



Merchant Shipping Directorate



## Synopsis of key elements of the COMMERCIAL YACHT CODE

*(This document is not part of the Code provisions and is included for information purposes only)*

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Merchant Shipping Directorate  
ISO 9001:2008 certified



The Malta Commercial Code was launched in 2006 and was developed mostly based on industry established standards, but unlike other Codes, the Malta Code brings together in one document the requirements for both yachts below 24 metres and yachts above 24 metres. The Code has been proving successful and has gained acceptance and recognition within the industry. To date, more than 230 yachts, with an average length of 31 metres, are registered as commercial yachts under the Malta flag.

As can be expected during the life of a technical Code, and in particular in this industry of ground breaking area of state of the art marine technology, there is always the need to update. Malta has therefore just issued a revision of the Code that will take effect from the 1st October 2015. The revised Code will serve the needs of the larger yacht industry better and aims to optimise the regulatory regime to the particular needs, demands and technologies of this market, in conformity with safety and international regulations and standards.

#### **YACHTS ELIGIBLE FOR REGISTRATION AS A COMMERCIAL YACHT**

- Yachts in commercial use of over 15 m in overall length and which do not carry cargo and do not carry more than 12 passengers;
- All types of yachts can be registered as a commercial yacht under the Malta flag, including historical and training yachts;
- New Yachts over 24 metres in length are to be built to the requirements and standards of a classification society authorised to issue statutory certificates on behalf of the Government of Malta. Malta recognises all leading classification societies. Yachts below 24 metres in length do not require to be classed.

#### **Manning Requirements**

All commercial yachts over 24 metres in length are issued with a Minimum Safe Manning Certificate. Transport Malta has, over the years, built considerable experience in this field. Malta recognises training and certification from the most reputable training establishments and countries. There are no restrictions on the nationality of the crew.

#### **Survey and Certification**

All yachts covered by the Code are required to be surveyed, certified and maintained in accordance to their respective category requirements. An Initial Survey is first carried out when a commercial yacht is joining the Malta flag for the first time. Upon satisfactory completion of the Initial Survey a 5 year valid Certificate of Compliance to Trade as a Commercial Yacht (COC) is issued. LY2, LY3 and “Codice dell Noleggio” certified charter yachts transferring to the Malta Registry may be issued with an operational Commercial Yacht Code Certificate, immediately, upon the initial application for a period of three months to complete any necessary surveys and formalities. Subsequent to Initial Certification, during the 5 year validity of the COC, yachts less than 24m length have to undergo an Intermediate Survey whilst yachts greater or equal to 24m in length have to undergo annual surveys. The COC is renewable every five years and surveys may be carried out by Appointed Surveyors or by Recognised Organisations.



### Registration Procedure

A yacht is first registered provisionally under the Malta flag for six months (extendible for a further period, or periods not exceeding in the aggregate six months) during which period all documentation needs to be finalised.

#### The requirements for provisional registration are:

- application for registration by owner or an authorized representative
- proof of qualification to own a Maltese ship; in the case of a body corporate, the memorandum and articles of association; in the case of non Maltese owners, appointment of a resident agent
- declaration of ownership made in front of the Registrar by the owner or an authorized representative
- where applicable, copy of the yacht's International Tonnage Certificate
- where applicable, application for Ship Radio Station Licence
- payment of initial registration fees and annual tonnage tax

The following documents are to be submitted during provisional registration:

- where there was previous ownership, a bill of sale or any other document by which the yacht was transferred to the applicant of registry otherwise a builder's certificate in the name of the applicant
- where applicable, cancellation of registry certificate issued by the Administration where the yacht was last documented
- Certificate of Survey and where applicable, a copy of the International Tonnage Certificate, issued by an Appointed Surveyor or by a Recognised Organisation
- evidence that the yacht has been marked in accordance with law

#### ADVANTAGES INCLUDE:

- Reputable and internationally recognised register
- A clear strategic political vision supporting business and the maritime industry
- Excellent international relations
- European Flag with a long maritime tradition
- A dynamic administration with IMO/EU proactive participation
- A flat organisation structure with direct access to the decision makers offering a 24/7 service in respect of urgent matters
- Yachts may be registered under the Malta flag in the name of legally constituted corporate bodies or entities irrespective of nationality, or by European Union citizens.
- Malta is on the White List of the Paris MoU
- Attractive incentives to owners, registered charterers and financiers of Maltese ships
- No restrictions on the sale or mortgaging of Maltese registered yachts and superyachts



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- Well-organized and highly responsive flag Administration that values long term customer relationships
- Good understanding of the industry
- Availability of technical assistance from a team of qualified and experienced mariners
- No nationality restrictions for master, officers and crew
- Maltese requirements well known to main shipyards and main classification societies
- Marriages can be officiated onboard Maltese ships

Enquiries may be directed to:

Registrar General of Shipping and Seaman

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