



MSN 025

DEPARTMENT OF ECONOMIC DEVELOPMENT

TENDERS TO COMMERCIAL YACHTS

A number of enquiries have come from operators of commercial yachts concerning the registration of tenders with the Isle of Man Ship Registry as either pleasure vessels or as commercial vessels. The purpose of this Shipping Notice is to explain the position the Isle of Man Ship Registry takes with regard to such enquiries and to provide some responses to frequently asked questions.

Documents referred to in this notice:

The Large Commercial Yacht Code, MSN1792(M),
Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations, 1996
(SD389-96).

Most regulations and notices are available on the Isle of Man Government web site:

www.iomshipregistry.com or by contacting marine.survey@gov.im

Legislative Framework

Many large commercial yachts carry a small, powered vessel for use as a tender transferring passengers between the main vessel and the shore. This tender is often additionally nominated as the vessel's rescue boat, as required by the Large Yacht Code, section 13.2.3. When operating in conjunction with the mother vessel, a tender is considered to form part of the vessel's equipment provided its range of operation is within three nautical miles of the mother vessel, and, as such, is required to comply with the Large Yacht Code, section 24.1.

Registration of Tenders

The Isle of Man Ship Registry does not normally consider the registration of a tender as a commercial vessel as most tenders are less than 24m in length thus placing them outside the applicable range of the Large Yacht Code. Unless the vessel's operator stipulates otherwise, normal practice is to add details of the tender to the vessel's Record of Safety Equipment. In such cases, the tender is marked, '**Tender to...**' on the stern.

Before a large commercial yacht is registered with the Isle of Man Ship Registry, any tender found on board will be examined by the attending surveyor to confirm its satisfactory condition in compliance with the Large Yacht Code as either a rescue boat or fit for use as a tender to the yacht. This examination will not, however, result in the issue by the Isle of Man Ship Registry of any certification specific to the tender, other than to list its presence on the vessel's Record of Safety Equipment.

The responsibility for the tender's maintenance, and its suitability for use, lies with the operator of the vessel. Any changes to equipment fitted should be notified to Flag.

Where a tender is built remotely from the yacht and is moved by sea to become the rescue boat or tender to the yacht, the tender can be registered as a pleasure vessel for this purpose. Once the tender has reached the yacht, it becomes a tender or rescue boat, is noted in the yacht's Record of Safety Equipment as such, and is no longer required to be registered as a pleasure vessel.

Towed Tenders

When a tender is towed by the mother vessel, the requirements of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations, 1996, must be adhered to.

Manning

In all cases, the responsibility for ensuring that a tender is manned by suitably qualified personnel rests with the vessel's Master. As a minimum, the Isle of Man Ship Registry recommends that a tender carrying passengers should be skippered by a person holding a suitable certificate of competency as a powerboat operator together with a certificate of proficiency in survival craft in accordance with STCW Section A-VI/2.

The vessel's ISM or mini-ISM system should provide procedures to consider and mitigate risks to passengers travelling on the vessel's tender which should include reference to manning and to the provision of adequate safety equipment together with means of communication with the mother vessel.

Port Authorities

Vessel operators should consider the likely variation in local port authority requirements. In all cases where a vessel's operator intends to operate a tender in the vicinity of a commercial yacht, we would recommend that the vessel's operator contact the local port authorities to ascertain whether any requirements are in force concerning the certification and manning of tenders.

A tender operating within a certain radius from the mother vessel is considered by port authorities to be 'operating in conjunction with' the mother vessel and hence is not normally required to be registered separately.

Tender or Toy?

'Water toys', such as jet-skis or any other craft provided on board a vessel purely for use by charter guests or crew for recreational purposes are not tenders as described above and are not to be used to transport guests between vessel and shore. The safe operation of water toys is the responsibility of the vessel's Master and may be subject to the requirements of the local port authority. The vessel's ISM or mini-ISM system should provide procedures to consider and mitigate risks to passengers using water toys and should include reference to the user's level of competence and to the craft's permitted range of operation from the yacht. Monitoring of the use of such craft should be considered.

Isle of Man Ship Registry
December 2007

Please note - *The Isle of Man Ship Registry cannot give legal advice. Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel. You should consider seeking independent legal advice if you are unsure of your own legal position.*