

## **PART A**

### **CHAPTER 18**

#### **LARGE CHARTER YACHTS**

##### **18.1 Legal Requirements**

18.1.1 Survey and certification of large charter yachts is governed by the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, SI 1998/ 2771, as amended. Regulation 4 enables the 'Code of Practice for the Safety of Large Commercial Sailing and Motor Vessels' (MSN 1851 – The Large Commercial Yacht Code, LY3) – produced by the MCA. Those statutory instruments that are dis-applied are listed in Schedule 1 to SI 1998/2771 (these cannot be used as an alternative which remains an option for Small Commercial Vessels).

18.1.2 LY3 is effective for new vessels (as defined within the code) and existing vessel in section 2, of LY3 as of the 20<sup>th</sup> August 2013. LY3 has now replaced LY2 in the context of United Kingdom law, with effect from 20<sup>th</sup> August 2013.

##### **18.2 Definitions**

18.2.1 Definitions of terms relating to large charter yachts and surveys related to the issuance of a Certificate of Compliance are described in Regulation 2 of SI 1998 No.2771, as amended, and in the Code of Practice.

##### **18.3 Responsibility**

18.3.1 ACS does not apply. Surveys will normally be overseen by a surveyor from the Ensign unit. They will liaise with the classification society, where involved, and agree the amount of survey work that can be delegated to Class. The MCA maintain responsibility for issue of the Certificate of Compliance.

18.3.2 A table indicating the division of responsibilities between MCA and Class is available on the Ensign microsite on the M-Net.

18.3.3 The lead surveyor should be an established Ensign surveyor.

##### **18.4 Surveys Required**

18.4.1 Details of the surveys/examinations which are required, including survey frequency, are given in the Code of Practice.

## **18.5 Pre-survey Actions**

18.5.1 The following items shall be checked prior to commencing the survey:

- SIAS
- MCA 51/01 Survey Files
- Exemption Certificates
- New Legislative requirements
- Class Survey Status (via password protected websites)
- PSC Inspection history

Remarks from previous surveys and outstanding deficiencies must be resolved to the satisfaction of the surveyor before the issue of the Full Term Certificate of Compliance. Any overdue or postponed conditions of class must be followed up with the attending class surveyor or in the absence of a class surveyor discussed with Head of Ensign.

18.5.2 The surveyor/s should ensure that sufficient time will be available for the survey and should liaise with owners beforehand, noting that various options may be available such as more time in port, sailing with the ship for suitable short voyages, providing more than one surveyor and so on.

18.5.3 Surveys should only be commenced on receipt of a completed "Application for Survey of Large Yacht" form (MSF 5100(Yacht)) and after sufficient fees have been received. Further guidance on fees is described on Ensign's website.

18.5.4 The relevant Business Support Unit administration team processes the application. CERS/SVD must be interrogated to ensure that the correct ship is on the system; if the vessel is not yet on the system (e.g. newbuild, flag-in), the Administrator (TST) should be contacted, who will check the details and arrange for the vessel to be added to the Single Vessel Database (SVD) if appropriate. A "job control sheet" (MSF 5108) is produced which is then tracked for charter standard purposes. This is then passed to the Manager, or other person nominated by them, who then appoints the Lead Surveyor (LS) for the survey.

## **18.6 Items to be surveyed**

18.6.1 The survey is to be carried out using the relevant instructions, guidance notes and HQ/Ensign advice, which may be found on MLD/SCMS. Surveyors should be mindful of their own health and safety during surveys and take account of all guidance provided by MCA as well as their professional judgement in relation to the prevailing circumstances.

18.6.2 The items which are required to be surveyed are those described in the Code of Practice, which describes in detail the requirements relating to the construction, machinery, equipment, stability, manning, examination, certification and operation of large charter yachts.

## **18.7 Post Survey Actions**

### **18.7.1 Deficiencies**

18.7.1. The lead surveyor is responsible for recording and closing out any deficiencies found during the survey/s in the SIAS database, in accordance with the requirements of Part C Chapter 4 of these instructions.

### **18.7.2 Declaration and Certificates**

18.7.2.1 On completion of a survey, the lead surveyor prepares the certificate, following the guidance in Part C Chapter 3 of these instructions.

18.7.2.2 MCA surveyors may issue short-term certificates valid for up to 5 months with copies sent to the Ensign survey manager. The Head of Ensign will arrange for full term certificates to be issued on receipt of relevant files.

18.7.2.3 All ships satisfactorily surveyed should be issued with a **Certificate of Compliance** (MSF 1414) for the Code.

18.7.2.4 Ships should also be issued with a **Load Line Certificate** and, as appropriate, **MARPOL** and **SOLAS Certificates**. For vessels certificated under LY2, the 'equivalent arrangement' section of SOLAS and Load Line certificates will need to be endorsed with reference to Circular letter No 2937 to IMO dated 13 January 2009, in which the UK notified IMO members of its adoption of the Codes as an alternative to SOLAS and Load Line regulations. For LY3 vessels, the SOLAS certificate is to be endorsed to state that the vessel complies with the requirements of LY3 as an equivalent to SOLAS under the terms of IMO Circular SLS.14/Circ.523 dated 16 September 2013, as a "yacht engaged in trade as a commercial vessel (12 passengers max)". The Load Line Certificate is to be endorsed as the vessel complying with the requirements of "LY3" – The Large Commercial Yacht Code, as an equivalent to the International Convention on Load Lines 1966, under the terms of IMO Circular LL.3/Circ.228 dated 16 September 2013, as a "yacht engaged in trade as a commercial vessel (12 passengers max)" additionally for short range and additional statement "restricted to operating in forecast or actual wind of maximum Beaufort Force 4 and within 60 nautical miles of a safehaven."

18.7.2.5 Annual Survey Endorsement

(a) On completion of the annual survey, the certificate should be endorsed accordingly.

(b) Any endorsements made to the owner's copy of the certificate should also be recorded on the file copy of the certificate (or by adding a photocopy of the endorsement page to the file), and on the electronic version of the form, on return to the office.

**18.7.3 Review of Exemptions**

18.7.3.1 Any exemption or equivalents must be reviewed to ensure they are still current and that the qualifying conditions are complied with. Guidance on exemptions and equivalents are described in Part B Chapter 5 of these instructions.

**18.7.4 Documentation and Records**

18.7.4.1 The table below describes the minimum documents to be completed and filed following a survey

Item	Record
Record on SIAS?	Yes MSF 1602/3 survey & inspection deficiencies
Place copy on registered file, CM.../51/01	Yes Certificate of Compliance Complete/ Partial MCA Declaration Class Declaration(s) & Certificates MSF 1602/3 MSF 1430 – Record of Equipment, updated Annual endorsement Aide memoire if this adds additional information. Relevant test reports/ results Drawings Photographs Exemptions
Minute required on registered file?	Yes
Report Class Related deficiency to Survey Operations Branch?	Yes MSF 1923

**18.7.5 Fees**

18.7.5.1 The Job Control Sheet must be closed out and sent to Ensign Administration so that fee accounts may be balanced and relevant refunds made to the customer.

## 18.8 Flow Chart

None

## 18.9 Special Instructions and Guidance

18.9.1 The Code is unique to Red Ensign flags and only statutorily required by them. Surveys on behalf of other Red Ensign flags may be carried out if so authorised following the normal procedure – see Part B Chapter 9. In addition surveys may be carried out on non Red Ensign flag ships, subject to surveyor availability, at the owners request but only a Certificate of Compliance may be issued, SOLAS and Load Line certification should not be issued (these are the responsibility of the flag State), unless authorised by Flag.

## 18.10 References

18.10.1 Further advice can be found in the various Instructions for the Guidance of Surveyors, relating to:-

- ‘ Passenger Ship Construction – Classes I, II and II(A)’,
- ‘ The Survey of LSA (volume 1)’,
- ‘ Fire Protection Arrangements’,
- ‘ Survey of Lights and Signalling Equipment’,

and in the MCA’s Statutory Publications:-

- ‘Safety of Navigation, Implementing SOLAS Chapter V’
- ‘Construction - Fire Protection, Fire Detection and Fire Extinction Implementing SOLAS Chapter II-2’
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Caution is to be exercised when considering these instructions, as the Yacht Code is an equivalence to the instructions appertaining to other types of vessels. See Ensign’s website for relevant advice.

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