



Virgin Islands Shipping Registry

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British Virgin Islands

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Marine Circular No.2 / 2016

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Merchant Shipping (Safety of Commercial Sailing and Motor Vessels) Regulations, 2004

Circular to: Owners, Operators, Brokers, Charterers, Shipping Agents, Masters, Officers & Crewmembers, Inspectors, Surveyors, Managers of Bareboat Charter Vessels and Crewed Yachts, Commercial Vessel Licensing Authorities, BVI Ports Authority and Interested Parties.

Reference

1. The Merchant Shipping Act, 2001 (No. 13 of 2001);
2. The Merchant Shipping (Safety of Commercial Sailing and Motor Vessels) Regulations, 2004;
3. United Kingdom Maritime and Coastguard Agency Safety Codes:
 - “The Safety of Small Commercial Sailing Vessels – A Code of Practice” (*Blue Code*)
 - “The Safety of Small Commercial Motor Vessels – A Code of Practice” (*Yellow Code*)
 - “The Code of Practice for Safety of Large Commercial Sailing and Motor Vessels” (*LY2*)
 - Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats (SCV Code) – Alternative Construction Standards, (*MGN 280 (M)*);
4. Blue and Yellow Code Guidance Note (BVI)
5. Marine Circular No.1 /2009 dated 1st November 2009;
6. Marine Circular No.3 /2009 dated 30th December 2009.

Background

Reference is made to Virgin Islands Shipping Registry (VISR) Marine Circular Nos.1 and 3 of 2009 concerning the Safety of Commercial Vessels operating in the British Virgin Islands waters, and the process of inspections and certification.

Following the publication of above Marine Circulars a number of separate discussions were held between the Virgin Islands Shipping Registry (VISR) and concerned parties of the yachting industry, in particular with the representatives of Charter Yacht Society, other charter yacht operators, members of the BVI Marine Association and the Charter Yacht League of US Virgin Islands. A meeting with representatives of the marine industry and boat operators was also held on Virgin Gorda. These discussions were mainly concerned with the requirements relating to the carriage of life rafts, Stability requirements, Skippers qualifications; Skipper alone operations, and Certification of new vessels. The discussions also included cost and other implications in attaining full compliance with the requirements of the regulations.

At the conclusion of the above exercise, VISR and representatives of the industry and commercial operators agreed to a set of practical solutions that would not compromise the overall safety of commercial yacht.

1. LIFERAFTS

Area of operation within 20 miles from a safe haven (Category 3 and 4 waters)

- a) The carriage of life rafts is an optional requirement;
- b) Where life rafts are not carried one of the following equivalent arrangements is acceptable:
 - Buoyant Apparatus; e.g. ‘donuts’
 - Inflatable dinghy of an approved type, with the rated capacity for the total number of persons on board;
 - In case of small motor vessels where space is limited and carriage of dinghies impractical, sufficient life buoys for all persons on board;

2) STABILITY

Stability requirements may differ from vessel to vessel based on the area of operation, number of persons carried on board, type of vessel (sailing or motor), construction (mono hull, multi-hulls) etc.;

Mono-hull Vessels:

- a) Where stability particulars are available for one vessel type, these particulars will be accepted for other vessels of the same type;
- b) Stability Approval given by USCG or other Governments or approved Certifying Authority will be accepted following a review;
- c) Consideration will be given for acceptance of EC-Type approval with relevant documentation. Currently, majority of new yachts conform to (European Community) EC-Type standards.
- d) In instances where a motor vessel does not have the requisite stability document, one can be produced after carrying out a simple inclining test. This can be performed by a person/company/organisation approved by VISR. Such a service is available in BVI;
- e) The stability of a sailing mono-hull vessel which is to operate up to 60 miles from a safe haven and which is not EC-Type approved, can be assessed by the RYA’s STOPS numerals method, without the need for an inclining test. The RYA should be contacted directly for this stability assessment;
- f) Where no stability particulars are available for an existing vessel, a temporary Stability Letter valid for six months may be issued, at the time of the initial compliance examination, based on previous safe operations;
- g) It is recommended that new-building vessels obtain document from Builders.

Multihull Vessels:

- h) EC-Type approval with associated documentation is acceptable, Where vessels are of the same type are involved, the existing approval of one vessel will be extended to other vessels of the same type, after review of documentation;
- i) Stability Approval given by USCG or a Governments or an approved Certifying Authority will be accepted following a review;

- j) Where no approved stability particulars are available for an existing vessel, a temporary Stability Letter valid for six months may be issued by VISR, at the time of the initial compliance examination, based on previous safe operations;
- k) It is recommended that owners of new-building vessels obtain document from Builders.

3) SKIPPER'S QUALIFICATIONS

- a) Following qualifications are acceptable for operating a commercial yacht in the BVI waters:
 - i) Yacht Master Certificate (MCA/RYA) with commercial endorsement;
 - ii) BVI Boatmaster Licence;
 - iii) UK STCW Master (Yacht) Certificate;
 - iv) STCW Certificates (Officer in Charge of a Navigation Watch or higher) issued by a Party to STCW Convention , with appropriate STCW National Endorsements;
 - v) US Coast Guard Licence, with appropriate STCW Endorsements
 - vi) International Yacht Training (IYT) Master Yacht Certificate;
 - vii) Certificate of Competency issued by a National Government of a State acceptable to BVI;
- b) Holders of any of the above qualifications (except the BVI Boatmaster Licence) will be initially issued with a temporary licence on receipt of an application;
- c) A holder of a temporary BVI Licence may obtain a full term licence by attending a short oral examination, on the knowledge of BVI laws relating commercial vessel operations, marine pollution and knowledge of local waters;
- d) A persons having experience as a skipper in operating commercial vessels for a period of at least four years, but having no formal qualifications may apply for a BVI Boat master licence examination by forwarding the relevant application and the supporting documents. Such a candidate may be issued with a Boatmaster licence (Grade 2 or 3) following an oral examination.
- e) A valid licence will be renewed without further examination, provided applicant submits:
 - (i) Valid Medical Certificate
 - (ii) Evidence of at least 45 days sea service during validity of licence
 - (iii) Valid Radio Operator's Licence.

4) SKIPPER ALONE OPERATIONS

For vessels operating within 20 miles of a safe haven, the manning of the vessel by the skipper alone will be accepted subject to written safety instructions being available on board, and the procedures are in place for briefing at least one person on board in the use of emergency and safety gear carried on board.

5) CERTIFICATION OF NEW VESSELS

1. New vessels arriving in the BVI waters with a valid Small Commercial Vessel Certificate issued by a Certifying Authority, or a Government of another country having equivalent survey and certification standards would be accepted following a verification examination. On successful verification a Statement of Verification will be issued.
2. New vessels arriving in the BVI waters with no commercial certification will need to obtain a Small Commercial Vessel Certificate from VISR following an Initial Verification Examination;
3. The out of water examination for a new application may be deferred until the next scheduled dry docking or within six months of the Initial Compliance Examination, in which case a conditional certificate will be issued to the vessel.

All parties are requested to be guided accordingly. Any further representation relating implementing or construing the above should be addressed to the undersigned.

**Director,
Virgin Islands Shipping Registry
Road Town, Tortola
British Virgin Islands.
31st March 2016**