

Commonwealth of Dominica



Office of the Maritime Administrator

TO: ALL SHIPOWNERS AND OPERATORS, SALES AND FILING AGENTS, REGIONAL OFFICES AND DOMINICA FLAG STATE INSPECTORS

SUBJECT: CHARTERING OF PRIVATE YACHTS

REFERENCE

- a) Commonwealth of Dominica Maritime Act of 2000, as amended
- b) CDP-102 Commonwealth of Dominica Maritime Regulations, 2002
- c) CDP-200 Vessel Registration and Mortgage Recordation, as amended

PURPOSE: This policy letter sets forth the regulation and requirements for chartering a private yacht

APPLICABILITY: APPLIES to all private yachts registered under the flag of the Commonwealth of Dominica.

OVERVIEW:

The Commonwealth of Dominica regulations have been updated to allow private yachts to charter out for a period of up to eighty four (84) days. This will allow yacht owners the ability to recoup some of the operational costs associated with yacht ownership. Below sets forth the registration requirements for private yachts and includes the updated requirements for chartering out.

A. APPLICATION OF REQUIREMENTS FOR REGISTRATION

The Administration considers any pleasure yacht not on charter or carrying passengers for hire, not engaged in trade or commerce, and being used solely for the pleasure or recreational purposes of its owner to be a private yacht. More specifically, to be considered a private yacht, a vessel is:

- a. In the case of a vessel owned by a corporate entity, one on which the persons on the vessel are employees, officers or shareholders (including beneficial owners) of the corporate entity, or their immediate family or friends; or
- b. in the case of a trust or other ownership arrangement, one on which the persons on board the vessel are beneficiaries under the trust or beneficial owners of the ownership arrangement, or their immediate family or friends;

- c. and in private use.

B. MINIMUM SIZE LIMITATION

The registration of private yachts is limited to those of 12 meters or more in length. The Deputy Maritime Administrator may, however, consider waiving the minimum size limitation and other requirements for private yachts less than 12 meters in length given the necessary justification.

C. OWNERSHIP

As described in Section 30 of the Dominica Maritime Act, a Commonwealth of Dominica citizen or national or a qualified foreign maritime entity must own the vessel. The term “citizen” or “national” includes Commonwealth of Dominica corporations, limited liability companies, partnerships and associations of individuals.

D. DECLARATION OF PRIVATE USE

To be registered as a private yacht, an owner must submit at registration a Declaration of Private Use, declaring that the yacht is “not” a commercial yacht or cargo vessel and will not be used for commercial purposes or gain.

The term “private use” means that the vessel is used on a private voyage or excursion, and during such use 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 the voyage or excursion) or gain, and is not offered for charter or to the public for use.

The Registry permits a private yacht to be chartered out for up to 84 days in any one (1) calendar year to allow for the yacht owner to recoup some of his/her operating expenses. This chartering privilege exempts the yacht from having to be registered as a commercial yacht. However those who wish to charter their private yacht in accordance with these privileges will be required to satisfy the following additional requirements:

- i. Notify the Deputy Maritime Administrator in writing of the dates the yacht intends to use the chartering option and verify that the yacht will be in compliance with the following:
- ii. Proper P & I and Hull and Machinery insurance coverage will be in place for the period and scope of the charter(s).
- iii. Compliance with the Deputy Maritime Administrator standards for commercial yachts with respect to:
 - a. Manning and licensing; and

- b. Equivalency compliance with lifesaving, firefighting and safety equipment.

E. SUITABILITY FOR INTENDED USE

Classification by a Classification Society recognized by the Deputy Maritime Administrator is not required but is recommended, particularly for private yachts of 24 meters or more in length. For private yachts of 24 meters or more in length that are not classed, a Certificate of Survey issued by a recognized Classification Society surveyor or an Authorized Surveyor or a Statement of Compliance or similar document from an underwriter's assessor retained by the yacht owner may be submitted.

In the case of private yachts of less than 24 meters in length, this survey may be carried out by an Authorized Surveyor, a recognized naval architect or yacht association, qualified boatyard personnel or an underwriter's assessor from whom a Statement of Compliance or similar document would be obtained. In either case, for yachts not constructed to the standards of a recognized Classification Society, verification of reasonably sufficient compliance with Commonwealth of Dominica policy and regulations must be provided.

F. TONNAGE MEASUREMENT

A tonnage measurement may be performed and a certificate of tonnage measurement issued and presented at registration.

1. Private yachts 24 meters or more in length: Compliance with the International Convention on Tonnage Measurement of Ships, 1969, is required. Measurements and certification should be performed by a recognized Classification Society surveyor or by an Authorized Surveyor.
2. Private yachts less than 24 meters in length: An Authorized Surveyor, naval architect, yacht association or builder may perform the measurements. The issuance of a national tonnage measurement certificate is optional. A simplified method of measurement authorized by the Deputy Maritime Administrator may be used, if necessary.
3. Private yachts operating exclusively in Commonwealth of Dominica domestic waters will not require an international certificate of tonnage measurement regardless of size.

G. INSURANCE

Proof of hull and machinery and liability coverage from an underwriter in policy form acceptable to the Deputy Maritime Administrator is required.

H. HOME PORT

Either the port of Roseau or Portsmouth shall be the home port for private yachts.

I. REGISTRATION DOCUMENTATION

1. Application: The Application for Private Yacht Registration, Form CDVR-2014, is a single page document. The registration process begins with the submission of this application and the supporting documents outlined below to the Office of the Deputy Maritime Administrator.

2. Required Documents to Accompany the Application: Reference should be made to Chapters 2 and 3 of CPD 200 for details on certain aspects of these documents.

- a. Power of Attorney and/or Corporate Resolutions that incorporate a Power of Attorney.
- b. Proof of Ownership, i.e., Bill of Sale, Builder's Certificate.
- c. Declaration of Private Use.
- d. Tonnage Measurement Certificate.
- e. Verification of Suitability for Intended Use (if applicable):
 - i. if classed, by a Certificate of Confirmation of Class issued by a Classification Society recognized by the Deputy Maritime Administrator, or
 - ii. if not classed, by a Certificate of Survey, Statement of Compliance or other document issued by a recognized Classification Society surveyor, an Authorized Surveyor or an underwriter's assessor for the company that will be insuring the yacht
- f. Either confirmation of Hull and Machinery and P&I coverage or Cover Note on a combined policy of insurance issued by a recognized insurance company in a form acceptable to the Deputy Maritime Administrator.
- g. Proof that vessel is free of liens or encumbrances.
- h. If the yacht is not a new building and is currently documented in another country, consent from that country to the vessel's transfer to Commonwealth of Dominica.
- i. Payment of registration fees.
- j. Payment of first year's annual service fee.

J. STATUTORY COMPLIANCE

COLREGS '72: All private yachts regardless of size must comply with the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS '72), as amended. The Deputy Maritime Administrator may, if deemed necessary, require the submission of detailed plans showing the positioning and arrangements of navigation lights for examination prior to registration.

MARPOL/IOPPC: Compliance with the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 (MARPOL), is required as follows:

- a. Annex I applies to all yachts 400 gross tons or more and they are required to maintain an oil record book.
- b. All yachts of 400 gross tons or more are required to be issued and carry on board an International Oil Pollution Prevention Certificate (IOPPC) in accordance with Regulation 5 of Annex I.
- c. Annex V applies to all yachts regardless of size unless expressly provided otherwise.
- d. Annex VI, when in full force and effect, shall apply unless expressly provided otherwise. Owners are advised to consider that the provisions of Regulation 13 shall then be retroactive to 1 January 2000.

In addition, all yachts are required to meet local coastal State requirements for the control of pollution in their domestic waters that may exceed those of MARPOL.

Radio Station License: A National Radio Station License is required on all yachts with a radio station on board. An appropriately certified radio operator must also be on board. National safety radio communications requirements apply to all private yachts regardless of size.

Minimum Safe Manning Certificate: No certificate is required; however, owners should follow the guidelines provided in Marine Safety Circular CS-MSC 02-07, as amended.

Seafarer Certification: Qualification as Yacht Master or equivalent is required on private yachts of 24 meters or more in length or 80 gross tons and above, and qualification as Engineer is also required on private yachts of 1200 kW main engine power and/or 500 gross tons and above. Relevant qualifications will be according to size, propulsion power, and area of operation.

K. ISSUANCE OF CERTIFICATES OF REGISTRY

1. **Private Yacht Certificate of Registry:** Issuance of a Private Yacht Certificate of Registry will be subject to the satisfaction of documentation requirements as specified in CDP 200.

2. **Revalidation:** The Private Yacht Certificate of Registry is subject to annual revalidation. The period of registration may be either one (1), two (2), or three (3) years at the option of the owner. The continued validity of the Private Yacht Certificate of Registry is contingent upon the following requirements being met by the yacht owner or operator:

- a. Maintaining good standing of the owning entity in the Commonwealth of Dominica;
- b. Paying annual service fees, and all other fees or assessments when due; and
- c. Submitting to the Deputy Maritime Administrator each year by the anniversary date of the issue of the Private Yacht Certificate of Registry, a Certificate of Survey, Statement of Compliance or other document issued by a recognized Classification Society surveyor, an

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Inquiries concerning the subject of this Circular should be directed to the Deputy Maritime Administrator
Commonwealth of Dominica, 32 Washington Street, Fairhaven, MA 02719 USA
registration@dominica-registry.com

Authorized Surveyor or underwriter's assessor for the company that will be insuring the yacht if applicable.

3. Notice of Suspension: Should any of the revalidation requirements above not be fulfilled by the yacht owner or operator, a Notice of Suspension of Registration will be issued by the Deputy Maritime Administrator.

4. Termination: Termination of the Private Yacht Certificate of Registry will result from the following reasons:

- a. If the nonconformance cited in a Notice of Suspension is not corrected within ninety (90) days of the issuance of the Notice of Suspension, the Private Yacht Certificate of Registry will automatically be voided and the yacht stricken from the registry.
- b. A transfer or change in ownership will result in a termination of the Private Yacht Certificate of Registry unless the yacht is properly re-registered with the Commonwealth of Dominica.
- c. The deliberate filing of a false or fraudulent Declaration of Private Use with the Deputy Maritime Administrator will also result in the immediate termination of the Private Yacht Certificate of Registry and the yacht stricken from the registry without appeal.

The Private Yacht Certificate of Registry must be returned to the Deputy Maritime Administrator upon termination of registration for any reason.

Any questions can be directed to:

Registration Department

Tel: + 1 508 992 7170

E-mail: registration@dominica-registry.com

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