



SHIPPING NOTICE

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SHIPPING NOTICE 02/2016 Rev 2

**CERTIFICATION OF PLEASURE YACHTS OPERATING IN U.S. NAVIGABLE WATERS
AND
CERTIFICATION OF PLEASURE YACHTS IN LIMITED COMMERCIAL USE IN THE
'CARIBBEAN CRUISING AREA'**

To: OWNERS, MANAGERS, OPERATORS AND MASTERS OF CAYMAN ISLANDS YACHTS.

This notice is divided into two parts:

Part A – Requirements for Pleasure Yachts operating in U.S. Navigable Waters; and

Part B – Requirements for Pleasure Yachts in Limited Commercial Use in the 'Caribbean Cruising Area'

In addition to Parts A & B this notice includes Annexes 1 to 4, which set out the technical requirements necessary to comply with Parts A & B.

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|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Annex 1</u> | Applicable elements of LY3 covering
<u>Column 1</u> – USCG requirements for Pleasure Yachts in Private Use
<u>Column 2</u> – Cayman requirements for Pleasure Yachts in Private Use
<u>Column 3</u> – Cayman requirements for Pleasure Yachts in Limited Commercial Use in the Caribbean Cruising Area - |
| <u>Annex 2</u> | Alternative Provisions for Pleasure Yachts in Limited Commercial Use in the Caribbean Cruising Area |
| <u>Annex 3</u> | Master's Limited Charter Declaration |
| <u>Annex 4</u> | USCG "CG-CVC POLICY LETTER 15-04" |

PART A

PLEASURE YACHTS OPERATING IN U.S. NAVIGABLE WATERS

1. Background

- 1.1 The U.S. Coast Guard (USCG) has clarified their position on the inspection and certification required for foreign flagged yachts operating in U.S. navigable waters in CG-CVC Policy Letter 15-04¹.
- 1.2 All yachts with gross tonnage of 300 or more (as measured under the ITC-1969) are now required to be certificated, regardless of registration type. This requirement in U.S. waters supersedes the previous understanding that for yachts with a gross tonnage of 300 or more a vessel safety certificate is not mandatory if registered as a 'Pleasure Yacht'.
- 1.3 In response to this, the Cayman Islands Shipping Registry will issue a Cayman Islands National Certificate (SOC-US) in order to meet with these requirements.
- 1.4 No changes are required for yachts that are registered as a 'Commercial Vessel' or voluntarily hold certification demonstrating compliance with SOLAS or Large Commercial Yacht Code (LY3), these yachts can use their existing certificates to comply with the new requirements.

2. Eligibility of yachts to be issued a SOC-US

- 2.1 The yacht must be registered as a 'Pleasure Yacht' of any gross tonnage, carrying 12 or fewer passengers.
- 2.2 The yacht must be surveyed and certified in accordance with Section 2.5 of Part A of this Shipping Notice.
- 2.3 As a minimum, yachts will meet the applicable requirements of LY3 set out in Annex 1 (USCG) for foreign flagged vessels in U.S. navigable waters.

Safe Manning

- 2.4 Prior to being surveyed under Section 2.5 of Part A, the yacht must apply for, and be issued with, a Manning Statement, which will specify the agreed manning levels and qualifications required for safe operations.

Survey and certification

- 2.5 For yachts to receive a SOC-US they must:
 - 2.5.1 Be surveyed by the Cayman Islands Shipping Registry to confirm:
 - 2.5.1.1 There is a record of safety equipment for the yacht which accurately describes the yacht and its equipment; and

¹ See Annex 4 to this shipping notice

- 2.5.1.2 That the applicable safety equipment and pollution prevention requirements set out in Annex 1 of this Shipping Notice have been complied with.
- 2.5.2 On satisfactory completion of the survey, the yacht will be issued with a SOC-US valid for 5 years.
- 2.5.3 The SOC-US will contain the following limitation:
- No commercial registration or commercial operations are permitted**
- 2.5.4 The Vessel will be subject to Annual Surveys, not more than 3 months before or no later than 3 months after the anniversary of the expiry date, in order to maintain the validity of the SOC-US, and will be subject to a Renewal Survey every 5 years.

Fees

- 2.6 Fees are subject to the scope of the survey.

PART B

PLEASURE YACHTS IN LIMITED COMMERCIAL USE IN THE 'CARIBBEAN CRUISING AREA'

1. Background

- 1.1 Where a 'Pleasure Yacht', with a gross tonnage of less than 500 is certificated and compliant with the applicable parts of Annex 1 (CISR-CCA) for Pleasure Yachts operating in the 'Caribbean Cruising Area' the Cayman Islands Shipping Registry has no objections to the vessel engaging in commercial activities in the Caribbean Cruising Area.
- 1.2 Yachts meeting the requirements of this Annex will be issued with a Cayman Islands National Certificate for use in the Caribbean Cruising Area (SOC-CCA).
- 1.3 The *Caribbean Cruising Area* is defined as follows:

Up to 60 nautical miles from a safe haven in the following countries and territories in the Wider Caribbean Region:

Antigua & Barbuda
Aruba
Bahamas
Barbados
Belize
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
St. Kitts and Nevis
St. Lucia
St. Vincent & Grenadines
Suriname
Trinidad & Tobago
Venezuela
France Caribbean Territories (incl. Guadeloupe, Martinique, St. Martin, French Guiana)
Netherlands Caribbean Territories (incl. Sint Maarten, Netherlands Antilles)
United Kingdom Caribbean Territories (incl. Cayman Islands, Anguilla, British Virgin Islands, Turks and Caicos Islands, Montserrat)

- 1.4 Any yacht wishing to engage in commercial activities is required to be in compliance with the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations, 2002. These regulations apply regardless of the duration, frequency, or location of any commercial activities being undertaken.
- 1.5 Regulation 6 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations, 2002, allows for the acceptance of “Equivalent Provisions” if these can be considered at least as effective as those required by the Regulations.
- 1.6 Yachts holding a SOC-CCA issued in accordance with the regional alternative requirements of Annex 2 to this Shipping Notice will be considered as complying with regulation 6 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations, 2002, and shall be permitted to engage in limited commercial activities in the Caribbean Cruising Area.

2. Eligibility of yachts for operation in limited commercial use

- 2.1 Yachts with a gross tonnage of 300 and above and less than 500 must be classed by a Classification Society recognised by the Cayman Islands Shipping Registry; and
 - 2.1.1 Must have a documented planned maintenance system for all identified critical equipment; and
 - 2.1.2 Must have documented operational procedures covering all aspects of yacht operations.
- 2.2 Yachts with a gross tonnage of less than 300 need not be classed provided that:
 - 2.2.1 The yacht is built to the rules of a recognised Classification Society; or
 - 2.2.2 Built to a recognised National or International standard; and
 - 2.2.3 Must have a documented planned maintenance system for all identified critical equipment; and
 - 2.2.4 Must have documented operational procedures covering all aspects of yacht operations.
- 2.3 The yacht must hold a valid International Load Line Certificate issued in accordance with LY3 for at least a short range yacht.

3. Limitations on commercial use.

- 3.1 Commercial operations under a SOC-CCA are limited to a maximum distance of 60 nautical miles from a safe haven.
- 3.2 Commercial operations are limited to a maximum of 120 days in a 365 day period.
- 3.3 A maximum of 12 passengers, or guests, may be carried whilst the yacht is at sea.

- 3.4 A signed Master's Limited Charter Declaration³ confirming points 3.1, 3.2 & 3.3 shall be provided and retained for inspection on board.

Safe Manning

- 3.5 The yacht must apply for, and be issued with, a Manning Statement, which will specify the agreed manning levels and qualifications required for safe operations.

4. Seafarer Welfare

- 4.1 The Maritime Labour Convention 2006 (MLC 2006) applies to all vessels in commercial use of any size, and all seafarers working on such vessels. For the duration of any commercial activity covered by this Shipping Notice -

4.1.1 Seafarers employed on the yacht must be employed under a contract of employment which meets the minimum requirements of MLC 2006 for a Seafarers Employment Agreement. A model agreement can be found on the MLC section of the Cayman Registry website.

4.1.2 There must be an onboard complaints procedure complying with the latest revision of Shipping Notice 04/2014.

4.1.3 There must be insurance, or other financial security, in place to cover the costs associated with long term sickness or injury, death, and repatriation of seafarers.

4.1.4 There is no requirement for MLC Certification, including DMLC Parts 1 & 2, for any vessel with a gross tonnage of less than 500.

4.1.5 Existing vessels constructed before 20th August 2013 need not comply with the construction requirements of MLC 2006. Vessels built after this date will be considered on a case by case basis.

- 4.2 Compliance with the above requirements will be confirmed during the surveys required by Section 5 of Part B of this Shipping Notice..

5.0 Survey and certification

- 5.1 For yachts to receive a SOC-CCA they must:

5.1.1 Be surveyed by the Cayman Islands Shipping Registry to confirm –

5.1.1.1 That a record of safety equipment for the yacht, which accurately describes the yacht and its equipment, has been issued; and

5.1.1.2 The applicable requirements of LY3, as required by Annex 1 and as amended by the regional requirements contained in Annex 2, are complied with; and

5.1.1.3 Seafarer welfare conditions are in accordance with section 4 of this Annex; and

³ See Annex 3 for Master's Limited Charter Declaration template

- 5.1.1.4 The signed Master's declaration required by section 3.4 is on board; and
- 5.1.1.5 That yachts with a gross tonnage of 300 or above holds a valid Certificate of Class from a Classification Society recognised by the Cayman Islands Shipping Registry; and
- 5.1.1.6 The yacht holds a valid International Load Line Certificate, issued in accordance with LY3 for at least a short range yacht; and
- 5.1.1.7 All other statutory certification as applicable is on board.

5.2 On satisfactory completion of the survey, the yacht will be issued with a SOC-CCA valid for 5 years.

5.3 The SOC-CCA will contain the following limitations:

This yacht is restricted to operating in forecast or actual wind of up to, and including, Beaufort Force 6 and significant wave height up to, and including, 2 metres within 60 nautical miles of a safe haven.

Commercial operations are limited to the 'Caribbean Cruising Area' as defined in Section 1.3 Part B of Cayman Islands Shipping Registry Shipping Notice 02/2016

5.4 The Vessel will be subject to Annual Surveys not more than 3 months before or no later than 3 months after the anniversary of the expiry date to maintain the validity of the SOC-CCA, and will be subject to a Renewal Survey every 5 years.

Fees

6.1 The fees associated with the survey and certification regime will be charged as follows:-

6.1.1 Initial surveys (one visit to the vessel) –

Classed Vessels - Fees for initial and annual surveys		
Survey Zone	Area Covered	US\$
Zone 1	Southeast Florida Cayman Islands UK South of France Other locations with locally based CISR surveyor	3500
Zone 2	USA excluding Southeast Florida Caribbean Rest of Europe	5400
Zone 3	Rest of World	7800
Un-Classed Vessels - Fees for initial and annual surveys		
Survey Zone	Area Covered	US\$
Zone 1	Southeast Florida Cayman Islands UK South of France	8000

	Other locations with locally based CISR surveyor	
Zone 2	USA excluding Southeast Florida Caribbean Rest of Europe	9500
Zone 3	Rest of World	11000

6.1.2 The SOC-CCA does not include a Load Line survey or certification which will be dealt with by the authorised Classification Society.

6.1.3 Should an additional visit be considered necessary this may be delegated to one of Cayman Islands Shipping Registry’s authorised Classification Societies, and their fees will be subject to separate negotiation between the Yacht Owner and the Classification Society.

6.1.4 For Un-Classed yachts the above fees include:

- Load Line Survey and Certification (but only covers annual or renewal following the initial survey)
- MARPOL Annex I Survey and Certification
- MARPOL Annex IV Survey and Certification
- MARPOL Annex VI Survey and Certification

6.1.5 For Un-Classed yachts the above fees exclude:

- Stability approval including “Light Ship Surveys”, “Inclining Experiments” as appropriate and “Stability Book Approval”
- Initial Load Line Survey
- Calculation and assignment of “Freeboard”
- Preparing all documentation in respect to the “Conditions of Assignment”
- Witnessing the marking of the “Load Lines and Draft Marks”

Note: in respect to 6.1.5 Cayman Islands Shipping Registry would accept a third party verification where it can be shown that this entity has a previous track record of conducting such work and is suitably qualified to the Cayman Islands Shipping Registry’s satisfaction.

6.1.6 Annual Survey fees will be in accordance with section 6.1.1 of this notice.

6.1.7 In addition to the fees listed above a compliance assessment survey may be undertaken at the owners request and fees associated with this assessment will be charged on a time and expenses basis. On completion of the assessment a full report will be provided listing all items necessary for compliance. If the owner decides to proceed with a survey against the standards set out in this notice additional costs will be charged including expenses proportionate to the time incurred verifying compliance up to but not more than the fees listed in the table, but taking account of expenses which may have been incurred with visiting the vessel more than once.

Annex 1

APPLICABLE ELEMENTS OF LY3

	Section	USCG ⁴	CISR ⁵	CISR CCA ⁶
4	CONSTRUCTION AND STRENGTH			✓
5	WEATHERTIGHT INTEGRITY			✓
6	WATER FREEING ARRANGEMENTS			✓
7	MACHINERY			✓
8	ELECTRICAL INSTALLATIONS			✓
9	STEERING GEAR			✓
10	BILGE PUMPING			✓
11	STABILITY			✓
12	FREEBOARD			✓
13	LIFE SAVING APPLIANCES	✓		✓
14	FIRE SAFETY			✓
14A&B	STRUCTURAL FIRE PROTECTION			✓
15	FIRE APPLIANCES	✓		✓
16	RADIO			✓
17	NAVIGATION LIGHTS, SHAPES AND SOUND SIGNALS	✓	✓	✓
18	NAVIGATIONAL EQUIPMENT AND VISIBILITY FROM WHEELHOUSE	✓	✓	✓
19	MISCELLANEOUS EQUIPMENT			✓
20	ANCHORS AND CABLES			✓
21	ACCOMMODATION			✓
22	PROTECTION OF PERSONNEL			✓
23	MEDICAL STORES			✓
24	SHORE-SHIP TRANSFER OF PERSONNEL			✓
25	CLEAN SEAS	✓	✓	✓
26	MANNING AND PERSONNEL CERTIFICATION	✓		✓
27	PASSENGERS			✓
28	SURVEY, CERTIFICATION, INSPECTION AND MAINTENANCE			✓
29	CREW AGREEMENTS			✓

⁴ Requirements of USCG as per CG-CVC Policy letter 15-04 for foreign flagged vessels in U.S. navigable waters

⁵ Cayman Islands Shipping Registry requirements for a Pleasure Yacht not operating in U.S. navigable waters

⁶ Cayman Islands Shipping Registry requirements for a Pleasure Yacht in limited commercial use operating in the Caribbean Cruising Area in accordance with Part B and Annex 2 of this notice

Annex 2

ALTERNATIVE PROVISIONS FOR PLEASURE YACHTS IN LIMITED COMMERCIAL USE IN THE CARIBBEAN CRUISING AREA

LY3		CISR Alternative Regional Requirements																		
Reference	Text																			
n/a		<p>Classification Societies appointed as Recognised Organisations by the Cayman Islands Shipping Registry:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">(ABS)</td> <td style="width: 60%;">American Bureau of Shipping</td> <td style="width: 25%; text-align: right;">www.eagle.org</td> </tr> <tr> <td>(BV)</td> <td>Bureau Veritas</td> <td style="text-align: right;">www.veristar.com</td> </tr> <tr> <td>(DNV GL)</td> <td>DNV GL</td> <td style="text-align: right;">www.dnvgl.com</td> </tr> <tr> <td>(LR)</td> <td>Lloyds Register</td> <td style="text-align: right;">www.lr.org</td> </tr> <tr> <td>(ClassNK)</td> <td>Nippon Kaiji Kyokai</td> <td style="text-align: right;">www.classnk.or.jp</td> </tr> <tr> <td>(RINA)</td> <td>Registro Italiano Navale</td> <td style="text-align: right;">www.rina.org</td> </tr> </table>	(ABS)	American Bureau of Shipping	www.eagle.org	(BV)	Bureau Veritas	www.veristar.com	(DNV GL)	DNV GL	www.dnvgl.com	(LR)	Lloyds Register	www.lr.org	(ClassNK)	Nippon Kaiji Kyokai	www.classnk.or.jp	(RINA)	Registro Italiano Navale	www.rina.org
(ABS)	American Bureau of Shipping	www.eagle.org																		
(BV)	Bureau Veritas	www.veristar.com																		
(DNV GL)	DNV GL	www.dnvgl.com																		
(LR)	Lloyds Register	www.lr.org																		
(ClassNK)	Nippon Kaiji Kyokai	www.classnk.or.jp																		
(RINA)	Registro Italiano Navale	www.rina.org																		
Definitions	<p>"Short Range Yacht" means a vessel under 500GT the keel of which was laid or was at a similar stage of construction prior to the 1st August 2005 or a new vessel constructed on or after that date under 300GT:</p> <ul style="list-style-type: none"> • 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; • within 60 nautical miles of a safe haven. 	<p>Vessel certified against this Annex will be operationally restricted as per a "Short Range Yacht" and as such, may follow the standards within the Code for such vessels regardless of gross tonnage.</p>																		
3.1.1	<p>The Code applies to a motor or sailing vessel of 24 metres in load line length and over or, if built before 21 July 1968, which is of 150 tons gross tonnage and over and which, at the time, is in commercial use for sport or pleasure and carries no cargo and no more than 12 passengers. Sail training vessels</p>	<p>Vessels certified against this Annex should not be assumed to be in "commercial use for sport or pleasure"</p>																		

	are included in this application.	
3.3.1	Proposals for the application of alternative standards considered to be at least equivalent to the requirements of the Code should be submitted to the Administration for approval. Equivalence may be achieved by incorporating increased requirements to balance deficiencies and thereby achieve the overall safety standard.	Where an existing vessel does not meet the standards of LY3 (the Code) or this Annex, the Administration should be contacted to consider whether equivalent standards may be accepted.
3.3.3.2	When an existing vessel does not meet the Code safety standard for a particular feature and it can be demonstrated that compliance is neither reasonable nor practicable, proposals for alternative arrangements should be submitted to the Administration for approval. In considering individual cases, the Administration should take into account the vessel's service history and any other factors which are judged to be relevant to the safety standard which can be achieved.	Instances of non-compliance to the Large Yacht Code and this Annex should be raised with the Cayman Islands Shipping Registry at the earliest opportunity in order to find an appropriate or any alternative arrangements and investigate the vessel's service history
3.3.3.4	Vessels the keels of which were laid or were at a similar stage of construction before the 1st October 2013 or the date of entry into force of the Maritime Labour Convention 2006 if that be sooner and which have and have been or are currently under survey to LY1 or LY2 may continue to be considered under the standards in force at the time of initial survey with the exception of the following which must comply with this version of the code:	Vessels certified against this Annex may be considered under the standards in force at the time of the vessel's keel laid date, regardless of having been under survey to these standards previously.
4.4.2.2(e)	Sill height of the internal door should be higher above the deepest loaded waterline than the sill height of the shell opening.	Where the size and layout of the vessel renders this impossible, the internal door may be fitted with a local audible alarm which sounds when both the shell opening and internal door are open; to ensure that the internal door remains closed during these times.

5.2.1.1	External doors in deckhouses and superstructures that give access to spaces below the weather deck are to be weathertight and door openings should have coaming heights of at least: (See table in LY3)	Portable coamings may be accepted where these are fitted before proceeding to sea.
5.2.1.3	An access door leading directly to the engine room from the weather deck should be fitted with a coaming of height of at least: (See table in LY3)	Portable coamings may be accepted where these are fitted before proceeding to sea.
5.2.2.1	Companionway hatch openings which give access to spaces below the weather deck should be fitted with a coaming, the top of which is at least 300mm above the deck, or 150mm in the case of Short Range Yachts.	Where Companionway hatch openings are not to be used at sea other than for emergency use, flush hatches are acceptable when marked on the inside “NOT TO BE OPENED AT SEA” and where "open-hatch” alarms, both visual and audible are fitted on the bridge.
5.4.2	In general, all portlights fitted in locations protecting openings to spaces below the weather deck or fitted in the hull of the vessel should be provided with a permanently attached deadlight which is to be capable of securing the opening watertight in the event of a breakage of the portlight glazing. Proposals to fit portable deadlights will be subject to special consideration and approval by the Administration, having regard for the location [and size] of the portlights and the ready availability of deadlights. Consideration should be given to the provision of operational instructions to the Master as to when deadlights must be applied to portlights.	Where a vessel’s Class Society rules or notation allow for the exclusion of the carriage/fitting of deadlights, then deadlights need not be carried.
5.4.5	Portlights should not be fitted in the hull in the way of the machinery space.	Where portlights have been fitted in the hull in the way of the machinery space, deadlights/blanking plates should be permanently fitted and not-readily openable.
5.6.2	Ventilators are to be of efficient construction and provided with permanently attached means of weathertight closure. Generally, ventilators serving any space below the freeboard deck or an enclosed superstructure should have a coaming of minimum height of: (See table in LY3)	Where ventilator openings are in protected locations this may be accepted in lieu of permanently attached means of weathertight closure, provided suitable water ingress protection in the form of swan necks, float valves or mist eliminators are fitted.

5.7.2	Where located on the weather deck, air pipes should be kept as far inboard as practicable and be fitted with a coaming of sufficient height to prevent inadvertent flooding. Generally, air pipes to tanks should have a minimum coaming height of: (See table in LY3)	Where air pipes are terminated in protected locations they may have reduced coamings, provided suitable water ingress protection in the form of swan necks, float valves etc.is provided.
8A.2.2	An emergency source of lighting should be provided which should be independent of the general lighting system. This source should be sufficient for up to 3 hours duration and should include navigation light supplies. The lighting is to provide sufficient lighting for personnel to escape from the accommodation or working spaces to their muster station, and launch and board survival craft. Additionally, this light, supplemented by torches, should be sufficient to permit emergency repairs to machinery etc.	The lighting provided for personnel to escape from the accommodation or working spaces to their muster station, and launch and boarding of survival craft may be portable lighting stored in suitable locations in lieu of fixed lighting on the emergency source of power.
10A.2	All vessels should be provided with at least two fixed and independently powered bilge pumps, with suction pipes so arranged that any compartment can be effectively drained when the vessel is heeled to an angle of 10°. For Short Range Yachts, the second pump and suction pipes may be portable.	The second pump and suction pipes may be portable, provided that the suction pipe is of a non-collapsible type with strainer and non-return valve. The pump is to be stored in a readily accessible location, clearly marked on the safety plan. Petrol driven pumps are not acceptable.
11.2.1.1.6	In the event that the vessels intact stability standard fails to comply with the criteria defined in 11.2.1.1.1 to 11.2.1.1.5 the Administration may be consulted for the purpose of specifying alternative but equivalent criteria.	The Cayman Islands Shipping Registry should be contacted with information regarding the level of compliance and proposed equivalent criteria.

11.3	<p>Damage Stability The following requirements are applicable to all vessels, other than those operating as Short Range Yachts. Whilst Short Range Yachts are not required to meet the damage stability criteria defined above, ultimate survivability after minor damage or flooding is recommended.</p>	A vessel certified against this Annex may be considered as a “Short Range Yacht”, therefore this section is not mandatory.
13.1.6	Falls for launching devices are to comply with IMO Life-Saving Appliances Code. When falls are of stainless steel, they should be renewed at intervals not exceeding the service life recommended by the manufacturer, or where no service life is stated be treated as galvanized steel falls. Falls of alternative materials may be considered by the Administration.	Fibre rope falls (synthetic) may be permitted by express permission, and the Cayman Islands Shipping Registry should be contacted for details.
13.2.2.3	<p>For vessels of less than 85m in length, or those complying with 13.2.1.3, a sufficient number of liferafts should be provided so that in the event of any one liferaft being lost or rendered unserviceable, sufficient aggregate capacity remains on either side of the vessel for all persons on board. This may be achieved by transferring liferafts from one side to the other. Where liferafts are transferable, this requirement may be met by the ability of the rafts to be transferred within 5 minutes, as below:-</p> <p>Liferafts of 6 - 15 persons capacity to be carried by 2 persons Liferafts of more than 15 persons capacity to be carried by 4 persons.</p>	Vessels are to carry liferafts to accommodate all persons onboard but not less than 100% capacity and evenly distributed on both sides of the vessel.
13.2.3.2.1	Vessels under 500GT should be provided with a rescue boat either meeting the requirements of 13.2.3.1 or the following:	A vessel certified against this Annex may be considered as a “Short Range Yacht”, as per the Code. Vessels with a gross tonnage over 300 may also follow the requirements of 13.2.3.3 in lieu of carrying a rescue boat.

13.2.5.1	One approved immersion suit should be provided for each person onboard, these may be of the non-insulated type.	Immersion suits need not be carried due to the area of operation of vessels certified against this Annex.
14.A.2.2.1(a)	Machinery spaces of category 'A', are to be enclosed by 'A-30' Class boundaries. For Short Range Yachts, such machinery spaces are to be enclosed by 'B-15' Class boundaries;	Where the means of escape required by 14A.3.2.2 includes a vertical escape to the open deck, fire divisions using alternative forms of construction may be accepted if it can be demonstrated that the material by itself, or due to the insulation provided, has the fire resistance properties equivalent to 'B-15' Class.
14A.2.3.6	Upholstery composites (fabric in association with any backing or padding material) used throughout the vessel including open decks should be approved in accordance with the IMO FTP Code, Annex 1, Part 8, or equivalent. This does not apply to spaces fitted with sprinklers or equivalent fixed fire extinguishing systems.	Equivalent measures may include being post-treated to be fire retardant (See UK Maritime & Coastguard Agency (MCA) Marine Guidance Notice (MGN) 453), or not having a delay on the fire detection system and provision of a suitable number of fire extinguishers
14A.2.3.8	Suspended textile materials such as curtains or drapes should be approved in accordance with the IMO FTP Code, Annex 1, Part 7, or equivalent. This does not apply to spaces fitted with sprinklers or equivalent fixed fire extinguishing systems.	Equivalent measures may include being post-treated to be fire retardant (See UK Maritime & Coastguard Agency (MCA) Marine Guidance Notice (MGN) 453), or not having a delay on the fire detection system and provision of a suitable number of fire extinguishers.
14A.4.2	Fire insulation to A-30 (B-15 on Short Range Yachts) standard to a point at least 5 metres from the boundary of the machinery space or galley; and	Vessels certified against this Annex are exempt from this requirement.

15A.2.2.2	The second fire pump, which may be portable, should have a capacity of at least 80% of that required by 15A.2.2.1 and be capable of input to the fire main. A permanent sea connection, external to the machinery space, should be provided. "Throw-over" sea suction are not acceptable.	The second pump and suction pipes may be portable, provided that the suction pipe is of a non-collapsible type with strainer and non-return valve. The pump is to be stored in a readily accessible location, clearly marked on the safety plan. This pump may be common to the one required by 10A.2 and as such "Throw-over" sea suction are acceptable and a permanent sea connection, external to the machinery space, need not be provided. Petrol driven pumps are not acceptable.
17.4	For vessels where compliance [with COLREGS] is impracticable, alternatives may be considered by application to the Administration.	As per the International Regulations for Preventing Collisions at Sea (Rule 1(e)), yachts can be described as a vessel of special construction or purpose, and as such, they may be allowed some relaxations to the requirements of the COLREGs. Where existing vessels cannot comply, the Cayman Islands Shipping Registry should be contacted regarding the arrangement.
18.1.8	All vessels of 300GT and over, unless operating solely within sea area A1, should be fitted with a Long-Range Identification and Tracking (LRIT) system to automatically transmit the identity of the ship; the position of the ship, (latitude and longitude); and the date and time of position provided.	Vessels certified against this Annex are exempt from this requirement.
18.1.9	All vessels should be fitted with a bridge navigational watch alarm system (BNWAS), in accordance with SOLAS Chapter V Regulation 19 as follows:	Vessels certified against this Annex are exempt from this requirement.
21	ACCOMMODATION	As per the equivalent measures within this Annex for 3.3.3.4, existing vessels with a keel laying date before 20 th August 2013 may be considered under Chapter 21, and are not required to comply with 21A or 21B.

26.2.4	<p>In determining what constitutes a minimum safe manning level, useful guidance may also be obtained by use of risk and hazard management tools such as formal safety assessment. The minimum safe manning levels should be those required for all reasonably foreseeable circumstances and working conditions to permit the safe operation of the vessel under normal operational conditions. Due consideration should also be given to the number of hotel staff required</p>	
26.2.6	<p>Application for a Safe Manning Document Any application for a Safe Manning Document should be made by the owner, or a person authorised to act on their behalf, to the flag Administration of the vessel.</p>	<p>A Minimum Safe Manning Document (MSMD) can be applied for via the Crew Compliance section of the Cayman Registry website - http://www.cishipping.com.</p>
29A	<p>Section 29 may be amended by the introduction of the International Labour Organization's (ILO) requirements under the Maritime Labour Convention (MLC) 2006.</p>	<p>Working practices shall take account of the United Kingdom's "Code of Safe Working Practices for Merchant Seamen" (Consolidated Edition – 2015), as may be amended from time to time.</p> <p>The Maritime Labour Convention (MLC) applies to all vessels in commercial use of any size and all seafarers working on such vessels. Therefore any commercial activity taking place whilst certified under this Annex will require the vessel to be fully MLC compliant at all times during the period this commercial activity is taking place. MLC documentation to be on board during these times is as follows:</p> <ul style="list-style-type: none"> - Seafarer Employment Agreements (SEAs) - On-board complaints procedure complying with Cayman Islands SHIPPING NOTICE 04/2014 (as amended); and <p>Insurance covering long term sickness/injury/ death and repatriation under the SEA (normally P&I)</p>

Annex 3

MASTER'S LIMITED CHARTER DECLARATION

(This declaration should be signed by the Master and retained on board as per Part B Section 3 of Cayman Island's Shipping Notice 02/2016 as amended)

1. I acknowledge that commercial operations under a SOC-CCA issued under Cayman Island's Shipping Notice 02/2016, as amended, are limited to a maximum distance of 60 nautical miles from a safe haven.
2. I acknowledge that commercial operations are limited to a maximum of 120 days in a 365 day period.
3. I acknowledge that a maximum of 12 passengers, or guests, can be carried whilst the yacht is at sea and engaged in limited commercial use.
4. I acknowledge that this yacht is restricted to operating in forecast or actual wind of up to and including, Beaufort Force 6 and significant wave height up to, and including 2 metres.

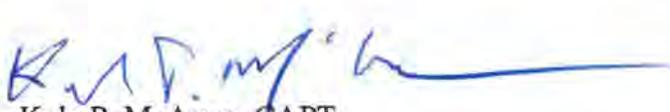
Name of Master:	VESSEL STAMP & SIGNATURE
Passport or Cayman Islands Endorsement Number:	
Name of Vessel:	
IMO Number or Official Number	
Date:	

Annex 4

USCG “CG-CVC POLICY LETTER 15-04”



16700
CG-CVC Policy Letter 15-04
NOV 18 2015

From: 
Kyle P. McAvoy, CAPT
COMDT (CG-CVC)

To: Distribution

Subj: GUIDANCE ON PORT STATE CONTROL EXAMINATIONS FOR FOREIGN
FLAGGED YACHTS

Ref:

- (a) 46 United States Code § 3301 (7)
- (b) Title 46, Code of Federal Regulations, Subchapter I
- (c) Title 46, Code of Federal Regulations, Subchapter A
- (d) International Convention for the Safety of Life at Sea (SOLAS)
- (e) MSM Volume II, Material Inspection, COMDINST M16000.7 (series)
- (f) Title 33, Code of Federal Regulations, Part 160
- (g) Title 33, Code of Federal Regulations, Part 138
- (h) MISLE Data Entry Requirements for Foreign Vessel Arrivals, Examinations and Operational Controls Work Instruction
- (i) Navigation and Vessel Inspection Circular No. 2-00, Inspection Guidance for Vessel Participants in marine Events of National Significance
- (j) Title 33, Code of Federal Regulations, Part 164
- (k) Title 33, Code of Federal Regulations, Parts 151, 155, 156, 159
- (l) Title 46, Code of Federal Regulations, Part 15
- (m) MSM Volume III, Material Inspection, COMDINST M16000.8 series, Section B
- (n) Title 46, Code of Federal Regulations Subchapter C
- (o) U.S. Coast Guard Maritime Law Enforcement Manual COMDINST M16247.1 (series)
- (p) Navigation and Vessel Inspection Circular No. 7-94, Guidance on the Passenger Vessel Safety Act

1. **PURPOSE.** The purpose of this policy letter is to set forth procedures for examination of foreign-flagged yachts that are passenger vessels and for other such vessels measuring 300 or more gross tons as measured under the ITC operating in U.S. navigable waters.

2. **ACTION.** District and Sector Commanders shall ensure compliance with the provisions of this policy letter, which provides national guidance and replaces local policies on this subject. This policy letter will be distributed by electronic means only. It is available on the internet at <http://homeport.uscg.mil/>.

3. **BACKGROUND.** Although yachts are normally operated as recreation vessels, they may be subject to inspection as seagoing motor vessels depending on their size and area of operation. Motor propelled yachts of at least 300 GT making voyages beyond the boundary line as defined in Title 46 CFR, Subchapter A are by definition "sea going motor vessels" and are subject to inspection under reference (a). To carry out the authority in reference (a), these large, motor propelled, foreign flagged

yachts, which carry 12 or fewer passengers from any port in the U.S., are subject to the regulations in reference (b). Since compliance would require plan review and inspection for certification, it is generally impracticable and often not possible for a foreign-flagged yacht to obtain and comply with a Certificate of Inspection. Alternatively, any vessel of a foreign nation signatory to SOLAS, with a valid safety equipment certificate, is exempted from the requirement to meet reference (b). However, some flag administrations will not issue a SOLAS safety equipment certificate to vessels that are less than 500 gross tons. Instead, these foreign-flagged, motor-propelled yachts that routinely operate in U.S. ports are surveyed and certificated under a Large Commercial Yacht Code adopted by their administration. Due to the potential dissimilarities between these Commercial Yacht Codes and Title 46 Subchapter I (or SOLAS), guidance on acceptable standards and examination procedures is necessary to ensure that a consistent and appropriate level of safety is applied via Port State Control (PSC) exams.

4. **DISCUSSION.** Each Large Commercial Yacht Code contains a set of requirements for yachts that are in commercial use for sport or pleasure, do not carry cargo, and do not carry more than 12 passengers. They were developed to address challenges in applying some of the international conventions such as SOLAS and Load Line to “super yachts.” The provisions in the international conventions allow flag administrations to adopt these equivalent standards if they are at least as effective as the required present regulations. In accordance with this policy letter, a Port State Control Officer (PSCO) may accept a valid Commercial Yacht Code Flag State certificate as an alternative to meeting reference (b) for certain foreign-flagged yachts as provided in enclosure (1). Additionally, foreign-flagged yachts have posed a low risk for non-compliance and, as a result, the scope and frequency of exams has been reduced with the exception of foreign-flagged yachts engaged in trade of at least 500 gross tons, which are required to comply with SOLAS. Enclosure (1) provides guidance on applicable requirements, scope, and frequency of the PSC safety exam.

a. Foreign-flagged yachts will fit in one of the three categories below.

(1) *Foreign-Flagged Yachts Engaged In Trade Carrying More Than 12 Passengers:* Despite its tonnage, a yacht that falls into this category is considered a passenger vessel in accordance with reference (d) and must have a valid Passenger Ship Safety Certificate (PSSC) and complete a Coast Guard Control Verification Examination as outlined in reference (e). Those vessels that do not possess a valid PSSC are subject to inspection for certification in accordance with Title 46 CFR, Subchapter H. This includes issuance of a Certificate of Inspection in the same manner as for a domestic vessel.

(2) *Foreign-Flagged Yachts Engaged In Trade Carrying 12 or Fewer Passengers:* A yacht that operates beyond the boundary line carrying not more than 12 passengers, of which at least one is for hire or chartered, except valid bareboat charters, is considered to be engaged in trade.

(3) *Foreign-Flagged Yachts Not Engaged In Trade Carrying Non-Paying Guests or Valid Bareboat Charter:* “Not engaged in trade” means that the guests do not contribute consideration as a condition of carriage on the vessel. In a valid bareboat charter, the owner must give up his or her vessel for the occasion as a complete demise, turning over incidents of ownership to the charterer; this includes complete management, control and operation.

5. PROCEDURES. Foreign-flagged yachts measuring 300 or more gross tons must submit a Notice of Arrival and hold a Certificate of Financial Responsibility in accordance with references (f) and (g). These foreign-flagged yachts certificated under SOLAS or other commercial and international codes as determined by their flag administration shall be screened in accordance with the procedures outlined in reference (e), section D, chapter four. Depending on the total points and priority assigned, the vessel may require a PSC safety exam. For vessels to which the tonnage measurement interim scheme adopted by the IMO applies, the gross tonnage to determine applicability will be included in the REMARKS column of the International Tonnage Certificate (1969). If the vessel is identified for an exam, the PSCO shall use enclosure (1) to determine the applicability, scope and frequency of the PSC exam. In addition to enclosure (1), the following guidance applies:

- a. Scope of Exam. Although the scope of the safety exam may be reduced per the guidance in enclosure (1), each safety exam must be to the extent necessary to verify the validity of the relevant certificates and the compliance of crew and equipment with applicable domestic and international laws. This includes a walk through safety exam to see the overall condition of the vessel and to ensure no unsafe conditions exist. During the walk through safety exam, PSCOs should ensure lifesaving appliances and firefighting equipment are sufficient for persons onboard and properly maintained and that the crew is familiar with their emergency duties and equipment. PSCOs should also conduct limited testing of the vessel's navigation equipment and pollution prevention equipment and visual examination of machinery and public spaces to check for safety hazards. If the vessel's certificates are valid and the PSCOs general impressions and visual observation reveal no serious deficiencies, the exam should be completed at this point.
- b. Deficiencies. All deficiencies should be documented as outlined in reference (e). A detention or other control action should only be exercised if the vessel is substandard as defined in IMO Procedures for Port State Control (Resolution A.1052(27)), and is unfit to proceed to sea or is an unreasonable risk to the environment.
- c. Documentation. PSCOs must document all examination activities using the Coast Guard Port State Control Report of Inspection Form A, CG-5437A and Coast Guard Port State Control Report of Inspection Form B, CG-5437B, if the latter is applicable. These foreign flagged yacht exams will be categorized in MISLE as a PSC safety exam and shall be entered into MISLE using reference (h).
- d. Marine Events of National Significance. Registered participants of a Marine Event of National Significance may be permitted to engage in excursions while carrying passengers for hire for the duration of the event. Registered participants may include foreign flagged vessels, including yachts. Guidance for the inspection of foreign flagged yachts operating as registered participants in Marine Events of National Significance can be found in reference (i).
- e. Coastwise Trade Laws. The carrying of passengers-for-hire must comply with the regulations governing coastwise transportation of passengers under 19 CFR 4.80a.
- f. Definitions. See enclosure (2).

6. DISCLAIMER. This guidance is not a substitute for applicable legal requirements nor is in itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations.

7. Questions or concerns regarding this policy may be directed to Commandant (CG- CVC-2) at (202) 372-1235 or emailed to CGCVC@uscg.mil.

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Enclosure: (1) Foreign Flagged Yacht Job Aid
(2) Definitions

Distribution: All Area/District (p) Offices
All Sectors/Activities and MSUs

Foreign-Flagged Yachts Engaged In Trade Carrying More Than 12 Passengers ⁽¹⁾

Size	Status Under SOLAS	Status Under U.S. Law	Examination Requirements
All Gross Tons	Passenger Ship	46 USC 3505 Inspected	Vessel must hold a valid Passenger Ship Safety Certificate. A Yacht Code flag State certificate is NOT acceptable. Vessel subject to plan review and inspection under the Certificate of Compliance Program with initial, annual, and periodic examinations as required. Vessel may not engage in coastwise trade.

Note 1: Passenger count may include non-paying guests. Vessel is engaged in trade if it carries one or more paying passengers (persons contributing consideration as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, agent or any other person having interest in the vessel.) This section also applies to a vessel that is chartered and carrying more than 12 passengers.

Foreign-Flagged Yachts Engaged In Trade Carrying 12 or Fewer Passengers ⁽¹⁾

Size	Status Under SOLAS	Status Under U.S. Law	Examination Requirements
500 or more Gross Tons	Cargo Ship	46 USC 3301 Inspected Seagoing Motor Vessel	Vessel must hold a valid Cargo Ship Safety Equipment or Cargo Ship Safety certificate. A Yacht Code flag State certificate is NOT acceptable. Vessel subject to MARPOL as outlined in the various Annex applicability sections. Vessel will also be subject to other international conventions such as ITC, Load Line, and STCW convention requirements. Subject to applicable U.S. requirements in references (j) and (k). This includes review of Non-Tank Vessel Response Plan for vessels. Verify compliance with minimum safe manning document issued by their flag State. Subject to Port State Control. PSCOs should use procedures applicable to the examination of foreign freight vessels, including existing PSC targeting processes. Vessel may not engage in coastwise trade.
300 or more but less than 500 Gross Tons	Exempt From SOLAS with the exception of Chapter IV and V	46 USC 3301 Inspected Seagoing Motor Vessel	Vessel may hold a valid Cargo Ship Safety Equipment or Cargo Ship Safety certificate. A Yacht Code flag State certificate is acceptable. Vessel subject to STCW. Depending on the tonnage / length, vessel may also be subject to MARPOL, Load Line & ITC. Subject to applicable U.S. requirements in references (j) and (k). This includes review of Non-Tank Vessel Response Plan for vessels 400 or more gross tons. Verify compliance with minimum safe manning requirements in accordance with reference (l) and (m) or compliance with minimum safe manning document issued by their flag State. Subject to limited Port State Control, at least once every two years. Vessel may not engage in coastwise trade.
100 or more but less than 300 Gross Tons	Exempt From SOLAS with the exception of Chapter V	Passenger Vessel Safety Act of 1993	Uninspected Passenger Vessel A Yacht Code flag State certificate is acceptable, but not required. Vessel subject to STCW, reference (n) and may not engage in coastwise trade. *What is presented here for uninspected vessels is for information only.*
Less than 100 Gross Tons	Exempt From SOLAS with the exception of Chapter V	Passenger Vessel Safety Act of 1993	Inspected if carrying more than 6 passengers. ⁽²⁾ A Yacht Code flag State certificate is acceptable. If inspected, examine at least once every three years. Vessel subject to STCW and may not engage in coastwise trade. *What is presented here for uninspected vessels is for information only.*

Note 1: Passenger count may include non-paying guests. Vessel is engaged in trade if it carries one or more paying guests (persons for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, operator, charterer, agent or any other person having interest in the vessel).

Note 2: In accordance with 46 U.S.C. 4105 (b) (1), an uninspected vessel less than 79 feet that carries passengers to or from a port in the U.S. Virgin Islands can carry up to 12 passengers instead of being limited to 6 passengers if they comply with the Code of Practice for the Safety of Small Commercial Motor Vessels or Code of Practice for the Safety of Small Commercial Sailing Vessels.

Foreign-Flagged Yachts Not Engaged In Trade Carrying Non-Paying Guests or Valid Bareboat Charter ⁽¹⁾

Size	Status Under SOLAS	Status Under US Law	Examination Requirements
500 or more Gross Tons	Exempt From SOLAS	46 USC 3301 Inspected Seagoing Motor Vessel	Vessel may hold a valid Cargo Ship Safety Equipment or Cargo Ship Safety Certificate. A Yacht Code flag State certificate is acceptable. Vessel subject to MARPOL as outlined in the various Annex applicability sections. Subject to applicable U.S. pollution prevention requirements in reference (k). This includes review of Non-Tank Vessel Response Plan for vessels. Verify compliance with minimum safe manning requirements in accordance with reference (l) and (m) or compliance with minimum safe manning document issued by their flag State. ⁽²⁾ Vessel subject to limited Port State Control, at least once every two years.
300 or more but less than 500 Gross Tons	Exempt from SOLAS	46 USC 3301 Inspected Seagoing Motor Vessel	Vessel may hold a valid Cargo Ship Safety Equipment or Cargo Ship Safety Certificate. A Yacht Code flag State certificate is acceptable. Vessel may be subject to MARPOL if it measures 400 or more gross tons as outlined in the various Annex applicability sections. Subject to applicable U.S. pollution prevention requirements in reference (k). This includes review of Non-Tank Vessel Response Plan for vessels 400 or more gross tons. Verify compliance with minimum safe manning requirements in accordance with reference (l) and (m) or compliance with minimum safe manning document issued by their flag State. ⁽²⁾ Vessel subject to a basic safety examination as described in MLEM, Chapter 3 under Vessel Safety Inspection and appendix (E) in reference (o). Examine at least once every three years.
100 or more but less than 300 Gross Tons	Exempt from SOLAS	Passenger Vessel Safety Act of 1993	Refer to reference (p) to determine whether vessel is Uninspected Passenger Vessel, Recreational Vessel or Small Passenger Vessel for compliance requirements. ⁽³⁾ If inspected, examine at least once every three years. *What is presented here for uninspected vessels is for information only.*
Less than 100 Gross Tons	Exempt from SOLAS	Passenger Vessel Safety Act of 1993	Refer to reference (p) to determine whether vessel is Uninspected Passenger Vessel, Recreational Vessel or Small Passenger Vessel for compliance requirements. If inspected, examine at least once every three years. *What is presented here for uninspected vessels is for information only.*

Note 1: Not engaged in trade means that the guests do not contribute consideration as a condition of carriage on the vessel.

Note 2: The certification of the crew and the flag Administrations minimum safe manning standard must be compatible with the objectives of the STCW Convention and U.S. laws and regulations.

Note 3: Foreign flag bareboat chartered vessels carrying more than 12 passengers are subject to inspection for certification. The vessels will still be considered pleasure yachts or recreational vessels for SOLAS, Load Line, etc. Foreign vessels that are chartered with no crew provided by the owner and carrying 12 or less passengers are considered recreational vessels. Refer to reference (p) for further information.

Definitions

1. Consideration (46 U.S.C. 2101): An economic benefit, inducement, right or profit, including pecuniary payment accruing to an individual, person, or entity but not including a voluntary sharing of actual expenses of the voyage by monetary contribution or donation of food, fuel, beverage, or other supplies.
2. Elements of a Valid Bareboat Charter (MSM VOL II, Section B, Chapter 4):
 - a. The Master and crew should be paid by the charterer.
 - b. All food, fuel, and stores are provided by the charterer.
 - c. All port charges and pilotage fees are paid by the charterer.
 - d. Insurance is obtained by the charterer, at least to the extent of covering liability not included in the owner's insurance.
 - e. The charterer may discharge, for cause the master or any crewmember without referral to the owner.
 - f. The vessel is to be surveyed upon its delivery and return.
3. Passenger (46 U.S.C. 2101): A individual carried on a vessel, **except**:
 - a. The owner or an individual representative of the owner, or in the case of a vessel under charter, an individual charterer or individual representative of the charterer.
 - b. The Master or;
 - c. A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services.
4. Passenger for Hire (46 U.S.C. 2101): A passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.
5. Passenger Vessel (46 U.S.C. 2101): A vessel of at least 100 gross tons;
 - a. Carrying more than 12 passengers, including at least one passenger for hire;
 - b. That is chartered and carrying more than 12 passengers.
6. Recreational Vessel (46 U.S.C. 2101): A vessel being manufactured or operated primarily for pleasure or leased, rented, or chartered to another for the latter's pleasure.
7. Small Passenger Vessel (46 U.S.C. 2101): A vessel of less than 100 gross tons;
 - a. Carrying more than 6 passengers, including at least one passenger for hire;
 - b. That is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers.

8. Uninspected Passenger Vessel (46 U.S.C. 2101):
 - a. An uninspected vessel of at least 100 gross tons;
 - (1) Carrying not more than 12 passengers, including at least one passenger for hire; or
 - (2) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers.
 - b. Of less than 100 gross tons;
 - (1) Carrying not more than 6 passengers including at least one passenger for hire or
 - (2) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.

9. U.S. Virgin Islands Rule (46 U.S.C. 4105 (b) (1)): In accordance with reference (o), Section 4105 of Title 46 US Code has been amended for Uninspected Passenger Vessels in the U.S. Virgin Islands. An uninspected vessel less than 79 feet that carries passengers to or from a port in the U.S. Virgin Islands can carry up to 12 passengers instead of being limited to 6 passengers if they comply with:
 - a. Code of Practice for the Safety of Small Commercial Motor Vessels (commonly referred to as the "Yellow Code"), as published by the U.K. Maritime and Coast Guard Agency or;
 - b. Code of Practice for the Safety of Small Commercial Sailing Vessels (commonly referred to as the "Blue Code")

10. Valid Certificate (MSM VOL II, Section D, Chapter 1):
 - a. Has been issued by a contracting government, party to a convention, or on behalf of the government or party by a recognized organization.
 - b. Contains accurate and effective dates;
 - c. Meets the provisions of the relevant convention; and
 - d. Corresponds to the particulars of the vessel and its equipment.