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Marine Circular No. 04/2026

To: Owners, Managers, Operators, Masters and Crew Members of (a) Virgin Islands ships and (b) non-Virgin Islands ships in Virgin Islands waters

STATUTORY CERTIFICATE VALIDITY, OVERDUE SURVEY ENFORCEMENT, AND ESCALATION PROCEDURES FOR ALL BVI-REGISTERED COMMERCIAL SHIPS AND YACHTS SUBJECT TO STATUTORY CERTIFICATION

SUMMARY

This Circular outlines the policy of the Virgin Islands Shipping and Maritime Authority (**VISMA**) of statutory certificate validity, the mandatory windows for intermediate/annual surveys, and the enforcement for BVI – registered commercial ships and yachts subject to statutory certification.

LEGAL BACKGROUND & IMO III CODE

In accordance with Sections 201, 414, 419, and 420 of the Merchant Shipping Act, 2001 (as amended) and IMO Instruments Implementation Code (III Code) paragraphs 22.1 and 22.2, a BVI-registered vessel shall not engage in commercial operations or proceed to sea without holding valid statutory certificates.

STATUTORY CERTIFICATE VALIDITY

Certificates may cease to be valid automatically or require suspension or cancellation, in accordance with the applicable legislation, Convention, Code or conditions of certification, including in the following circumstances:

- **Survey Window Expiry:** A required annual, intermediate or periodic survey is not completed within the prescribed window, unless an extension or other authorisation permitted by the applicable instrument has been granted by VISMA.
- **Class/RO Suspension:** Class is suspended or withdrawn, or a Recognised Organisation (RO) suspends, withdraws or invalidates statutory certification, where that action affects compliance with applicable statutory requirements.
- **Damage or Alterations:** Significant damage, equipment failure, repairs or alterations affecting safety or marine environmental protection have occurred without the notification, survey or approval required by the applicable statutory instrument.
- **Non-compliance with Certificate Conditions:** Conditions imposed by VISMA or an RO, including those attached to short-term certificates or endorsements, are not met within the stipulated period.

ESCALATION & ENFORCEMENT ACTIONS

When the Virgin Islands Shipping and Maritime Authority identifies an overdue survey, an expired or otherwise invalid certificate, or other statutory non-compliance, action will be assessed according to its nature and seriousness. VISMA will initiate the following progressive escalation framework; they need not be followed sequentially where immediate action is legally justified.

- **Stage 1** - Where practicable, VISMA issues a reminder to the owner or operator and the relevant surveyor or RO. Responsibility for meeting survey and certification deadlines remains with the owner or operator, whether or not a reminder is received.
- **Stage 2 - Official Non-Compliance Advisory (Day +1 Post Expiry):** Following expiry of the applicable survey window or certificate, VISMA issues an advisory requesting evidence of compliance, details of survey arrangements and, where required, confirmation that operations have ceased. This advisory does not extend certificate validity or authorise continued operation.
- **Stage 3 - Statutory Improvement Notice (Form SR510-01):** Where the criteria in section 419 of the Merchant Shipping Act, 2001(as amended) are met, an authorised inspector may serve an Improvement Notice specifying the contravention, reasons and period for rectification. That period must comply with section 419(3) and the arbitration provisions of section 422.
- **Stage 4 - Prohibition Notice / Detention (Form SR510-02):** Where relevant activities involve or will involve a risk of serious personal injury and the requirements of section 420 are met, an authorised inspector may serve a Prohibition Notice (Form SR510-02) restricting specified activities or preventing the vessel from

proceeding to sea. The notice takes effect as provided by section 420(4). Detention may be exercised separately under an applicable statutory power where its requirements are met.

- **Stage 5 - Registration Suspension / Prosecution:** Continued non-compliance or operation in contravention of a Prohibition Notice may result in referral to the Registrar for consideration of appropriate registration action and/or referral to the Managing Director for consideration of further enforcement proceedings, subject to the applicable statutory powers and procedures.

Issued by the Virgin Islands Shipping and Maritime Authority.

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