

GUIDANCE NOTE

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GUIDANCE NOTE 02/2012

MANNING FOR YACHTS CARRYING 12 PASSENGERS OR LESS ON THE COMMERCIAL PART OF THE REGISTER A “COMMERCIAL VESSELS” OR WHICH ARE ENGAGED IN TRADE

To: OWNERS, MANAGERS AND MASTERS OF CAYMAN ISLANDS SHIPS

This Guidance Note was previously issued as Shipping Notice 02/2012 (Rev 101) and the content remains unchanged. A copy of Shipping Notice 02/2012 (Rev 1.1) is attached to, and forms part of, this Guidance Note.

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SHIPPING NOTICE 02/2012

Manning for yachts carrying 12 passengers or less on the commercial part of the register as “Commercial Vessels” or which are engaged in trade

To: Owners, Managers, Charterers, Crewing Agencies And Masters Of Cayman Islands Yachts on the Commercial part of the Register as “Commercial Vessels”Carrying 12 Passengers or Less or that are Engaged in Trade

1. BACKGROUND

- 1.1 The purpose of this notice is to clarify the manning requirements for vessels that are engaged in trade or for those that are on the commercial part of the Register as “Commercial Vessels” and which carry 12 or less passengers.
- 1.2 In accordance with Cayman Islands Merchant Shipping Law, and the Merchant Shipping (Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations (2004 Revision) (Manning Regulations 2004), it is a requirement that the manning of a ship to which the Regulations apply is maintained at all times to at least the levels specified in the Minimum Safe Manning Document (MSMD). This includes-
 - (a) those pleasure yachts¹ of 24 metres in length or over engaged in trade², which may be commercially registered and are required to comply with the standards contained in the Code of Practice for the Safety of Large Commercial Sailing and Motor Vessels, as amended (LY2 Code), and
 - (b) those pleasure yachts of less than 24 metres in length which are engaged in trade and are required to comply with the standards contained in the SCV Codes³ in accordance with the Vessels in Commercial Use for Sport or Pleasure Regulations, 2002 (Commercial Use Regulations, 2002).

¹ “Pleasure Yacht” includes a pleasure vessel and any vessel and any vessel to which regulations made in respect of vessels in commercial use for sport or pleasure are stated to apply.

² “Engaged in trade” means transporting merchandise or carrying passengers for reward or remuneration (other than as a contribution to the actual cost of the vessel or its operation for the period of the voyage or excursion) “Private use” means used on a private voyage or excursion and not engaged in trade. For a further description please refer to Part I, section 2,Cayman Islands Merchant Shipping Law, 2011 Revision, as amended.

³ “SCV Codes means either “The Safety of Small Commercial Motor Vessels - A Code of Practice” or “The Safety of Small Commercial Sailing Vessels - A Code of Practice”, including any amendments thereto, published (or treated as being published) by the Maritime and Coastguard Agency of the United Kingdom, or such other Code as may be prescribed in substitution therefor.

Manning for Yachts Carrying 12 passengers or less which are on the Commercial part of the Register as "Commercial Vessels" or which are Engaged in Trade.

(continued)

- 1.3 Whilst the Manning Regulations 2004 apply to pleasure vessels only to the extent provided for in Regulation 6(7), (8) and (9)⁴ in respect of recognition of Certificates, it is Cayman Islands Shipping Registry policy to strongly recommend such vessels of over 24 metres in length also hold a MSMD which is complied with at all times.

2. MANNING REQUIREMENTS FOR YACHTS ENGAGED IN TRADE OR ON THE COMMERCIAL PART OF THE REGISTER AS 'COMMERCIAL VESSELS'.

- 2.1 All Cayman Islands flagged yachts that are registered in the commercial part of the Register as "Commercial Vessels" or which otherwise engage in trade must comply with the requirements of the international Convention on Standards of Training, Certification and Watchkeeping 1978, as amended (STCW 78) or the equivalence set out in the LY2 Code, given effect by the Commercial Use Regulations, 2002.
- 2.2 When a yacht is engaged in trade or on the commercial part of the Register as a "Commercial Vessel", this signifies internationally that the vessel meets the international requirements and this includes the manning levels on board.
- 2.3 Therefore all such vessels must carry valid appropriate trading certificates and must be manned in accordance with the requirements of MSMD at all times.

3 CHANGE OF USE AND TRANSITION VOYAGES

- 3.1 Subject to paragraph 3.2, where a pleasure yacht not engaged in trade undertakes a voyage in order to engage in trade or intends to register as commercial vessel in the area the yacht is proceeding to (referred to as a "transition voyage") then the manning levels should be in accordance with the MSMD for the vessel operating commercially prior to undertaking the transition voyage.
- 3.2 For pleasure yachts that have embarked on a transition voyage prior to 1st May 2012 and wish to engage in trade or intend to register as commercial vessel after arrival at the first destination port, the operators are to ensure that the requirements of the MSMD for commercial operation are complied with as soon as practicable after the change of use takes place and before embarking on any commercial voyage.

⁴ Extract of Regulation 6, (7), (8) and (9)-

(7) The Director may recognise certificates other than those recognised under regulation 5 solely in respect of seafarers serving on board Cayman Islands ships referred to in regulation 3(1)(c).

(8) Where the Director recognises a certificate referred to in subregulation (7), he may issue a Licence in a form prescribed by him to attest to its recognition.

(9) Regulations 5(3) and (4) and 6(3), (4), (5) and (6) apply to Licences as may be appropriate.