

GUIDANCE NOTE 12/2004

MANNING OF PRIVATE YACHTS

To: YACHT OWNERS, MANAGERS, MASTERS AND THE YACHT INDUSTRY

This Guidance Note was previously issued as Shipping Notice 12/2004 and the content remains unchanged. A copy of Shipping Notice 12/2004 is attached to, and forms part of, this Guidance Note.

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Shipping Notice 12/2004

MANNING OF PRIVATE YACHTS

TO: YACHT OWNERS, MASTERS, MANAGERS, BROKERS AND THE
YACHT INDUSTRY

1. BACKGROUND

STCW '95 Article 3 states:

“The Convention shall apply to seafarers except to those serving on board pleasure yachts not engaged in trade”

There are therefore no Cayman Islands Regulations regarding manning on pleasure yachts not engaged in trade, nor any statutory requirement for a Safe Manning Document.

2. RECOMMENDATION

For reasons of enhanced safety, comprehensive insurance and less likelihood of delays in port through Port State Control inspection, the CISR policy however for these yachts is to strongly recommend the following:

1. To apply for and carry a Safe Manning Document.

An application for a Safe Manning Document can be made to the CISR office in George Town or Southampton. The form can be downloaded from our website, completed and faxed to: + 1 345 949 8849 (George Town) or + 44 (0) 1489 799204 (Southampton); Enquiries via e-mail to: cisr@candw.ky or cisr@cishipping.com.

2. Officers on board to hold full STCW certification;
3. Where full STCW certification is not held by an officer, the CISR will, upon successful completion of an oral examination by the officer concerned, issue an endorsement for a named yacht for a specific period.

An application form and syllabus can be downloaded from our website or be supplied upon request to: manning@candw.ky.

3. DEFINITION OF PRIVATE USE

A “pleasure yacht not engaged in trade” is otherwise termed as in “private” use and is defined as:

Used only for sport or pleasure by the owner or immediate family of the owner in a vessel wholly owned by an individual or individuals;

or

in a vessel owned by a body corporate one on which the persons on the vessel are employees, officers or shareholders (including beneficial owners of shares) of the body corporate or their immediate family or friends;

or

in the case of a vessel owned by a trust or any other ownership arrangement, one on which the persons are beneficiaries under the trust or beneficial owners of the ownership arrangement or their immediate family or friends.

In these definitions immediate family means a relation to an individual, husband or wife of the individual or a relative of the individual’s husband or wife. Relative is defined as a brother, sister, ancestor or linear descendant.

Private use means that the vessel is travelling on a voyage or excursion and during this time it is not engaged in trade by 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 voyage or excursion and that it is not offered to the public for use.