

## GUIDANCE NOTE 08/2022 (Rev 01)

### CERTIFICATION OF VESSELS OF 300 GT AND ABOVE OPERATING IN US NAVIGABLE WATERS AND ELSEWHERE

To: OWNERS, OPERATORS and MASTERS.

#### 1. BACKGROUND

- 1.1 In accordance with United States Coast Guard (USCG) Policy Letter CG-CVC Policy Letter 15-04 (Guidance on Port State Control Examinations for Foreign Flagged Yachts) published on 18 November 2015, all foreign registered pleasure yachts of 300GT and over are subject to inspection under 46 United States Code Section 3301 (7).
- 1.2 In response to this, the Cayman Islands Shipping Registry published [Shipping Notice 02/2016 Rev 2](#) which sets out the requirements for Cayman Island Ships regardless of Certification Type. GC-CVC 15-04 and CISN 02/2016 Rev 2 supersedes any previous understanding that vessel safety certification is non-Mandatory for vessels of 300 GT or more.
- 1.3 The purpose of this guidance note is to remind ship owners, managers and masters that all vessels of 300 GT or more operating in US Navigable waters (which includes the US Virgin Islands) must be provided with valid vessel safety certification, prior to entering into service in US waters. This also serves to remind operators of the obligations in respect to other statutory requirements that apply to Cayman Islands Ships wherever they may be.

#### 2. VESSEL SAFETY CERTIFICATION AND MANNING

- 2.1 Full details of these requirements can be found in CISN 02/2016 Rev 2 Part A, but vessels of 300GT or above are required to be provided with a Cargo Ship Safety Equipment Certificate or Flag State Yacht Code Certificate.
- 2.1 In respect of the Cayman Islands pleasure yachts holding valid REG Yacht Code Certificates or Statements of Compliance, including those Certified under all previous versions of the Code, need not take any further action provided these are maintained with annual and periodical surveys.

- 2.3 Cayman Islands pleasure yachts of 300 GT or above that do not hold any form of Yacht Code Certification must be inspected and issued with a Cayman Islands Statement of Compliance for vessels operating in US Navigable waters (US-SOC), prior to entering into service. Once issued the US-SOC is subject to mandatory annual verification and must be maintained for operation in US waters.
- 2.4 Vessels are also required to maintain a Minimum Safe Manning Document or be provided with a Flag State issued Pleasure Yacht Manning Letter confirming the suitability of the manning levels on board.
- 2.5 Failure to comply with the above requirements may render the vessel liable to detention or at the very least unable to operate until the vessel is provided with the necessary documentation as determined by the USCG.

### **3. THE NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS, 2007**

- 3.1 Although the United States has not yet ratified the Nairobi International Convention on the removal of Wrecks, 2007, ship owners, managers and masters are reminded that this is in force for all Cayman Islands ships, wherever they may be, in accordance with the [Merchant Shipping \(Wreck Removal Convention\) Regulations, 2017](#).
- 3.2 In accordance with regulation 16 of the above Regulations, it is an offence for the master or operator to enter any or leave any port in the world without valid Wreck Removal Insurance and without a Convention insurance Certificate issued by the Flag State, without a reasonable defence.
- 3.3 The fact that a country where the yacht is located has not adopted the Convention is not a defence to the above. Persons who are guilty of an offence are liable to a fine of \$55,000 or imprisonment for a term of 12 months, or both.

### **4. THE MARPOL CONVENTION**

- 4.1 In addition to vessel Safety Certification and Certification pursuant to the Convention for Removal of Wrecks, ship owners, managers and masters are reminded that the provisions of the MARPOL Convention apply to all Cayman Islands Ships wherever they may be.
- 4.2 Whilst MARPOL applies to all vessels irrespective of size to one degree or another, all pleasure yachts of 400GT and above must be issued with a valid International Oil Pollution Prevention Certificate, International Air Pollution Prevention Certificate, International Energy Efficiency Certificate. In addition, vessels of any size carrying more than 15 persons and those of 400GT and above must maintain a Sewage Pollution Prevention Statement of Compliance.<sup>1</sup>
- 4.3 Penalties under MARPOL vary according to the nature of the offence but as an example an offence under MARPOL Annex I, may render the owner and master liable to a fine of \$100,000 on conviction and in certain cases this may be even higher or lead to

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<sup>1</sup> MARPOL Annex IV has not yet been extended to the Cayman Islands, but this may be enforced by countries who are a signatory and thus this Statement must be maintained.

imprisonment. It should be noted that offences are committed by **both** the owner **and** the master.

- 4.4 In addition to offences committed in accordance with the Marine Pollution Law and Regulations made thereunder, failure to comply with the relevant provisions of MARPOL may lead to detention by the Port State Control authorities and severe delays to the operation of the vessel.
- 4.5 Masters who are found to be in contravention of any of the above requirements may be subject to the withdrawal of any Cayman Islands Endorsement held, or barred from receiving further endorsements.

## **5. CONCLUSION**

- 5.1 This guidance note is intended to remind ship owners, managers and masters that pleasure yachts not engaged in trade are subject to certain mandatory requirements, particularly in US navigable waters, and to highlight the consequences of non-compliance.
- 5.2 The requirements in this Guidance note are not exhaustive and operators are urged to visit [www.cishipping.com](http://www.cishipping.com) for further information or to contact [technical@cishipping.com](mailto:technical@cishipping.com) if in doubt in respect of any mandatory regulatory requirements.