 150 nautical miles from safe haven (Category 1), the second person should hold at least a RYA Certificate of Competency as Coastal Skipper or its equivalent.
4. For yachts operating in unlimited sea area (Category 0), the second person should hold at least a RYA Certificate of Competency as Yachtmaster Ocean or Yachtmaster Offshore or its equivalent.
5. Drivers of power driven boats of any size (including tenders, Jet Ski's etc.) must possess a valid powerboat driving licence that is appropriate to the craft specifications.
6. At least 1 officer/crew must hold the relevant Radio Operator qualification appropriate to the radio equipment on board.

ENGINE MANNING FOR YACHTS

ENGINEER QUALIFICATION	YACHT TYPE
RYA Diesel Engine Course or equivalent	Sailing Yachts
Approved Engine Course by Competent Authority*	Power Yachts

Note:

- ** Competent Authority shall mean an organization that issues Certificate of Competency that has been applied for and granted recognition by the Tuvalu Ship Registry or having the appropriate technical and administrative expertise.*
- *Qualifications differing from those tabled, but of equal standing may be accepted by the Tuvalu Ship Registry after review.*