Merchant Shipping
Directorate

Transport Malta

Passenger Yacht Code

(PYC)

Revision 1

The Passenger Yacht Code (PYC) is applicable to all Passenger Yachts ≥ 500 GT, which carry more than 12 passengers upto 36 passengers, which carry not more than 200 persons, which do not carry cargo and which are engaged on international voyages.

This Code is being issued without prejudice to other applicable requirements.

Enquiries may be directed to:

Merchant Shipping Directorate
Malta Transport Centre
Hal Lija LJA 2021
Malta

T: +356 2291 4200
F: +356 2124 1460
E: yachtsmalta.tm@gov.mt
W: www.transport.gov.mt

INDEX

1 FOREWORD

1.1 Introduction

1.1.1 It is widely recognised that when considering the operational pattern and risk profile of yachts, the requirements for commercial passenger ships are in some instances disproportionately onerous in terms of design and cost. Moreover, as large commercial yachts grow in size, the 12 passenger limitation has become more and more perceptible and a number of Administrations, including the Malta Merchant Shipping Directorate, spurred on by encouragement from the yachting industry, have developed their own Passenger Yacht Code in order to tackle this industry demand.

1.1.2 The Malta Passenger Yacht Code (PYC) has been drawn up by the Merchant Shipping Directorate, within Transport Malta, in consultation with various industry stake holders including yacht designers, yacht builders, repair yards, specialised service providers and manufacturers and Appointed Surveyors and Recognised Organisations, as a wider representation of the industry.

1.1.3 A Passenger Yacht, registered under the Malta Flag, may be fully in compliance to SOLAS and to the other applicable Conventions or else it may choose to comply to the requirements of the PYC which includes a number of dedicated equivalencies to certain disproportionally onerous Conventions' requirements.

1.1.4 The PYC is effective and comes into force on the **(date to be assigned)**.

1.1.5 This Code is specifically designed and intended for Passenger Yachts ≥ 500 GT, which carry more than 12 passengers upto 36 passengers, which carry not more than 200 persons, which do not carry cargo and which are engaged on international voyages.

1.1.6 This Code is an equivalence under the provisions of Article 8 of the International Convention on Load Lines, 1966 and Regulation I-5 of the International Convention on Safety of Life at Sea. The Administration has notified the International Maritime Organisation (IMO) of this Code and its application to passenger yachts and the notification may be found on the IMO website: https://gisis.imo.org

1.2 *Recognised Organisations (ROs) Oversight Programme*

1.2.1 The Administration has delegated surveys and certification activities related to this Code to Recognised Organisations. In order to ensure the correct implementation of these delegated services the Administration has established a Recognised Organisations' Oversight Programme in order to proactively oversee, monitor, audit and enforce the Statutory inspections being carried out onboard ships. The main objectives of this oversight programme is to ascertain that the ROs carry out their surveys in compliance with this Code; and to identify areas necessitating enforcement and improvement.

1.2.2 The Administration may use any of the following tools as part of the oversight process:

a) Direct monitoring by carrying out vertical contract audits whilst the vessel is under survey;
b) Indirect monitoring by reviewing the Certificates and Reports issued to the vessel;

c) Indirect monitoring by analysing PSC and/or FSI detentions attributable to the responsibility of the RO; and/or high number of deficiencies (even if vessel is not detained).

1.3 ***Flag State Inspections (FSI)***

1.3.1 From time to time, the Administration may decide to carry out Flag State Inspections (FSI) onboard vessels in any port. These inspections are in addition to the required statutory surveys and shall only be carried out by authorised flag State Inspectors.

1.3.2 Ship masters/owners/managers shall give full co-operation and assistance to the attending Flag State Inspector.

1.3.3 Unless the passenger yacht is found with serious deficiencies which will require re-inspection, all costs related to the Flag State Inspection will be covered directly by the Administration.

1.4 ***Port State Control Inspections***

1.4.1 Ship masters/owners/managers shall give full co-operation and assistance to any attending Port State Control Inspectors.

1.4.2 In case of a Port State Control (PSC) detention, the owner or master of the passenger yacht shall immediately inform the Administration.

1.5 ***Accident or Incident Reporting to the Administration and to the Marine Safety Investigation Unit***

1.5.1 In accordance with the mandatory reporting requirements under the provisions of the *Merchant Shipping Act*, the Owner, Operator, or Master of a vessel are required to report any occurrence of a marine accident or incident to:

a) within 24hrs to the Maltese Authorities, in this case the Maltese Administration, on e-mail: mershipmalta.tm@transport.gov.mt and tech.tm@transport.gov.mt
b) the Marine Safety Investigation Unit by the quickest means available on e-mail: msiu.tm@transport.gov.mt

1.5.2 For accidents/Incidents happening in Maltese waters the VTS shall be immediately informed verbally, in view of safety of navigation within such waters and also in respect of any pollution to the marine environment. A written report shall be sent within 24 hrs.

1.5.3 Owners and Masters shall also be guided by Merchant Shipping Notice No. 94 and Section 307 of the Merchant Shipping Act.

1.6 ***Recognised Organisations Surveyors Authorisations, Duties and Limitations***

1.6.1 Recognised Organisations are authorised by this Administration to perform the required surveys leading to the issuance of the PYC Certificate.

1.6.2 Qualified, experienced and competent exclusive surveyors belonging to Recognised Organisations may carry out the full range of survey and certification processes pertaining to this Code.

1.6.3 Recognised Organisations' Surveyors shall follow the relevant Recognised Organisation's own Code of Ethics. Recognised Organisations shall carry out the surveys and the subsequent reporting without undue delay.

General Information

1.7 This Code sets minimum standards for Passenger Yachts and has been prepared taking into account the applicable provisions of the following Regulations, Recommendations, Port State Regulations and International Conventions and their Protocols:

a) The International Convention for the Safety of Life at Sea (SOLAS), 1974, as modified by its Protocol of 1988, as amended;
b) The International Convention on Load Lines (LL), 1966, as modified by its Protocol of 1988;
c) The International Convention on Standards of Training, Certification and Watchkeeping (STCW), 1978, as amended;
d) The International Convention for the Prevention of Pollution from Ships (MARPOL), 1973/78, as amended;
e) International Regulations for Preventing Collisions at Sea (COLREG), 1972;
f) Merchant Shipping (Maritime Labour Convention) Rules, as amended;
g) Malta Flag Administration Requirements.

1.8 The Code is intended to cater exclusively to the yachting sector of the market and it is not intended to apply to excursion or ferry passenger sectors of the industry.

1.9 Besides compliance with this Code, the Passenger Yachts are also required to comply with the various laws/regulations/requirements issued under the Merchant Shipping Act or any other International or National applicable legislation/requirements. In case of any conflict in requirements, besides in cases of established equivalencies, the stricter requirement shall always be applicable.

1.10 The primary aim in the development of this Code is to safeguard life and property at sea and for pollution prevention. The Code deals mainly with construction, machinery, equipment, stability, safety, manning, crew certification and operations of a passenger yacht.

1.11 In addition to the requirements contained elsewhere in this Code, vessels shall be designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements/rules for Passenger Vessels, pertaining to a Classification Society recognised by the Administration. Designers and builders of new vessels falling under the requirements of this Code have to take into consideration any applicable certification requirements, the vessel's intended area of operation and its operating conditions when selecting the design, materials and equipment to be used in its construction.

1.12 Builders, repairers and owners of vessels falling under the remit of this Code, shall take all reasonable measures to ensure that any materials, equipment, machinery or appliances fitted onboard are in accordance with the requirements of this Code and are safe and suitable for their intended purpose.

1.13 Whilst all reasonable measures have been taken to develop standards which will enhance the safety and seaworthiness of vessels, total safety at sea can never be guaranteed. In this regards, owners of vessels shall take out a Policy of Insurance including coverage for all persons who are part of the vessel's complement. Such insurance shall provide sufficient cover for any claims which may arise. A copy of the valid Certificate of Insurance shall be maintained onboard and be readily available for inspection.

1.14 Compliance with this Code in no way exempts or supersedes the legal requirements for an owner and/or master to comply with any applicable International or EU or National requirements, laws, rules, regulations or directives.

1.15 The master of a vessel is responsible for the health and safety of anyone working on the vessel. Health and safety standards onboard shall be fully compliant with applicable international and national requirements.

1.16 Every employer shall be aware of any risks affecting workers onboard and has to ensure that appropriate measures are taken to minimise these risks. Employers shall identify these risks and train employees, that may be affected, in order to ensure their own safety and the safety of others.

1.17 This Code will be revised in the light of feedback and experience gained in its application.

1.18 Where the Code requires a yacht to comply with any of the provisions of an International Convention (or other related instrument), and the applied requirements are separated into different vessel types, a yacht shall comply with the applied requirements of the Convention that apply to a Passenger Ship. This is subject to any express provision to the contrary in the Code.

1.19 Recognised Organisations shall apply their relevant Class Rules for Passenger Ships when classing a Passenger Yacht.

Class Rules for Pleasure Yachts and Class Rules for Commercial Yachts shall **not** be acceptable for classing a Passenger Yacht.

SECTION 2
APPLICATION AND INTERPRETATION

2 APPLICATION AND INTERPRETATION

2.1 Application

2.1.1 This Code is applicable to Passenger Yachts ≥ 500 GT which carry more than 12 passengers upto 36 passengers, which carry not more than 200 persons, which do not carry cargo and which are engaged on international voyages.

2.1.2 This Code does **not** apply to:

1. commercial yachts carrying 12 or less passengers (the Malta Commercial Yacht Code applies in this case);
2. passenger commercial/cruise vessels engaged exclusively in domestic navigation;
3. passenger commercial/cruise vessels carrying more than 36 passengers;
4. vessels engaged in the ferrying of passengers;
5. military vessels;
6. vessels belonging to the State and used for non-commercial purposes;
7. pleasure craft and yachts not employed in commercial use;
8. fishing vessels;
9. vessels owned or operated on non-commercial services;
10. Passenger Yachts whose total compliment of persons onboard is greater than 200 persons.

2.1.3 In exceptional cases, and at the sole discretion of the Administration Passenger Yachts < 500 GT may be accepted and these shall meet all the relevant requirements as set out in the Code and as set out in the International Conventions for a Passenger Yacht being ≥ 500 GT.

2.1.4 Commercial Yachts carrying 12 or less passengers shall comply with the requirements of the Commercial Yacht Code (CYC), as amended.

2.1.5 The hull, machinery, and all equipment of every vessel should be constructed and installed so as to be capable of being regularly maintained to ensure that they are at all times, in all respects, satisfactory for the yacht's intended service.

2.1.6 All applicable provisions of this Code shall be deemed to be a requirement.

2.2 International Codes and Conventions

2.2.1 Where the Code requires a yacht to comply with any of the provisions of an International Code or Convention or other related instrument, and the applied requirements are separated into different vessel types, a Passenger Yacht shall comply with the applied requirements of the Code/Convention/Instrument which applies to a Passenger Ship. This is subject to any express provision to the contrary in the Code.

2.3 Classification Requirements

2.3.1 All Passenger Yachts shall be designed, constructed, maintained and assigned a Class Notation as a Passenger Ship in compliance with the structural, mechanical and electrical requirements of a Recognised Organisation and the Passenger Yacht shall be issued a Class Certificate by a RO. The applicable RO Rules for classification purposes shall be those used for the classification of Passenger Ships.

2.3.2 The use of classification rules for Commercial Yachts and Pleasure Yachts is not permitted.

2.4 Administration Requirements

2.4.1 Passenger Yachts shall comply with the Administration Requirements applicable to Passenger Vessels. This is subject to any express provision to the contrary in the Code.

2.5 Interpretation

2.5.1 Where there is a question of application of this Code, or of the interpretation of a part of this Code, the owner/operator of the vessel concerned shall seek clarification from the Recognised Organisation certifying the yacht. In situations where it is not possible to resolve an issue of interpretation, a decision may be obtained after the RO submits a written application to the Administration.

2.6 Area of Operation

2.6.1 A Passenger Yacht issued with a Passenger Ship Safety Certificate (PSSC) is allowed to operate at sea within the assigned area of operation and during any restrictive weather parameters which shall be duly indicated on the PSSC certificate.

2.6.2 Passenger Yachts certified under the remit of this Code may carry out International Voyages OR Short International Voyages as defined by SOLAS.

2.6.2.1 **International voyage**, as defined in SOLAS, is an unrestricted navigation voyage;

2.6.2.2 **Short International voyage**, as defined in SOLAS, is a navigation notation concerning an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began.

2.6.3 On a case by case basis, at the discretion of the Administration and the RO's approval, Passenger Yachts certified for Short International Voyages may undertake single voyages, which fall outside the vessel's certified area of operations, on specified routes subject that additional restrictions are imposed and that safety conditions/precautions are taken as deemed necessary. In these cases, the RO shall carry out a risk assessment, oversee the implementation of risk mitigating measures, and issue a Statement confirming the vessel's fitness for undertaking the single voyage.

2.6.4 On a case by case basis, at the discretion of the Administration and the RO's approval, Passenger Yachts certified for Short International Voyages, may undertake transfer voyages which are outside the range of Short International Voyages subject that these voyages are carried out without any passengers onboard and subject that safety additional conditions/ precautions are taken as deemed necessary. In these cases, the RO shall issue a Statement confirming the vessel's fitness for undertaking the transfer voyage.

2.7 Certification

2.7.1 Upon the satisfactory completion of the designated survey and inspections, a vessel complying with the standards set out in this Code, shall be issued with Statutory Certificates as applicable to a Passenger Vessel carrying not more than 36 passengers. In addition, upon the satisfactory completion of all the required surveys/audits, the yacht's RO shall issue a statement confirming compliance with the Malta Passenger Yacht Code (PYC).

2.7.2 All Passenger Yachts shall be classed by a RO and they shall maintain valid classification throughout the validity period of the yacht's Statutory Certificates. The applicable RO Rules for classification purposes shall be those used for the classification of Passenger Ships.

2.8 Updating of this Code

2.8.1 The requirements of this Code will be reviewed and updated as required from time to time. Any amendments which are required before such time will be promulgated by the issue of relative Notices.

2.9 Equivalencies

2.9.1 When the Code requires that a particular piece of equipment or machinery shall be provided or carried in a vessel or that any particular provision should be made, in conformance to a specified standard/code/convention, the Administration may permit any other piece of equipment or machinery to be provided or carried, or any other provision to be made, or any other standard, provided that the Administration is satisfied by trials or otherwise that the alternative/equivalent is at least as effective as that required by the Code or the respective international Code or Convention.

2.9.2 The Administration, may, on a case by case basis, consider specific equivalencies to any standard mentioned in this Code. Any proposed equivalency to any specific requirement of the Code is to be reviewed, accepted and approved first by the RO and then by the Administration.

2.9.3 Equivalencies shall:

1. be based on the specific Convention requirements;
2. be at least, as effective as the specific Convention requirements;
3. meet the specific functional requirements concerned;
4. incorporate increased requirements/arrangements in order to balance any deficiencies and thereby provide an equivalent level of safety/security/pollution prevention;
5. when necessary, have undergone the necessary testing;
6. when necessary, have undergone a Risk Assessment, Qualitative and Quantitative Analysis to the satisfaction of the Administration.

2.10 Materials, Equipment, Machinery and Appliances required onboard are to comply with applicable standards such as:

1. a relevant standard or code of practice of a national standards body or equivalent;
2. any relevant international standard recognised for use by the Authority (such as MED, Type Approval, ISO, CE etc);
3. traditional manufacturing procedures which are subject to detailed written technical description and surveys;
4. a specification sufficiently detailed to permit the assessment of an innovative product or procedure and which fulfils the purpose and is equivalent to a recognised applicable standard.

2.10.1 The European Community general mutual recognition clause shall apply.

2.11 Vessel having its keel laid prior to the entry into force of this Code

2.11.1 When a vessel, having its keel laid prior to the entry into force of this Code, does not meet a particular clause of this Code and when it can be demonstrated that compliance with this particular clause is neither reasonable nor practical, proposals for alternative/equivalent arrangements shall be submitted to the RO and subsequently to the Administration for approval. If the alternative/equivalent proposal is not acceptable, the Administration, at its discretion, may give consideration to a proposal from the owner to phase in the requirements within an agreed time scale that shall not exceed 12 months.

2.11.2 The Administration shall take into consideration the vessel's service history and operational history and any other factors relating to the particular vessel.

2.11.3 Repairs, alterations and refurbishments, onboard existing vessels, shall comply with the same requirements and standards applicable to new vessels.

2.11.4 A vessel having its keel laid prior to the entry into force of this Code and which undergoes a major alteration/modification/conversion shall be considered as a newbuilding and thus it shall comply with all the requirements as detailed in the Code. A major alteration/modification/conversion means, namely, a substantial change in the vessel's dimensions, carriage capacity, the vessel's type and/or any change that substantially increases the vessel's life.

2.12 Conversion of Commercial Yachts to Passenger Yachts

2.12.1 Existing Commercial yachts may convert to Passenger Yachts subject that they meet all the requirements of the Passenger Yacht Code.

2.13 Exemptions

2.13.1 Exemptions shall be granted **only** by the Administration.

2.13.2 Applications for any exemption shall be made to the Administration by the vessel's RO and shall be supported by a reasonable justification for the exemption. The granting of exemptions shall be regarded as exceptional.

2.14 Carriage of Support Personnel

2.14.1 Carriage of Support Personnel (such as security guards, child minders, carers, entertainers, maintenance and specialised personnel etc) other than crew and passengers, may be accepted by this Administration, on a case by case basis and subject to there being sufficient accommodation spaces and safety equipment. Moreover, they shall not be assigned any duty on the Muster List and they shall receive onboard familiarisation training, in personal survival techniques and receive sufficient information and instruction to be able to:

1. communicate with other persons onboard on elementary safety matters and understand safety information symbols, signs and alarm signals;
2. know what to do if a person falls overboard or if fire or smoke is detected or if the fire or abandon ship alarm is sounded;
3. identify muster and embarcation stations and emergency escape routes;
4. locate and wear lifejackets;
5. raise the alarm and have basic knowledge of use of portable fire extinguishers;
6. take immediate action upon encountering an accident and close and open fire doors, weathertight and watertight doors fitted onboard other than those for hull openings,
7. be aware and be able to follow any Security related procedures.

2.14.2 Onboard training shall be duly recorded and the records must be available onboard.

SECTION 3
DEFINITIONS

3 DEFINITIONS

3.1 Guidance for definitions shall be sought from the definitions provided in International Codes and Conventions, unless a specific definition is provided within this Code.

3.2 Except where indicated otherwise, the terms "yacht", "ship" and "vessel", throughout the Code, are synonymous.

3.3 Definitions:

"Administration" shall, for the purpose of this Code, mean the Registrar-General of Shipping and Seaman;

"Appointed Surveyor" means a government surveyor appointed by the Administration, in terms of the Merchant Shipping Act. Appointed surveyors are not authorised to carry out surveys and certification in compliance with applicable parts of this Code;

"Approved" in respect of materials or equipment means approved by the Administration or approved by another accepted administration or organisation or certification body or notified body which is formally recognized by the Administration or approved by Transport Malta;

"Authority" for the purpose of this Code refers to the **Authority for Transport in Malta** as established by Act XV of 2009, as amended.

"Aviation Inspection Body" means an expert body on helicopter landing areas;

"Certificate of Insurance" means a certificate of insurance issued by an insurer in terms of the provisions contained in the Code;

"Code" means the PYC Code, unless another Code is specified**;**

"Insurer" means an insurance company which contracts to indemnify another party in the event of injury, loss or damage;

"Insurance Policy" means a policy of insurance which is issued by an insurer in compliance with the requirements of this Code;

"Length" in this Code has the meaning of 'Length' as defined in the International Load Line Convention (LL) Art.2(8);

"LSA Code" means the IMO International Life Saving Appliance (LSA) code in it's up to date version;

"Major Alteration/Modification/Conversion" means, namely, a substantial change in the vessel's dimensions and/or carriage capacity and/or the vessel's type and/or any change that substantially increases the vessel's life;

"MARPOL" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended;

"Mile" means a nautical mile consisting of 1,852 metres;

"Navigation Notation" means the exclusive area and any weather restrictions, in which a vessel is certified to operate and are namely:

a) **International Navigation** is an unrestricted navigation notation;
b) **Short International Navigation**, as defined in SOLAS, is a navigation notation concerning an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began.

"Notified Body" means an approved organisation which certifies yachts to the Recreational Craft Directive 2013/53/EU, as amended, and the Marine Equipment Directive 2104/90/EC, as amended or any other EU Directive;

"Owner" means the registered owner or the owner or the managing operator of the registered owner or owner which may also be the Master of the vessel;

"Passenger ship" for the context of this Code means a ship which carries more than 36 passengers and a "Ro-Ro Passenger ship" means a ro-ro passenger ship carrying more than 12 passengers having ro-ro cargo spaces or special category spaces;

"Passenger Yacht" for the context of this Code means a vessel engaged in trade which is ≥ 500 GT and which carries more than 12 but not more than 36 passengers;

"Passenger Ship Safety Certificate (PSSC)" is the Passenger Ship Safety Certificate issued to Passenger Yachts.

"Person" means a person over the age of one year;

"Persons with Reduced Mobility" means anyone who has a particular difficulty in mobility including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children;

"**Pleasure Yacht** or **Pleasure Craft**" means a vessel not engaged in trade, regardless of the means of propulsion;

"Recognised Organisation (RO) or Classification Society" means a Classification Society which has been authorised and recognised by the Administration under a written agreement to undertake statutory surveys and issue statutory Certificates on the Administration's behalf in terms of the Merchant Shipping Act;

"Registrar-General" means the "Registrar-General of Shipping and Seamen" as established in the Merchant Shipping Act (CAP.234);

"Short International Navigation", as defined in SOLAS, is a navigation notation concerning an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers

and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began;

"SOLAS" means the International Convention for the Safety of Life at Sea, 1974, as amended;

"Standard Fire Test" means a test in which specimens of the relevant bulkheads, decks or other constructions are exposed in a test furnace by a specified test method in accordance with the IMO Fire Test Procedures (FTP) Code;

"STCW" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended;

"Traditional Passenger Vessel" or "**Traditional Ship**" means any kind of historical passenger ship designed before 1965 and their replicas built predominantly with the original materials, including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

"Type Approved" means an item/equipment that has been approved and/or certified by an organisation/body recognised by the Authority such as an IACS Member Certification Body, MED Certification Body, ISO Certification Body and another Administration Certification;

"Vessel" - For the purposes of this Code, unless expressly and explicitly defined otherwise, the term 'vessel' shall normally refer to a **Passenger Yacht**.

">" means greater than;

"<" means less than;

"≥" means equal and greater than;

"≤" means equal and less than.

SECTION 4
LOAD LINES

4 LOAD LINES

4.1 General

4.1.1 Passenger Yachts shall comply, be surveyed, be assigned a freeboard and be certified in accordance to the Passenger Ship requirements as detailed in the International Load Line Convention (LL), as amended.

4.2 Acceptable Equivalencies to the LL Requirements

4.2.1 Where the upper edge of the deck line coincides with a readily identifiable structural feature (such as the deck at the side amidships), that structural feature may be utilised as the deck line providing it is clearly identified as such in the LL Certificate.

4.2.2 The plimsoll mark shall be permanently marked (painted or permanently affixed) and be of contrasting colour to that of the adjacent hull.

4.2.3 Alternative closing arrangements may be considered provided that these arrangements:

.1 are as efficient as those required by LL;
.2 are as able to prevent the ingress of water;
.3 shall not impair the safety and integrity of the yacht.

4.2.4 Permanent doors in bulwarks may be accepted as freeing ports, however, for such doors to be designated as freeing ports they shall be provided with adequate securing devices to keep them in open position and temporary removable safety rails be installed in the opening.

4.2.5 Where the solid bulwark height does not exceed 150 millimetres, dedicated freeing ports, are not required.

4.2.6 Any recesses on the weather deck shall be of weathertight construction and shall be self-draining under all conditions. Swimming pools, jacuzzis and spas which are prone to water free surface effects and which are open to the elements shall be treated as recesses. Means shall be provided to prevent the backflow of sea water into the recesses and arrangements for fast drainage, by gravity, shall be in place.

4.2.7 Portable sills shall generally be avoided provided that where the fitting of a fixed sill in accordance to LL proves unreasonable and impracticable, portable sills may be fitted subject that they shall:

.1 be fixed in position when the yacht is outside sheltered areas. A reminder notice shall be placed on the bridge;
.2 be weathertight;
.3 be of sufficient strength;
.4 be securely fixed in place by bolting or by other equivalent means.

4.2.8 Passenger Yachts which are certified and operating solely on Short International Voyages, on a case by case basis, and at the discretion of the Administration, may deviate from the aft facing doors' sill height requirements, subject to the following:

1. no direct access leading below is fitted in the vicinity of the door;
2. the door shall be located at least 600mm above the waterline;
3. the safety of the vessel is not impaired in any sea condition;
4. the door shall be located in an area which is well protected from green seas;
5. portable sills are fitted when the vessel is at sea; and/or
6. gutters aka 'reverse sills' shall be fitted aft of the door and they shall meet all herebelow requirements:
    a) the gutter shall be fitted along the whole width of the door and along any adjacent non-opening glass structure;
    b) the gutter shall be at least 150mm deep and 250mm wide;
    c) the gutter shall be fitted with an adequate number of drains which will enable the gutter full of water to fully drain in not more than 60s. The drains' diameter shall not be less than 75mm each;
    d) the gutter drains shall discharge by gravity directly overboard, and if discharging takes place below the waterline, they shall be fitted with non-return valves;
    e) the gutter shall be covered with a grating of sufficient strength and which has a minimum of 70% open area.;
    f) the grating shall be removable so that the gutter and drains may be periodically cleaned.

4.2.9 Garages and other compartments located below the bulkhead deck having an opening leading to the outside, shall be bounded by watertight divisions and shall not have any internal openings other than sliding watertight doors.

4.2.10 Flush hatches (with significantly reduced coaming or without coaming) having the same strength and watertightness/weathertightness as the adjacent deck, may be allowed to be installed onboard but these shall be kept efficiently closed at all times, not just during navigation.

The flush hatch closing arrangement shall be approved by the RO. When it is strictly necessary to open a flush hatch, this shall be done only when the yacht is moored/anchored in sheltered waters and adequate protection acting as barrier shall be erected and appropriate illumination shall be available around the open hatch so that no one may accidentally fall in.

4.2.11 Where coaming heights as required by LL prove to be impracticable, alternative arrangements for closure and/or reduced coaming heights may be considered subject that these alternative arrangements provide an equivalent measure of protection and subject that any required mitigating measures are put in place.

4.2.12 Where the provision of an automatic non return valve for underwater exhaust systems is impracticable, this may be omitted subject that:

1. an anti-siphon loop having a minimum height of 1000mm above the deepest waterline is fitted;
2. a mechanical means of closing of the exhaust pipes is fitted;
3. the exhaust piping and the closing device shall have the equivalent strength of the adjacent hull structure;
4. high bilge level alarms shall be fitted adjacent to the exhaust system.

4.2.13 Glazed railings may be fitted in areas in Position 2 of the yacht subject to conformance with RO Rules and subject to approval from by the RO. Glazed railings which are not equipped with solid cup rails may be fitted onboard, on a case by case basis, at the discretion of the Administration, and upon approval by the RO.

4.2.14 In the presence of raised areas with fixed items (sundeck cushions, tables etc) immediately adjacent to handrails, operational restrictions to the use of the unsafe area during navigation may be imposed whilst removable raised items adjacent to guard rails and raised items situated at least 500mm away from the guard rails may be accepted.

4.2.15 Glazed Openings

4.2.15.1 Glazed Openings shall:

a. be made from toughened safety glass. In case of chemically toughened glass, the glass shall be certified and tested in accordance with EN 1288-3, based on the requirements given in ISO 11336-1. Regular inspections of the glazed openings, with particular reference to the surface condition, shall form part of the operational procedures and shall be inspected annually;

b. not be fitted in such a position that their sills are below a line drawn parallel to the freeboard deck at side and having its lowest point 2.5% of the breadth (B), or 500 millimetres, whichever is the greatest distance, above the design waterline;

c. be fitted in a way to meet the ICLL requirements;

d. not be fitted in the hull in the way of the machinery spaces;

e. be of the permanently closed or the non-readily opening type which shall be securely closed during navigation. A notice shall be posted besides or on the glazed opening stating that it shall be kept closed during navigation; and

f. when fitted below the weatherdeck, the non-readily openable type glazed openings shall be of a limited size and be fitted with an open/close position indication system visible on the bridge.

4.2.15.2 When glazed openings are fitted by bonding, the following provisions shall be observed:

a. measures to ensure the integrity of the bond line taking into account environmental and ageing effects; and

b. arrangements shall be such that glazed openings and doors cannot fall from their mountings should the bond line fail or due to the effects of fire when required to be fire rated;

c. the bondings shall be inspected by the attending surveyor during periodical surveys. Pressure tests shall be carried out as deemed necessary by the surveyor.

4.2.15.3 Where glazed openings protect buoyant volumes, they shall be designed using the pressure heads derived from a recognised International Standard such as ISO 5780 or ISO 11336-1.

4.2.15.4 Where glazed openings do not protect buoyant volumes, they shall be designed using the pressure heads rules of a Recognised Organisation or a recognised International Standard such as ISO 11336-1.

4.2.15.5 Glazed openings within the buoyant part of the hull shall be provided with deadlights so arranged that they can be easily and effectively be closed and secured watertight.

4.2.15.6 Deadlights may be portable provided these are stored in an easily accessible location and are readily mountable in a seaway. Instructions to the Master as to when deadlights shall be applied to glazed openings shall be provided.

4.2.15.7 Storm covers shall be required in the following locations, where deadlights are not already required:

a. glazed openings in the front and sides on Position 1;
b. glazed openings in the front on Position 2.

4.2.15.8 Where storm covers are interchangeable between port and starboard sides, a minimum of 50% of each size shall be provided. 100% storm covers shall be provided for front facing glazed openings.

4.2.15.9 If the glazed openings meet an enhanced structural standard, in accordance with Recognised Organisation rules, a recognized International Standard, or a factor of 1.5 applied to the RO Rules' design pressure of the glazed opening, then storm covers may be dispensed with.

4.2.15.10 Blanks shall be provided for the glazed openings fitted below weatherdeck, which are not equipped with deadlights. Blanks shall be stored near their respective glazed opening

SECTION 5
CONSTRUCTION, SUBDIVISION, INTACT AND DAMAGE STABILITY

5.1 General

5.1.1 Main Requirements

5.1.1.1 All Passenger Yachts shall comply with the:

1. requirements of the International Load Line Convention (LL), as amended;
2. Passenger Ship classification requirements/rules of a RO;
3. Intact Stability Code 2008, as amended;
4. SOLAS Ch.II-1 requirements for Passenger Ships, except where provided otherwise in this Section;
5. Polar Code and RO requirements/rules for vessels which are certified to operate in Polar Regions. Stability conditions shall include also those for icing.

5.1.2 Asbestos

5.1.2.1 The use of any installation/structure/component containing asbestos is prohibited. MSC Circ.1045, as amended, shall be followed for the maintenance and monitoring of any existing onboard materials containing asbestos.

5.1.3 Intact Stability Requirements for Sailing Passenger Yachts

5.1.3.1 Sailing Passenger Yachts shall comply with the Intact Stability Requirements as detailed in the Malta Commercial Yacht Code (CYC), in its latest version, whilst for Damage Stability the Sailing Passenger Yacht shall comply to the requirements of SOLAS and to the applicable sections of the Code.

5.1.4 Passenger Yachts using Low-Flashpoint Fuels

5.1.4.1 Passenger Yachts using Low-Flashpoint Fuels and falling under the applicability criteria as defined in SOLAS Part G (SOLAS Reg.II-1/56) shall comply with the IGF Code as required by SOLAS Reg.II-1/57.

5.2 Acceptable Equivalencies to SOLAS Requirements

5.2.1 Double Bottoms in Passenger Ships: SOLAS 90 requirements in lieu of SOLAS Reg.II-1/9.1

5.2.1.1 A double bottom shall be fitted extending from the fore peak bulkhead to the after peak bulkhead as far as this is practicable and compatible with the design and proper working of the Passenger Yacht.

1. In vessels of 50m and upwards but less than 61m in length a double bottom shall be fitted at least from the machinery space to the fore peak bulkhead, or as near thereto as practicable.

2. In vessels of 61m and upwards but less than 76 m in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.
3. In vessels of 76m in length and upwards, a double bottom shall be fitted amidships, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.

5.2.2 Subdivision and Stability Standards for Passenger Yachts ≤ 80m in length: Application of SOLAS 90 Subdivision and Stability requirements when the requirements as detailed in SOLAS Reg.II-1/6 and Reg.II-1/7 prove to be unfeasible and impracticable.

5.2.2.1 When compliance to SOLAS Reg.II-1/6 and Reg.II-1/7 for Passenger Yachts ≤ 80m in length proves to be unfeasible or impracticable due to the Passenger Yacht's design and due to its size, then the requirements set out in SOLAS 90 for Subdivision and Stability standards (including Damage Stability) may be applied. When this option is applied a note should be made on the cover page of the approved Stability Booklet stating that "*SOLAS 90 Requirements have been applied*"

5.2.3 Safe Return to Port (SRtP) – Enhanced Survivability and Additional Requirements in lieu of SOLAS Reg.II-1/8, Reg.II-2/21, Reg.II-2/22 and Reg.II-2/23

5.2.3.1 Passenger Yachts, which are certified and engaged exclusively on **Short International Voyages**, whose length ≥ 120m or which have 3 or more main vertical zones, which are in compliance with the requirements of this Code; especially to the enhanced and additional requirements which are over and above those required by SOLAS, may opt not comply with any or all the requirements for the Safe Return to Port (SRtP) as defined in SOLAS Reg.II-1/8 and in SOLAS Reg.II-2/21, Reg.II-2/22 and Reg.II-2/23 due to the fact that these Passenger Yachts:

1. are restricted by the relatively small number of passengers (upto 36 passengers) carried onboard were the implementation/installation/design of such a system would be deemed as being unreasonable and unfeasible;
2. have a limited number of persons onboard;
3. have enhanced survivability through enhanced and/or additional requirements as detailed in other sections of the Code;
4. in case of an emergency, due to the relatively small number of passengers onboard, the passenger management and control (which could include the relocating of all the passengers from one main vertical zone (MVZ) to another or from a Muster Station to another) is carried out more efficiently, faster and safer;
5. in case of abandon ship, these vessels have a higher survival craft capacity, additional survival craft/rescue boat detectability equipment and higher survival craft/rescue boat communication capability than what is required by SOLAS.

5.2.3.2 On a case by case basis, at the sole discretion of the Administration, the acceptable equivalency as detailed in Section 5.2.3.1 may be extended to Passenger Yachts certified and engaged on International Voyages subject that:

1. the yacht's area of operation is limited and similar, albeit wider, or very close to what is required for Short International Voyages. The limited area of operation shall be clearly mentioned on the PSSC;
2. the yacht will be outside the designated area of operation for Short International Voyages only for a limited period of time;

3. a risk analysis is carried out by the RO and the risk mitigating measures are clearly identified;
4. the RO oversees that the identified risk mitigating measures are put in place;
5. the decision is supported by the RO.

SECTION 6
MACHINERY and ELECTRICAL INSTALLATIONS

6.1 General

6.1.1 Besides complying with the Passenger Ship requirements of a RO Rules, machinery and electrical installations shall meet and comply with the applicable Passenger Ship requirements as detailed in SOLAS Ch.II-1 Parts C, D, E, F and G, as applicable.

6.2 Gas Turbines

6.2.1 Where gas turbines are fitted, attention shall be paid to the guidance contained within the IMO High-speed Craft Code.

6.3 Unmanned Machinery Spaces (UMS)

6.3.1 A Passenger Yacht is not allowed to operate in UMS mode even though the vessel may be UMS certified and is issued with a UMS Notation on its Classification Certificate. The UMS mode may only be used during transit voyages when the vessel is without any passengers onboard.

6.4 Batteries used for propulsion, both as the main propulsive power or hybrid propulsion, and/or for main electric power supply purposes during yacht operations.

6.4.1 Where batteries are used for propulsion, both as main propulsion or hybrid propulsion, and/or for main electric power supply purposes during yacht operations, the battery system design and operation shall meet the requirements of SOLAS II-1 Part D, the RO Rule Requirements and the additional requirements as detailed herebelow.

6.4.2 Additionally, battery installations shall also comply with the following:

a) Battery compartments shall be specially located and designed to ensure that the batteries are kept within their thermal operating limits in the most onerous conditions. Temperature control systems shall be employed with levels of redundancy to ensure that localised cell temperatures remain within manufacturer's guidelines. Failure of the temperature control system or excessive rise in the battery compartment temperature shall provide early alarms on the bridge;

b) Battery compartments shall be fitted with a gas, smoke and heat detection system and an automatic fixed fire extinguishing system. When activated the detectors shall initiate appropriate alarms and shall also automatically isolate electrical systems, shut down and close the ventilation system and activate the fixed fire extinguishing system;

c) Ventilation systems shall be able to be shut down from a safe location outside the battery compartment;

d) Ventilation inlets and exhausts shall be fitted with permanently attached closing/shutdown flaps/shutters which shall be capable of being easily closed remotely;

e) Ventilation systems shall be able to safely expel any toxic or flammable gases to safe location on the outside of the yacht;

f) The batteries location and fixings shall ensure that any liquid residues are removed from around the batteries and fire-fighting mediums shall adequately spread throughout the battery compartment to extinguish a potential fire;

g) The batteries and ancillary equipment shall be fixed within the battery compartment such that they can endure the maximum predicted vessel motions. Heavy items or items which could cause physical damage to the batteries shall not be co-located within the battery compartment unless these are well secured in place at all times. Consideration shall be given to fixing the batteries adjacent to any potential sources of heat which could result in inadvertent heating of the batteries;

h) Consideration shall be given to the reduction of combustible materials within a battery compartment. Dangerous goods shall not be stored in a battery compartment;

i) Battery compartments shall comply with the Structural Fire Integrity and Protection requirements as Machinery Spaces of Category A;

j) A risk assessment and/or FMEA is carried out and the necessary mitigating measures shall be put in place.

6.4.3 There are several areas within a design where the use of risk assessments or hazard identification techniques (such as Failure Modes Effects Analysis (FMEA)) shall be performed to understand the potential safety issues for personnel, the environment, the vessel and the vessel's operations. Risk assessments or hazard identification techniques shall be performed to understand the potential safety issues for personnel, the vessel, the environment and the vessel's operations caused by a battery installation. Suitable mitigations or safeguards shall be implemented to reduce risks to an acceptable level. In general, amendments to operational methods or procedures shall not be accepted as an alternative to the safe design of a battery system and its installation in a yacht.

6.4.4 Battery installations' inspections and maintenance shall be in accordance with manufacturer's recommendations and shall include the testing of all sensors, assessment of the state of health of each cell, recording of the environmental conditions in the battery compartment and assessment of any other relevant factors. Routine onboard inspections shall be carried out and shall check for any physical damage, leakages, signs of arcing or increased temperature, correct operation of ventilation and battery protection systems, etc.

6.4.5 Battery charging systems shall be fitted with circuitry to prevent overcharging and overheating. Special attention is to be taken in cases of any batteries onboard being placed under charge due to the possibility of explosions or fires.

6.4.6 Movable/Portable batteries (including batteries fitted on onboard equipment, toys, appliances etc.), during the charging process, shall be placed in a well ventilated area onboard which is either an open deck, or either located in a continuously manned area or otherwise an area which is covered by a gas, smoke and heat detection system and an automatic fixed fire extinguishing system. All ventilation air intakes and exhausts, in battery charging stations which are not continuously manned, shall be fitted with a permanently attached closing/shutdown flaps/shutters which shall be capable of being easily closed remotely. It is strongly recommended that the yacht is never left unattended during the movable/portable batteries charging process.

SECTION 7
FIRE PROTECTION, DETECTION & EXTINCTION

7.1 General Requirements

7.1.1 The Passenger Yacht shall comply with the Passenger Ship requirements as detailed in SOLAS Ch.II-2, except where provided otherwise in this Section.

7.1.2 Where the requirements are separated into different vessel types, the passenger yacht shall comply with those requirements of the Convention designated for Passenger Ships.

7.2 Enhanced Requirements to SOLAS Reg.II-2/7.5.3 - Requirements for passenger ships carrying not more than 36 passengers

7.2.1 There shall be installed throughout each separate zone, whether vertical or horizontal, in all accommodation and service spaces and, where it is considered necessary by the Administration, in control stations, except spaces which afford no substantial fire risk such as void spaces, sanitary spaces, an automatic sprinkler, fire detection and fire alarm system of an approved type complying with the relevant requirements of the Fire Safety Systems Code and so installed and arranged as to protect such spaces and, in addition, a fixed fire detection and fire alarm system and so installed and arranged as to provide smoke detection in corridors, stairways and escape routes within accommodation spaces.

7.3 Enhanced Requirements to SOLAS Reg.II-2/7.9 – Fire Alarm Signalling Systems

7.3.1 Passenger Yachts shall at all times when at sea, or in port (except when out of service), be so manned or equipped as to ensure that any initial fire alarm is immediately received by a responsible member of the crew.

7.3.2 The control panel of fixed fire detection and fire alarm systems shall be designed on the fail-safe principle (e.g. an open detector circuit shall cause an alarm condition).

7.3.3 Passenger Yachts shall have the fire detection alarms for the systems centralized in a continuously manned central control station (Safety Centre). In addition, controls for remote closing of the fire doors and shutting down the ventilation fans shall be centralized in the same location. The ventilation fans shall be capable of reactivation by the crew at the continuously manned control station. The control panels in the central control station (Safety Centre) shall be capable of indicating open or closed positions of fire doors and closed or off status of the detectors, alarms and fans. The control panel shall be continuously powered and shall have an automatic change-over to standby power supply in case of loss of normal power supply. The control panel shall be powered from the main source of electrical power and the emergency source of electrical power defined by regulation SOLAS Reg.II-1/42 unless other arrangements are permitted by the regulations, as applicable.

7.3.4 A special alarm, operated from the navigation bridge or fire control station, shall be fitted to summon the crew. This alarm may be part of the ship's general alarm system and shall be

capable of being sounded independently of the alarm to the passenger spaces.
The bridge of the Passenger Yacht shall be manned at all times unless the vessel is out of service.

7.4 Enhanced Requirements to SOLAS Reg.II-2/13.2.5 – Marking of Emergency Escape Routes

7.4.1 SOLAS Reg.II-2/13.2.5.1 and SOLAS RegII-2/13.2.5.2 shall also apply to the crew accommodation areas of Passenger Yachts (irrespective of the number of passengers).

7.5 Additional Requirement to SOLAS Reg.II-2/7.7 – Manually Operated Call Points

7.5.1 Manual call points shall also be installed in external decks/spaces adjacent:

1. to rescue boats and liferaft/MES stations;
2. to any external area where a fire risk or source of ignition is identified.

7.6 Additional Requirements to SOLAS Reg.II-2/7.8 – Fire Patrols

7.6.1 The fire patrol requirements as detailed in SOLAS Ch II-2 Reg 7.8 shall also be applicable to Passenger Yachts carrying ≤ 36 passengers.

7.7 Additional Requirement to SOLAS Ch.II-2

7.7.1 CO2 portable fire extinguisher nozzle access ports shall be available below the navigation bridge console unit(s), providing access to all the compartments located below the navigation console(s). The access ports shall enable the crew to discharge CO2 portable fire extinguisher(s) directly within the console's compartments allowing the fire extinguishing medium to swiftly penetrate and extinguish any fires located within.

7.8 Acceptable Equivalencies to SOLAS Requirements SOLAS Ch.II-2

7.8.1 Requirements for materials used for bulkheads, subdivisions, furniture and furnishings for open decks and cabin balconies (except for open decks and cabin balconies adjacent to life saving appliances or in way of the launching trajectory of life saving appliances)

7.8.1.1 A Passenger Yacht may opt not to comply with the SOLAS restrictions on materials used for bulkheads, subdivisions, furniture and furnishings for open decks and cabin balconies, except for open decks and cabin balconies adjacent to life saving appliances or in way of the launching trajectory of life saving appliances, provided that:

a) a direct jet of water, for firefighting purposes, may be readily directed onto an open deck or cabin balcony from the deck immediately above or adjacent to the open deck or cabin balcony;
b) a risk assessment is carried out and appropriate mitigating measures are put in place.

7.8.2 Exposed Surfaces Low Flame Spread characteristics in areas designated for the use of the owner and passengers (except in escape routes, stairway enclosures and corridors)

7.8.2.1 Exposed Surfaces Low Flame Spread characteristics may be relaxed in areas designated for the use of the owner and passengers, with the exception of escape routes, stairway enclosures and corridors, provided that:

(a) the owner and passenger spaces within such areas are individually bounded by fire-rated divisions in accordance to SOLAS requirements;
(b) these spaces are fitted with a fully addressable fire detection system and a fixed fire extinguishing system complying with the relevant provision of the Fire Safety Systems Code;
(c) the number of manual emergency call points in these areas is more than that required by SOLAS;
(d) these areas form part of the fire patrol route;
(e) the whole arrangement is approved and supported by the RO taking into consideration the overall fire, smoke and toxicity characteristics of the materials used.

7.9 Additional Requirements in addition to those requirements of SOLAS II-2

7.9.1 Storage of fuel with flash point ≤ 60°C

7.9.1.1 Enclosed spaces, highly flammable fuel lockers and garages wherein vehicles or craft containing fuel having a flash point ≤ 60°C are stowed, shall have:

1. a means of ventilation complying with the below:
    a. the ventilation system shall be exclusive to this space and not connected to any other space on board;
    b. the ducting shall extract air from a low area;
    c. forced ventilation motor(s) shall be intrinsically safe and shall be fitted with a remote shut down system;
    d. the ventilation system shall have a capacity of at least 6 air changes per hour and an appropriate airflow alarm shall be fitted giving an indication of low airflow in the bridge;
    e. the exhaust ducting shall be fitted with spark arrestors;
    f. all air intakes and exhausts shall be fitted with permanently attached closing/shutdown flaps which shall be capable of being easily closed remotely;
2. all electrical equipment within the space shall be certified as intrinsically safe (minimum IP55 rating) and the electrical fittings shall be fitted at a height ≥ 450 mm from the deck;
3. a petrol fume detector fitted with an alarm on the bridge and in the crew accommodation spaces;
4. No-Smoking Signage;
5. an automatic fixed firefighting system.

7.9.2 Storage of battery-operated Water Sports' Equipment/Toys

7.9.2.1 Battery operated water sports' equipment/toys shall be stored on an open deck and/or else in an enclosed space/garage and the charging system shall:

1. be fitted with an automatic visual indication/warning light that shall be visible on-site and, on the bridge, indicating that water sports' equipment/toys batteries are charging;
2. be located in a space which is equipped with battery boundary cooling appliances/equipment in order to cool down the boundaries of lithium Ion batteries in cases of battery runaway and/or fires. Operational instructions and necessary bilge pumping arrangements shall also be put in place;

7.9.3 Protection of Garage Spaces

7.9.3.1 Garage spaces shall be fitted with fire protection systems in order to protect the Passenger Yacht from the associated fire hazards. It is important that garage spaces be adequately ventilated at all times and the presence any sources of ignition shall be avoided at all costs unless adequate mitigating measures are put in place.

7.9.3.2 Garages shall have:

1. a means of ventilation complying with the below requirements:
    a. the ventilation system shall be exclusive to the garage space and not be connected to any other space on board;
    b. the ducting shall extract air from a low area;
    c. forced ventilation motor(s) shall be intrinsically safe and shall be fitted with a remote shut down system;
    d. the ventilation system shall have a capacity of at least 6 air changes per hour and an appropriate airflow alarm shall be fitted giving an indication of low airflow in the bridge;
    e. the exhaust ducting shall be fitted with spark arrestors;
    f. all air intakes and exhausts shall be fitted with permanently attached closing/shutdown flaps which shall be capable of being easily closed remotely taking into account the weather and sea conditions;
    g. ventilation ducts, including dampers, shall be made of steel and ventilation ducts that pass through other horizontal zones or machinery spaces shall be "A-60" class steel ducts;
    h. the ventilation system shall be such as to prevent air stratification and the formation of air pockets.
2. all electrical equipment within the space certified as intrinsically safe (minimum IP55 rating) and the electrical fittings shall be fitted at a height ≥ 450 mm from the deck;
3. No-Smoking Signage;
4. a petrol fume detector fitted with an alarm on the bridge and in the crew accommodation spaces;
5. a fixed fire detection and fire alarm system which takes into account the effects of ventilation and other relevant factors within the garage spaces;
6. manually operated call points which shall be spaced so that no point within the garage space is more than 20m from a manually operated call point. Manually operated call points shall also be placed close to each exit from such spaces;
7. a fixed pressure water-spray fire-extinguishing system;
8. at least two portable foam fire extinguishers or equivalent shall be provided in each garage space and at least one portable fire extinguisher shall be located at each access;
9. any openings in the side plating, the ends or deckhead of the garage space shall be so located so that a fire in the garage space does not endanger stowage areas and embarcation stations for survival craft and rescue boats, and accommodation spaces, service spaces and control stations in superstructures and deckhouses above the garage spaces;
10. scuppers, piping and/or drainage connections for the garage space shall be of non-combustible materials and shall not be pass through machinery or other spaces where sources of ignition may be present;

11. a drainage system complying with the herebelow:
    a. the scuppers shall lead directly overboard;
    b. the scuppers shall be appropriately sized so that no large quantities of water may accumulate in the garage space causing issues with the Passenger Yacht's stability;
    c. for garage spaces located below the bulkhead deck, additional automatic pumping and drainage facilities, capable of removing at least 125% of the combined capacity of both the water-spraying system pumps and the capacity of the number of fire hoses reaching the garage spaces, shall be installed;
    d. the drainage system valves shall be operable from outside the protected space;
12. all ancillary equipment, craft, recreational diving systems and other movable items securely fastened in place with due consideration being given to the motion of the Passenger Yacht and possible movement between items;
13. a means of closing the garage door remotely from a space outside of the garage itself.

7.9.4 Use of LPG, Oxy Acetylene or equivalent.

7.9.4.1 Any LPG installation shall be approved by a Recognised Organisation. All open flame appliances shall be certified in compliance with the requirements of EC Directive 2009/142/EC, as amended. Gas detectors and CO detectors shall be installed in the areas where LPG is used.

7.9.4.2 Gas cylinders, regulators and safety devices shall be stowed in a dedicated locker on an open deck. This locker shall be naturally ventilated and designed to drain overboard. If gas fired heaters are used onboard, they shall be equipped with a safety automatic shutdown system and be installed and secured in a position away from soft furnishings, curtains etc. The gas locker shall not have any electrical fittings.

7.9.4.3 Gas piping shall be metallic with only the shortest possible lengths of gas non-metallic hoses being used for the connection with the gas lines and appliances. Non-metallic hoses shall be Type Approved or Certified and suitable for the intended use. Clearly marked gas shut-off valves shall be fitted in the gas locker and also near the connected equipment/appliances.
The gas line couplings shall be crimped and threaded. Non-metallic hoses by virtue of their definite life require to be replaced at regular intervals as recommended by the manufacturer. In case of copper piping periodical inspections shall be undertaken.

7.9.5 Oxy Acetylene Installations Additional Requirements

7.9.5.1 For yachts which are provided with a central Oxygen and Acetylene storage facility, the cylinders shall be stored on or above the uppermost continuous deck in a lockable, well ventilated room or cabinet which is made of steel or equivalent material, which has direct access to an open deck and which is not subjected to temperature extremes and any sources of ignition. Where two or more of each gas cylinder are carried – oxygen and acetylene should be vertically secured with a quick release mechanism and stored separately.

7.9.5.2 For yachts which are not provided with a central Oxygen and Acetylene storage facility, the following shall be duly complied with:

1) the cylinders shall be firmly secured in an open deck area on or above the uppermost continuous deck;
2) the cylinders shall be provided with purpose-built storage racks and protected against mechanical damage and direct exposure to the sun, wind and weather;
3) the cylinders shall be locked within a wire cage with a solid roof forming an enclosure, to prevent interference by any unauthorised persons;
4) no electrical equipment shall be provided in the cylinder storage spaces unless it is certified as safe for use in flammable environment;
5) the cylinders, including empty cylinders shall be stored in an upright position and securely fastened with arrangements that permit the rapid disconnection of the cylinders;
6) a protective cover shall be screwed to the head of each cylinder when it is not ins use or being moved;
7) cylinders' storage spaces shall be clearly marked with warning signs indicating that oxygen and acetylene gases are stored inside. No Smoking signs shall be posted;
8) it should be ensured that cylinder valves, controls and associated fittings be kept free from oil, grease and paint. For instance, valves should not be opened with oily hands;
9) storage in machinery spaces is not permitted;
10) relief valves shall vent to a safe place on the open deck;
11) if two or more cylinders (of the same gas) are connected to a manifold, the supply pipes between the cylinders should be fitted with non-return valves;
12) cylinders should be placed on wooden boards or similar arrangement so they are not in direct contact with the deck plating;
13) all components should be renewed at intervals recommended by their manufacturer.

7.9.6 Spit Roast and BBQ appliances

7.9.6.1 Metallic spit roast and BBQ appliances shall only be used on open decks in well-ventilated locations, clear of any hazards, such as overhanging structures, combustible awnings, flammable liquids, etc.

7.9.6.2 Spit Roasts and BBQs shall be safely secured to prevent any movement that may be caused by the yacht's motion. They shall not be placed near stairways, passageways, life saving appliances and water toys and under no circumstances shall they be placed internally.

7.9.6.3 Spit Roast and BBQ appliances shall be fitted with metallic lids or other means of closing.

7.9.6.4 The location of the spit roaster and/or BBQ appliance shall be in the vicinity of a fire hydrant. A fire blanket, two pairs of heat proof gloves and a suitable fire extinguisher shall be placed close by and shall be ready for immediate use.

7.9.6.4 The appliances shall be fitted with appropriate splash and spark guards.

7.9.6.5 A metallic fixed collecting/drip tray shall be secured directly below the Spit Roasters and BBQs.

7.9.6.6 Deck scuppers which are located close to the appliances shall be designed to discharge directly overboard.

7.9.6.7 In order to be safely extinguished, any combustible materials/fuels used for roasting/grilling, shall always be soaked with water after use even if no flames or ambers are visible. When available, metallic lids/closing devices shall be put in place.

7.9.6.8 Any extinguished and well cooled ashes and/or combustible residues shall be appropriately disposed of in metallic containers/bins.

7.9.6.9 Gas operated spit roast or BBQ appliances shall be fitted with a gas detector iwo of the gas cylinder storage compartment and with a remote gas shut down valve.

7.9.7 Installation of Recreational Fire Appliances (RFAs), other than Spit Roast and BBQ Appliances for use on open decks

7.9.7.1 The installation of RFAs, other than Spit Roast and BBQ appliances, shall normally be prohibited onboard Passenger Yachts.

7.9.7.2 The Administration may, at its sole discretion and on a case by case basis accept the installation of RFAs, other than Spit Roast and BBQ Appliances for use on open decks, subject that:

a) the installation is approved and supported by the yacht's RO;
b) a detailed risk assessment and HAZID analysis are carried out and all risks/hazards identified;
c) all necessary mitigating measures are put in place in order to eliminate the identified risks and hazards.

SECTION 8
LIFE-SAVING APPLIANCES AND ARRANGEMENTS

8 LIFE-SAVING APPLIANCES AND ARRANGEMENTS

8.1 General Requirements

8.1.1 The Passenger Yacht shall comply with all the requirements for passenger ships as set out in SOLAS Ch.III, except where provided otherwise in this Section.

8.2 Survival Craft and Rescue Boats

8.2.1 The Passenger Yacht shall comply with the requirements:

1. as set out in SOLAS Reg.III/21; and
2. with regards to the requirements concerning the carriage of lifeboats, the Passenger Yacht may opt to meet the equivalent requirements which allow the carriage of Davit Launched Liferafts (DLLs) and/or a combination of DLLs and Marine Evacuation Systems (MESs), in lieu of lifeboats.

8.2.2 Any Passenger Yacht to which this Code applies which operates in the Polar Regions shall carry life-saving appliances which are in compliance with the Polar Code.

8.3 Acceptable equivalencies to SOLAS Requirements

8.3.1 Carriage of Lifeboats

8.3.1.1 The Passenger Yacht may carry Davit Launched Liferafts (DLLs) and/or a combination of DLLs and Marine Evacuation Systems (MESs), in lieu of lifeboats, subject to the following conditions:

1) DLLs or a mix of MESs and DLLs shall be provided so that the total capacity available on each side will accommodate 150% of the total number of persons on board;
2) When a mix of MESs and DLLS are installed the aggregate capacity of the DLLs on each side and on their own shall be sufficient for not less than 100% of the total persons onboard;
3) The installation of MESs as the sole means of abandon ship is not permitted;
4) All liferafts onboard (DLLs and MESs liferafts) shall:
   a) be MED certified and meet the SOLAS and LSA Code requirements;
   b) be of the canopied inflatable type;
   c) contain the SOLAS Pack A;
   d) be installed in such a way to enable them to float-free and to automatically inflate.
5) In the event of any loss/malfunction of a liferaft/MES an aggregate capacity of at least 100% liferaft capacity shall remain on each side;
6) Only MESs fitted with a dry-shod evacuation system are permitted to be installed on Passenger Yachts;
7) DLLs (without MESs) are permitted to be the sole means of abandonment;
8) A dedicated 9 GHz SART (or AIS-SART) and a GMDSS portable VHF shall be available for every liferaft and these shall be:
   a) clearly marked with identification letters and/or numbers which clearly indicate to which liferaft they duly belong;

b) stored in a clearly marked weathertight cabinet directly adjacent to the respective liferaft launching station or respective MES launching station;
c) taken onboard each and every liferaft in the event of abandon ship.

9) A 406 MHz EPIRB, an AIS-SART (or a 9 GHz SART), an Aero VHF and a GMDSS portable VHF shall be available for each of the two rescue boats onboard and these shall be:
   a) clearly marked with identification letters and/or numbers which clearly indicate to which rescue boat they duly belong;
   b) stored in a clearly marked weathertight cabinet directly adjacent to the respective rescue boat launching station;
   c) taken onboard each and every rescue boat in the event of abandon ship.
10) Each rescue boat shall carry or be fitted with a receiver for global navigation satellite system (GPS), or other means, in order to enable the crew to establish the rescue boat's position at all times;
11) Each rescue boat shall carry sufficient fuel, suitable for use throughout the temperature range expected in the area in which the yacht operates, which will enable it to run for a period of not less than 24hrs at a speed of at least 2 knots whilst towing the largest liferaft carried on the yacht loaded with its full complement of persons and equipment or its equivalent.
12) Each rescue boat shall carry at least 20 litres of drinking water.
13) A portable Satellite Phone shall be carried onboard the yacht and be located on the bridge away from the radio communication equipment. The 24hrs contact number of the Designated Person Ashore (DPA) shall be memorised in the phone's memory and the DPA's contact number shall also be affixed via a sticker to the back of the satellite phone. The portable satellite phone shall be taken onboard any one of the rescue boats in the event of an abandon ship. The portable satellite phone is not required to be MED approved.

8.3.1.2 Any 9 GHz SARTs, AIS-SARTs, 406 MHz EPIRBs, Aero VHFs and GMDSS portable VHFs, as mentioned above, may be part of the vessel's compliment as required by SOLAS.

8.3.1.3 9 GHz SARTs, AIS-SARTs, 406 MHz EPIRBs, Aero VHFs and GMDSS portable VHFs equipment, as mentioned above, wherever reasonable and practicable, shall have a basic and summarised instruction card/sticker which shall be located adjacent to the equipment or be attached to the equipment itself.

8.3.1.4 Aero VHFs shall be capable of two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5MHz and 123.1MHz.

8.3.2 MES Deployment

8.3.2.1 The deployment of each MES installed onboard shall be carried out at least once every five years and the deployment shall be carried out in the presence of a RO.

8.3.2.2 The MES deployment shall always be used as a training exercise and/or be part of an abandon ship drill for the crew onboard.

8.3.2.3 The deployment date and outcome shall be duly recorded.

8.3.3 Lifeboats Additional Communication and Detectability Equipment

8.3.3.1 On Passenger Yachts whose length is ≥ 120m or which have 3 or more main vertical zones, if lifeboats are fitted in line with SOLAS requirements, each lifeboat shall carry an EPIRB and an Aero VHF.

8.3.3.2 Any 406 MHz EPIRB and Aero VHF, as mentioned above, may be part of the vessel's compliment as required by SOLAS.

8.3.3.3 Aero VHFs shall be capable of two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5MHz and 123.1MHz.

8.4 Rescue Boat(s) Launching Appliances

In line with the equivalency SLS.14/Circ.186 of the 5th January 2002, on yachts equipped with a rescue boat(s) (which is not one of the vessel's survival craft) weighing < 5,500 N in the fully equipped condition with the engine, but without the crew, the launching appliance of the crane does not need to be fitted with stored mechanical power. Slewing of the launching appliance shall be possible by one person against the adverse list of 20 degrees and trim of 10 degrees.

SECTION 9
RADIO COMMUNICATION EQUIPMENT

9 RADIO COMMUNICATION EQUIPMENT

9.1 **General Requirements**

9.1.1 All Passenger Yachts shall comply with the applicable requirements for Passenger Vessels as detailed in SOLAS Ch.IV, except where provided otherwise in this Section.

9.2 Additional Radio Communication Equipment other than what is required by SOLAS Ch.IV

9.2.1 A dedicated 9 GHz SART and a GMDSS portable VHF shall be available for every liferaft onboard and these shall be:

a) clearly marked with identification letters and/or numbers which clearly indicate to which liferaft they duly belong;
b) stored in a clearly marked weathertight cabinet directly adjacent to the respective liferaft launching station or respective MES launching station;
c) taken onboard each and every liferaft in the event of abandon ship.

9.2.2 A 406 MHz EPIRB, an AIS-SART (or 9 GHz SART), an Aero VHF and a GMDSS portable VHF shall be available for each of the two rescue boats onboard and these shall be:

a) clearly marked with identification letters and/or numbers which clearly indicate to which rescue boat they duly belong;
b) stored in a clearly marked weathertight cabinet directly adjacent to the respective rescue boat launching station;
c) taken onboard each and every rescue boat in the event of abandon ship.

9.2.3 On Passenger Yachts whose length is ≥ 120m or which have 3 or more main vertical zones, if lifeboats are fitted in line with SOLAS requirements, each lifeboat shall each carry a 406 MHz EPIRB and an Aero VHF.

9.2.4 Aero VHFs shall be capable of two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5MHz and 123.1MHz.

9.2.5 Any 9 GHz SARTs, AIS-SARTs, 406 MHz EPIRBs, Aero VHFs and GMDSS portable VHFs, as mentioned above, may be part of the vessel's compliment as required by SOLAS.

9.2.6 9 GHz SARTs, AIS-SARTs, 406 MHz EPIRBs, Aero VHFs and GMDSS portable VHFs equipment, as mentioned above, wherever reasonable and practicable, shall have a basic and summarised instruction card/sticker which shall be located adjacent to the equipment or be attached to the equipment itself.

9.2.7 A portable satellite phone shall also be carried onboard and be located on the bridge away from the radio communication equipment. The number of the Designated Person Ashore (DPA) shall be memorised in the phone's memory and the DPA's number shall also be affixed via a sticker to the back of the satellite phone. The portable satellite phone shall be taken onboard one of the rescue boats in the event of an abandon ship. The portable satellite phone is not required to be MED approved.

SECTION 10
SAFETY OF NAVIGATION

10 General Requirements

10.1 All Passenger Yachts shall comply with the applicable requirements for Passenger Vessels as detailed in SOLAS Ch.V, except where provided otherwise in this Section.

10.2 Acceptable deviation from SOLAS Rev.V/22.1.9.1

10.2.1 Deviations from the requirements of SOLAS Reg.V/22.1.9.1 may be considered, due to the specific design of these types of vessels, subject that the bridge front windows installation provides anti-reflection properties which are at least equivalent to that required by SOLAS.

10.3 Master's Overall Authority

10.3.1 The Master shall have overall authority at all times, to make decisions and take actions with regard to the safety of the yacht and the persons onboard.

SECTION 11
TENDERS AND ANCILLARY CRAFT

11 Tenders and Ancillary Craft

11.1 Tenders and Ancillary Craft designated as an appurtenance and falling under the Registration Certificate of the Mother Yacht

11.1.1 Yacht tenders and ancillary craft may be either stowed on board or towed or, in special circumstances, may even navigate together with the yacht. Tenders and Ancillary craft may not be engaged in separate commercial activities. Such tenders shall only be used in conjunction with the mother yacht and may operate only within a 6 nautical mile radius from the mother yacht.

11.1.2 On a case by case basis the Administration may accept an extended tender operating area, upto a 20 nautical mile radius, subject that the:

a) tenders ≤ 24m in length, shall have a Recreational Craft Directive Certification to a minimum of Design Category B, and shall be equipped with the necessary radio, safety and life saving equipment,

b) tenders > 24m in length shall comply with the requirements of the Malta Commercial Yacht Code if carrying ≤ 12 passengers and with the requirements of the Passenger Yacht Code if carrying > 12 & ≤ 36 passengers, as independent vessels.

11.1.3 The number of persons the tender may safely carry and the name of the mother yacht shall be clearly marked onboard of the tender. The name of the tender shall be marked in the format: "T/T name of mother yacht" were the words "T/T" mean "Tender To".

11.1.4 All tenders < 12m in length, when fitted with remote throttle controls, shall be fitted with a kill-cord, to be used at all times during navigation. A spare kill cord shall also be carried on board.

11.1.5 Personal watercraft may not be considered as tenders for the purposes of this sub-section.

11.1.6 All tender(s) and ancillary craft belonging to the yacht shall be surveyed in conjunction and with the same survey criteria of the mother yacht and they shall be duly maintained in a good state of maintenance and shall be provided with the necessary safety equipment for the range of operations intended. When a tender is intended to be used as a rescue boat, it shall meet the Rescue Boat requirements as detailed in the LSA Code.

11.1.7 Submersible craft, designated as tenders, shall comply with IMO MSC Circ.981, as amended, and they shall be built, certified and maintained in accordance with the rules of a Recognised Organisation and be suitable for their intended use. Periodical maintenance shall be carried out by the manufacturer or by an authorised manufacturer's representative. The crew operating the submersible craft shall be appropriately trained and qualified.

11.1.8 Submersibles, Amphibious Craft and Hover Craft, when utilised solely in conjunction with the mother yacht are considered as ancillary craft and their details shall be included in the relevant inspection report. The maximum safe working load of the equipment and maximum sea state in which the craft may be launched shall be stated.

11.1.9 All craft falling under this sub-section shall be used exclusively in conjunction with the mother yacht and are not permitted to engage in separate voyages or other commercial activities. The Master is responsible to ensure that the use of these craft is in compliance with the Rules and Regulations imposed by the Port Authorities for the area of operation and that the crew operating these craft are trained, qualified and experienced with the use of these craft.

11.2 Ancillary Craft, including Chase Boats, which are not Passenger vessels and which hold a separate independent Registration Certificate

11.2.1 Tenders and Ancillary craft holding a separate independent Registration Certificate, operating within a 6 nautical mile radius from a commercial yacht, and which are not engaged in separate commercial activities shall comply with the requirements as set out in Section 11.1 of the Code.

11.2.2 Ancillary Craft, including Chase Boats, which are not passenger vessels and which hold a separate independent Registration Certificate which are not restricted to operate within a 6 a nautical mile radius from a commercial yacht shall comply and be certified in accordance to:

a) IACS99 for vessels < 15m LoA, and

b) NCV Code for vessels ≥ 15m LoA.

SECTION 12
INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE

12 General Requirements

12.1 A Passenger Yacht and its respective Safety Management Company shall comply with the applicable requirements for Passenger Vessels as detailed in SOLAS Ch.IX.

12.2 The yacht's Safety Management System (SMS) shall take into consideration the equivalencies, enhanced requirements and additional equipment/requirements detailed in this Code and these shall be incorporated in the applicable yacht's processes and procedures.

SECTION 13
MARITIME SECURITY – INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE

13 General Requirements

13.1 All Passenger Yachts shall comply with the applicable requirements for Passenger Vessels as detailed in SOLAS Ch.XI-2.

SECTION 14
MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) RULES 2013

14 **Merchant Shipping (Maritime Labour Convention) Rules 2013 – (Transposition of MLC 2006 into Maltese Law)**

14.1 **General Requirements**

14.1.1 Passenger Yachts shall comply with the applicable Merchant Shipping (Maritime Labour Convention) Rules 2013, as amended, for Passenger Ships, except where provided otherwise in this Section.

14.2 **Acceptable Equivalencies to Part IV - Accommodation and Stores Section of the Merchant Shipping (Maritime Labour Convention) Rules 2013 Requirements for Passenger Yachts < 1,250 GT**

14.2.1 Passenger Yachts < 1,250 GT may opt to comply with Section 14.3 below in lieu of Part IV - Accommodation and Stores Section of the Merchant Shipping (Maritime Labour Convention) Rules 2013.

14.2.2 As, in the case of Commercial Yachts (Section 13 Part B2 of the Malta Commercial Yacht Code), Section 14.3 below is considered as a substantial equivalent to Part IV - Accommodation and Stores Section of the Merchant Shipping (Maritime Labour Convention) Rules 2013, since Part IV deals with Crew Accommodation and Stores, irrespective of the number of passengers onboard the yacht and having no effect on the passengers being carried onboard.

14.3 **Crew Accommodation and Recreational Facilities acceptable equivalency for Passenger Yachts < 1,250 GT, in lieu of Part IV of the Merchant Shipping (Maritime Labour Convention) Rules 2013**

14.3.1 *Introduction*

14.3.1.1 This section applies to yachts the keel of which was laid or was at a similar stage of construction, on or after 20/08/2013. Yachts whose keel was laid before the 20/08/2013 shall comply with this section as far as reasonable and practicable.

14.3.1.2 When agreed to by the Administration, yachts which are of traditional build and are true replicas of traditionally designed yachts, which include wooden yachts and other yachts of similar design where their traditional character is incompatible with the detailed accommodation requirements, particularly with regard to cabin size, may be exempted from all or any requirements of this section.

14.3.2 *General*

14.3.2.1 Accommodation shall provide decent living conditions and recreational facilities for all seafarers onboard the vessel. The accommodation shall also be adequate for all persons who

are not seafarers.

14.3.2.2 So as to provide decent living conditions and recreational facilities the following minimum standards shall be complied with:

a) The materials used to construct internal bulkheads, panelling, sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment. All relevant health and safety standards shall be observed.

b) The accommodation shall be adequately insulated; proper lighting and sufficient drainage shall be provided.

c) There shall be no direct openings into sleeping rooms, from storage areas and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas. That part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved material and is watertight and gas-tight.

14.3.3 *Headroom*

14.3.3.1 The minimum permitted headroom in all seafarer accommodation, where full and free movement is necessary, shall be not less than 203cm. On a case by case basis, and at the discretion of the Administration, a reduction in headroom may be permitted provided it is reasonable and does not result in discomfort to the seafarer.

14.3.4 *Access/Escape arrangements*

14.3.4.1 Refer to the relevant applicable section of this Code.

14.3.5 *Lighting*

14.3.5.1 Seafarer's sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light and which must be sufficient for reading. Where the provision of natural light is impracticable, appropriate artificial light may be acceptable only in limited areas.

14.3.6 *Heating*

14.3.6.1 Comfortable and controllable heating shall be provided through an appropriate heating system, except for those yachts exclusively operating in tropical climates.

14.3.7 *Ventilation*

14.3.7.1 Sleeping rooms and mess rooms shall be adequately ventilated. Yachts, except those regularly operating in areas where temperate climatic conditions do not require this, shall be equipped with an air conditioning facility serving the seafarer accommodation, radio room (if separate) and any centralised machinery control room. All sanitary spaces shall have an independent extraction system exhausting to open air.

14.3.7.2 Mechanical Ventilation shall be provided to all accommodation spaces on yachts which intend to make long international voyages or operate in tropical waters. As a minimum,

mechanical ventilation shall be capable of providing 6 air changes per hour, when all access and other openings (other than ventilation intakes) to the spaces are closed.

14.3.7.3 Air conditioning – re-circulation of supply air may be permitted provided that sanitary accommodation is provided with mechanical exhaust ventilation and that the fresh air content of the supply to the accommodation is not less than:

a) $25m^3$/hr for each person for whom accommodation is provided;

or

b) the total capacity of the sanitary and any other accommodation exhaust fans, excluding the galley, whichever is the greater.

14.3.7.4 Refer also to the requirements of the Merchant Shipping (Maritime Labour Convention) Rules, as amended.

14.3.8 *Sleeping Accommodation*

14.3.8.1 Where practicable, the sleeping accommodation shall meet the full requirements of the Maritime Labour Convention 2006 provided hereunder. Where this is not practicable the sleeping accommodation shall meet the substantially equivalent requirements as detailed below.

14.3.9 *Equivalent arrangements to the full Maritime Labour Convention 2006 sleeping accommodation for yachts < 1,250 GT*

14.3.9.1 Sleeping rooms shall be situated above the deepest waterline amidships or aft where practicable. Where this is impractical, sleeping rooms may be located in the fore part of the vessel, but under no circumstance forward of the collision bulkhead nor directly below working alleyways.

14.3.9.2 When it is neither reasonable nor practicable to site seafarer sleeping accommodation amidships or aft, and above the deepest waterline and as may be required, measures taken to ensure an equivalent level of seafarer health and safety shall be agreed to with the Administration. Where sleeping accommodation is below the deepest waterline amidships, a bilge flooding alarm shall be provided in the cabin to provide early warning of water ingress to that compartment. Vertical escapes shall be fitted in each individual cabin which has at least 70% of its height below the deepest waterline. Sleeping accommodation with the deck head lining below the deepest intact waterline is not permitted.

14.3.9.3 In addition, where such accommodation is sited partially below the deepest waterline it shall be arranged such, that in the event of damage to the watertight compartment in which the accommodation space is situated, the deck head lining shall not be immersed. Satisfactory arrangements shall also be made for lighting and ventilation.

14.3.9.4 Separate sleeping rooms shall be provided for men and for women.

14.3.9.5 A separate berth for each seafarer shall in all circumstances be provided. The minimum inside dimensions of a berth shall be at least 198 cm by 80 cm. Narrower berths may be permitted in either:

(a) sleeping rooms occupied by only one seafarer; or

(b) sleeping rooms where en-suite sanitary facilities are provided, as long as the

width at one end is no less than 50 cm and the width is at least 80 cm at the opposite end, and over half the length of the bed. Consider Annex 14.3 for equivalent arrangements.

14.3.9.5 Where practical, the master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space. The Navigating Bridge, may serve such purpose if suitably fitted and if available for this exclusive use when the ship is not engaged in navigation. When the ship is engaged in navigation, the watch keepers must in no way, be distracted.

14.3.9.6 Every seafarer is to be provided with a clothes locker of ample space (minimum 475 litres) and a drawer or equivalent space of not less than 56 litres. If the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres.

14.3.9.7 The locker shall be fitted with a shelf and be able to be locked by the seafarer for security and privacy. Where the total required volume cannot be provided within the cabin, alternative secure facilities may be provided for elsewhere within the seafarer accommodation, provided that within the cabin, a minimum of 300 litres of storage space is provided for each individual seafarer.

Clothes Locker	≥ 475 litres
Drawer	≥ 56 litres
Combined Locker & Drawer	≥ 500 litres

14.3.9.8 Sleeping rooms shall be provided with a table or desk that may be of the fixed, drop-leaf slide-out or other type including also comfortable seating arrangement.

14.3.9.9 Single berth seafarer's cabin not provided with en-suite sanitary facilities shall have a floor area of not less than 3.6m^2

14.3.9.10 A single berth seafarer's cabin provided with en-suite sanitary facilities shall have an aggregate floor area of not less than 4.5m^2.

14.3.9.11 Sleeping rooms suitable for accommodating two seafarers and that are not provided with en-suite sanitary facilities shall have a floor area of not less than 7m^2.

14.3.9.12 Single occupancy cabins for seafarers who are officers for whom no adjoining sitting room, day room or equivalent additional space is provided, shall be not less than 4.5m^2 for a yacht of 500GT and not less than 7.5m^2 for yachts of 1,250GT and over. En-suite sanitary facilities are considered to compensate for reduced floor area and form part of the floor area.

14.3.9.13 For a vessel of intermediate gross tonnage, the floor area shall be determined by linear interpolation, as shown in Figure 14.1.

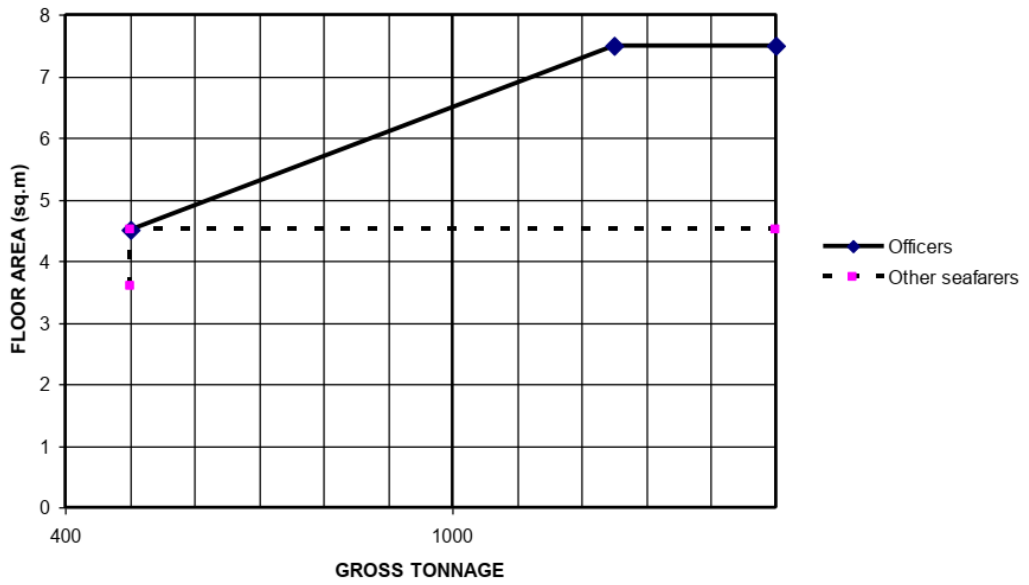


Figure 14.1 – Cabin Floor Areas – Single Occupancy

14.3.9.14 Floor areas of double occupancy cabins with en-suite sanitary facilities for seafarers who are officers for whom no adjoining sitting room, day room or equivalent additional space are provided shall be not less than 6.2m^2 for a yacht of 500GT and not less than 15m^2 for yachts of 1,250GT and over. For a yacht of intermediate gross tonnage, the floor area shall be determined by linear interpolation, as shown in Figure 14.2.

14.3.9.15 For seafarers who are not officers, the floor area of a double occupancy cabin with en-suite sanitary facilities shall increase at the same rate as cabins provided for seafarers who are officers until it is 7m^2.

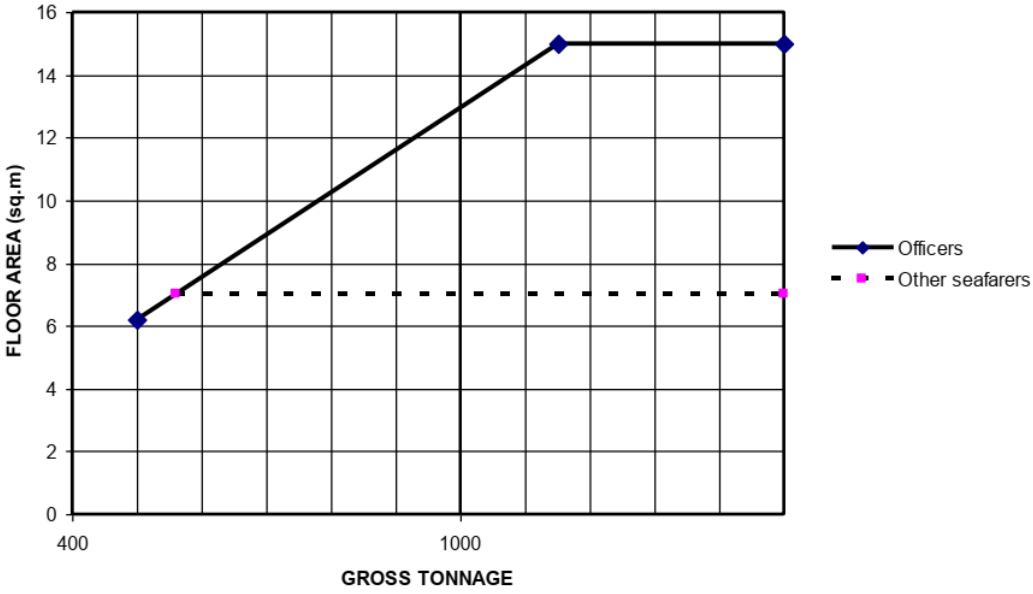


Figure 14.2 – Cabin Floor Areas – Double Occupancy

14.3.9.16 For leisure purposes, officer's cabins having a floor area less than 7.5m^2 shall be provided with televisions and other suitable electronic audio-visual equipment.

14.3.9.17 Where a sitting room in accordance with the above is not provided an additional comfortable shared sitting area for seafarers who are officers is to be provided. The minimum floor area of the sitting room shall be of not less than 1.5m^2 per officer. The wheelhouse may be considered if it is suitably fitted and available for this exclusive use when the vessel is not engaged in navigation. When in navigation the watch keepers must in no way be distracted.

14.3.10 *Mess Rooms*

14.3.10.1 Mess rooms shall be located away from sleeping rooms to avoid disturbing those persons sleeping or at rest and shall be located as close as is practicable to the galley. Mess rooms shall be of adequate comfort and be properly furnished and equipped (including ongoing facilities for refreshment), whilst also taking account of the number of seafarers likely to use them at any one time. Mess rooms for seafarers who are officers and other seafarers may be separate or common, and as deemed appropriate.

14.3.10.2 Where the equivalent arrangement in 14.2 is invoked, the floor area of the mess room for seafarers shall be not less than 1.5m^2 per intended seating capacity

14.3.11 *Galley Areas, Food Preparation, Storage, and Provision of Food*

14.3.11.1 The organisation and equipment of the catering department shall be such, so as to provide the seafarers with adequate, varied and nutritious meals prepared and served in hygienic conditions. As a minimum, the galley must be equipped with a means for cooking and a sink, and shall have an adequate working surface for the preparation of food. The galley floor shall be provided with a non-slip surface providing a good foothold.

14.3.11.2 All furniture and fittings in the galley shall be made of a material which is impervious to dirt and moisture. All metal parts of furniture and fittings shall be rust resistant. Wood materials being porous in nature shall be avoided.

14.3.11.3 The ventilation in the galley shall be arranged to ensure that there is an adequate supply of fresh air and for the efficient discharge of fumes into the open air. Air conditioning systems shall provide a minimum of 25m^3 of air per hour per person, accommodated in the ventilated space during normal operating conditions. Enclosed galleys shall be given special consideration, and where air conditioning is not fitted, shall have as a minimum, a mechanical supply of 20 fresh air changes per hour and a mechanical exhaust of 30 changes per hour. Due to the potential accumulation of grease and oil on extraction filters and within ducting regular inspections and cleaning is to be attended to as required.

14.3.11.4 A cooking appliance that is provided with a gimball mechanism shall also be provided with a locking device. The appliance shall be protected by a crash bar or other means to prevent personal injury.

14.3.11.5 When the vessel motions threaten safe working conditions, means shall be provided to allow the person cooking, to be secured in position with both hands free for working. The use of

open flames in adverse conditions shall be avoided. Secure and hygienic storage for food and garbage shall be provided.

14.3.12 *Water Services*

14.3.12.1 An adequate supply of free fresh drinking water shall be provided and piped to convenient positions throughout the accommodation spaces.

14.3.12.2 An emergency reserve supply of drinking water sufficient to provide at least 2 litres per person shall be available.

14.3.12.3 Drinking water shall be treated through a UV Water Purifier or an equivalent purification system.

14.3.12.4 Drinking water tanks shall be tested for bacteria by a recognised lab on an annual basis and relevant test results shall be kept onboard.

14.3.13 *Sanitary Facilities*

14.3.13.1 For every six seafarers or less who are not provided with en-suite sanitary facilities, a minimum of one water closet, one washbasin and one tub or shower, or both shall be provided at a near and convenient location.

14.3.13.2 Separate sanitary facilities shall be provided for men and for women. In respect of sanitary facilities for men and for women, yachts shall be provided with a minimum of 2 sets of sanitary facilities for the first two seafarers onboard plus an additional set of sanitary facilities for every additional 6 seafarers or part thereof.

14.3.13.3 Where a cabin is provided with en-suite sanitary facilities those facilities shall include a minimum of one toilet, one wash basin and one tub or shower or both.

14.3.13.4 Where private or semi-private facilities cannot be provided, all seafarers shall have convenient access to sanitary facilities on board, meeting minimum standards of health and hygiene and a reasonable standard of comfort. Hot and cold running fresh water shall be available in all wash places.

14.3.13.5 Where practical, sanitary facilities within easy access of the wheelhouse, and the machinery space or near the engine room control centre shall be provided.

14.3.13.6 Every cabin shall be provided with a washbasin with hot and cold running fresh water, except where such a washbasin is situated in the provided en-suite sanitary facilities.

14.3.14 *Hospital accommodation*

14.3.14.1 Yachts carrying 15 or more seafarers and engaged in an international voyage of more than three days duration shall be provided with separate hospital accommodation and which is to be used exclusively for medical purposes. This may be a treatment room that meets the requirements for hospital accommodation. Hospital accommodation shall be designed to facilitate the provision of medical first aid and to help prevent the spread of infectious

diseases.

14.3.14.2 It is recommended that the arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed in such a way so as to ensure comfort and facilitate the treatment of patients.

14.3.14.3 Sanitary facilities are for the exclusive use of the occupants of the hospital accommodation, and installed as part of the accommodation such as sanitary facilities shall include as a minimum one toilet, one washbasin and one shower or tub.

14.3.14.4 To help prevent the spread of infectious disease and for the patient comfort every hospital shall be fitted with mechanical exhaust ventilation independent from any ventilators provided for other parts of the seafarer's and passenger's accommodation.

14.3.15 *Laundry Facilities*

14.3.15.1 Appropriately situated and furnished laundry facilities shall be provided.

14.3.16 *Offices*

14.3.16.1 Where practicable, separate offices or a common office for use by deck and engineer seafarers, shall be provided.

14.3.17 *Other Provisions*

14.3.17.1 A recreation space on open deck, complete with seating arrangements, for seafarers shall be provided. The total floor area so allocated shall be calculated at the rate of $1.5m^2$ for every seafarer likely to use the space at any one time. Access to and use of the recreational area shall be at the discretion of the Master.

14.3.17.2 Yachts trading within mosquito infested areas shall be provided with either suitable screens or other appropriate devices, such as electronic or similar.

14.3.17.3 Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who live and work onboard shall be provided.

14.3.18 *Master's Inspections*

14.3.18.1 There shall be weekly inspections carried out on board yachts, by or under the authority of the Master, with respect to:

a) supplies of food and drinking water;
b) spaces and equipment used for the storage and handling of food and drinking water;
c) galley and other equipment used for the preparation and service of meals; and
d) cleanliness, habitability and state of repair of seafarer accommodation.

14.3.18.2 Records of inspections and the results thereof shall be maintained and be readily available for inspection by Flag and Port State Authorities upon request.

14.3.19 *Hand holds and grab rails*

14.3.19.1 There shall be sufficient hand holds and grab rails within the accommodation to allow safe movement within the accommodation at all times. Stairways shall be given special consideration.

14.3.20 *Securing of Heavy Equipment*

14.3.20.1 All heavy items of equipment such as permanent ballast, batteries, cooking stove, etc, shall be securely fastened in place. All stowage lockers shall have lids or doors capable of being securely fastened.

14.3.21 *Sailing Yachts*

14.3.21.1 The requirements applicable to motor yachts shall similarly apply to sailing yachts.

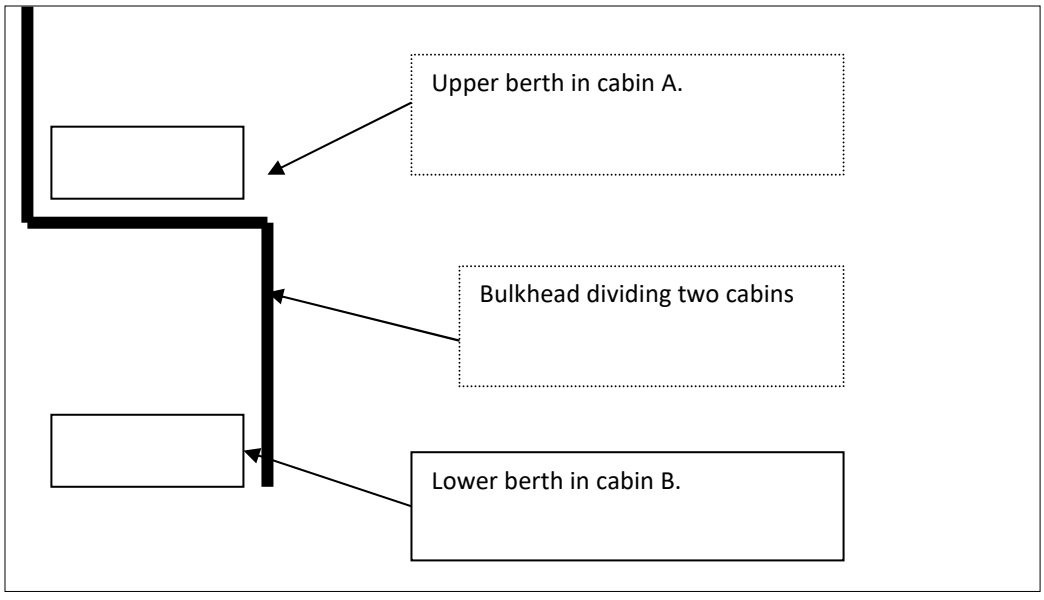
14.3.21.2 Sailing yachts of less than 1,500GT may invoke the variations contained in Paragraphs 14.3.21.3 and 14.3.21.4, herebelow.

14.3.21.3 When on a sailing ship (such as a training or racing sailing ship) the minimum requirement of free floor area cannot be met due to the complement on board, seafarers' accommodation arrangements shall be to the same standard as that provided for passengers.

14.3.21.4 Where due to the absence of a wheelhouse the sitting room area requirements of cannot be met, an alternative space or even a spare cabin may serve the purpose. The space or cabin so designated shall be such to allow seafarers to meet in a totally private environment.

14.3.22 *Annexes*

Annex 14.3



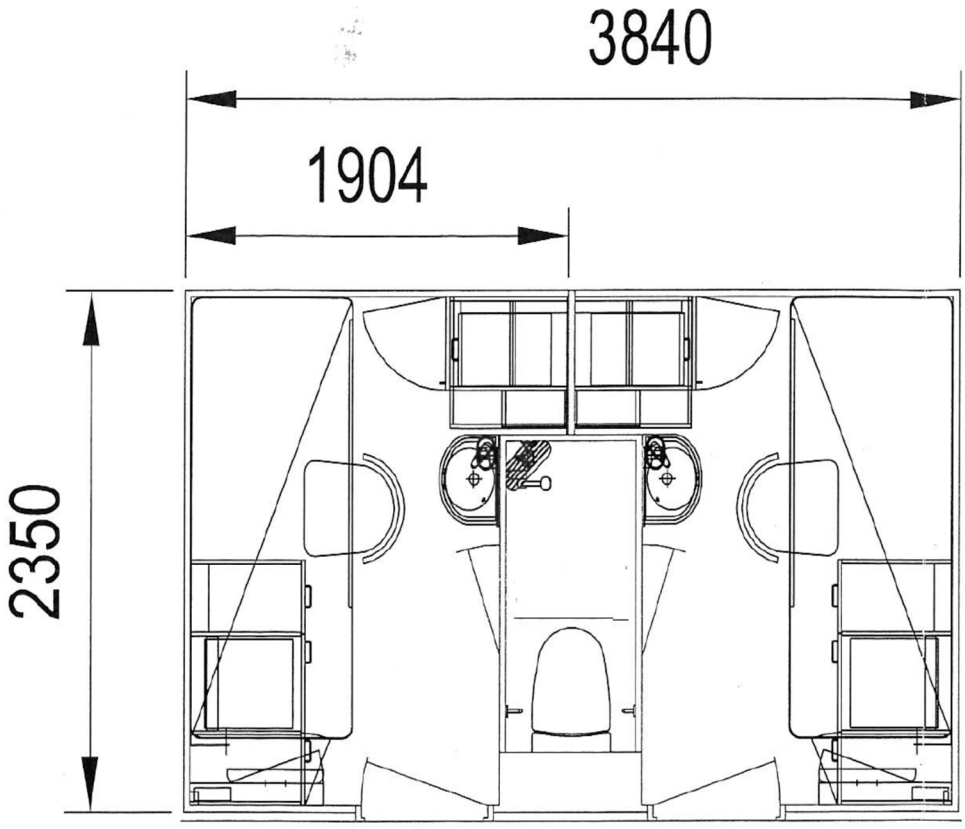
14.3.22.1 The horizontal width of the bunks shall be a minimum of 98cm. The saving in floor area is equivalent to approximately 50% of the bunk width. The drawback for such an arrangement is that cabins must be in line with one another, the plus point being that an area can be deducted from the width of a cabin (due to the overlap in bunk design) whilst still remaining

close to the requirements of the MLC 2006.

14.3.22.2 Adding to the above design there is a growing popularity of sanitary spaces being shared between two cabins (see Annex 14.4) and with same having interconnecting doors. This arrangement is applicable for adjoining cabins only. Bearing in mind the human element, such an arrangement would function well with crew members having opposite watches (thus with minimum overlap), as conflicts (relative to rest periods) would be avoided. Such sanitary spaces must be shared by crew members of the same gender.

14.3.22.3 Sanitary spaces as per Annex 14.4 shall include all items as required by the convention; this involves integrating and thus utilising all available space onboard. Combining this layout with the decked (overlapping) bunk concept, a significant reduction in floor area can be achieved, whilst remaining within the requirements of the MLC 2006. This data may prove to be a useful tool when discussing and accepting new buildings.

Annex 14.4



Two Cabins showing shared sanitary spaces

14.3.22.4 The sanitary space has a total area of 1.08m^2, when 50% of this area is added onto the cabin area as per dimensions in Annex 14.4, the total floor area is 4.47m^2 and in line with the convention.

14.4 MLC Exemptions and Other Equivalencies

14.4.1 MLC Exemptions and Equivalencies (other than the one mentioned above) may be considered by the Administration in line with the requirements of Merchant Shipping (Maritime Labour Convention) Rules 2013, as amended.

SECTION 15
SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS – POLAR CODE

15 General Requirements

15.1 All Passenger Yachts, operating in polar regions, shall comply with the applicable requirements for Passenger Vessels operating in polar regions, as detailed in:

a) the Code;
b) SOLAS Ch.XIV;
c) the IMO Polar Code;
d) the requirements of a Recognised Organisation.

15.2 Consideration shall also be given to the IMO Guidelines for Ships Operating in Polar Waters.

SECTION 16
PROTECTION OF PERSONNEL

16 PROTECTION OF PERSONNEL

Note: These requirements are in addition to those required by the Merchant Shipping (Maritime Labour Convention) Rules 2013, as amended and the MLC 2006, as amended. Should there be any conflict between requirements, the most demanding requirements shall prevail.

16.1 Deckhouses and Superstructures

16.1.1 A deckhouse used for accommodation of persons shall be of efficient construction and appropriate to the vessel and its area of operation and shall be of adequate strength to withstand the sea and weather forces which the vessel may encounter.

16.2 Bulwarks, Guard Rails, Hand Rails and Toe Rails

16.2.1 The perimeter of an exposed deck shall be fitted with bulwarks, guard rails or guard wires of sufficient strength and height for the safety of persons on deck. Bulwarks, guardrails and guard wires shall be supported efficiently by stays or stanchions. When application of such measures would impede the proper working of the vessel, alternative safety measures shall be considered.

16.2.2 Access stairways, ladder ways, passageways and decks without bulwarks or guardrails shall be provided with handrails. This provision shall not be used in lieu of guardrails and bulwarks where required by the Code.

16.2.3 Where the function of the vessel would be impeded by the provision of bulwarks and/or guardrails, alternative proposals providing an equivalent safety for persons onboard, shall be submitted to the Recognised Organisation for approval.

16.3 Gangways, Passarelles, Accommodation Ladders etc.

16.3.1 A safe means of access is to be provided whilst the vessel is moored in port.

16.3.2 Any gangways, passarelles and accommodation ladders shall be manufactured to adequate and recognised standards/rules. They shall be clearly marked with the number of persons and the total weight that can be safely carried.

16.3.2.1 In case such equipment has no details about Safe Working Load, then a load test shall be carried out and witnessed by a Recognised Organisation surveyor. A test certificate shall be issued and retained on board.

16.3.2.2 The load test shall:

a) be carried out to 120% of the rated load at mid span (75kg per person is to be assumed);
b) also include deflections measurement; and
c) confirm that no permanent deformations are present after the test.

16.4 Persons with Reduced Mobility

16.4.1 The vessel shall be equipped with the necessary facilities in order to safely cater for the needs of all the persons being transported or accommodated onboard including persons with reduced mobility.

16.5 Safe Work Aloft and Overside

16.5.1 *General*

16.5.1.1 When it is necessary to work aloft, overside and on the bow sprit of sailing yachts any of the above mentioned areas the following arrangements shall be made: -

a) Safety nets shall be laid below the bow sprit.
b) Safety grab rails and strong points for the attachment of safety harnesses shall be provided;
c) The use of safety harnesses is mandatory;
d) Sufficient foot supports shall be rigged to enable the crew working on the yards or on the bow sprit to step on them;
e) For climbing aloft, the mast shall be equipped with fixed metal steps or ladders. Ratlines or rattling bars fitted across the shrouds on traditional rigs may be considered to form an acceptable permanent ladder.

16.5.1.2 Over-side working systems such as rail and trolley/car systems and related components shall be designed, certified, approved and tested in accordance to BS EN 795 Class D, as amended, or to a recognised international standard for fall protection equipment and shall display the CE mark. ANSI approval and markings may be accepted on a case by case basis.

16.5.1.3 If it cannot be adequately proven that the design of the attachment to the substrate is identical to the one used in the type approval process completed by the over-side working system's manufacturer, or through approval of the design on another yacht, separate pre-installation testing shall be required to be satisfactorily completed prior to the system being installed and prior to the system being put in service.

16.5.1.4 The installation of the system to the substrate of the yacht shall be tested to meet the requirements of BS EN 795, as amended.

16.5.1.5 Yacht substrates can be of many differing materials and thicknesses, as can the fixtures and fittings that secure the over-side working systems to the substrate. In all cases the method of installation to the particular substrate needs to be tested in accordance with BS EN 795, as amended, in order for it to be considered approved and suitable for supporting crew members working over the yacht's side. If a particular method of attachment of the over-side working system to the yacht's substrate has been previously approved and documentary evidence can be provided, then only post-installation testing shall be required and carried out.

16.5.1.6 The orientation of the trackway shall be as detailed in the manufacturer's approval certificate, considering the path of the harness line and resultant wear.

16.5.2 *Over-side working systems Pre-Installation Workshop Destructive Testing*

16.5.2.1 When the method of attachment to the substrate has not been already approved, additional static and dynamic load tests shall be required to prove the strength of the individual installation for each type of base material/fastener type. These tests complete the installation's approval. It is recommended that such workshop destructive testing is carried out on a section of track of at least 400mm in length attached to a representative mock-up of the yacht's superstructure. Tests shall be witnessed by a Recognised Organisation surveyor and if successfully carried out, a relevant statement shall be issued and shall be retained onboard.

16.5.2.2 The workshop test shall be carried out as follows:

a) Static load test – requires the application of a 12kN load in at least 3 locations, typically at both ends and at any rail joint or in the middle. This load shall be applied for at least 3 minutes.

b) Dynamic Load test – requires the use of a test lanyard manufactured from rope conforming to BS EN 892 with a 100kg solid test mass dropped through a predetermined distance in order to be able to apply a fall arrest load of 9kN. Direct reference shall be made to BS EN 795, as amended, as to how this shall be accomplished.

16.5.2.3 Note that the dynamic load test is a destructive test and as such, following the dynamic load test, the trolley/car(s) and the section of the track used for testing shall have been overloaded and shall be discarded.

16.5.3 *Over-side working systems Onboard/Post-Installation Testing and Quinquennial (5 yearly) Testing*

16.5.3.1 Once an over-side working system is installed, a post-installation load test shall be carried out before the system is put in service. This is a non-destructive test.

16.5.3.2 Onboard/Post-installation testing shall be carried out as follows:

a) A test load of 6kN shall be attached to a single car or single anchor point for at least 15 seconds in at least 3 locations, typically at both ends and at any rail joint or in the middle.

b) Additional requirements specified by the manufacturer shall also be taken into consideration during the test.

c) Testing shall be witnessed by a RO Surveyor and a Load Test Certificate shall be issued/endorsed accordingly.

16.5.3.3 The onboard/post installation testing shall be carried out at the initial installation and subsequently on a quinquennial (5 yearly) intervals and also at intervals as may be prescribed by the manufacturer.

16.5.4 *Non-compliant and pre-existing over-side working systems*

16.5.4.1 Yachts fitted with uncertified over-side working systems shall have their overside working systems put immediately out of service and decommissioned unless the appropriate certification can be obtained.

16.5.4.2 Over-side working systems, for which there is evidence that the system is in compliance with either BS EN 795:1997 or 2012 but without evidence that the installation was tested by a RO; shall not be used until such time that the installation arrangements have been approved by a RO. This may require the submission of drawings of the existing arrangements and the subsequent static and dynamic testing of the rail attachment method as deemed applicable. On satisfactory completion of this testing the over-side working systems shall be subjected to the post-installation testing.

16.5.4.3 Onboard post-installation testing shall be carried out onboard yachts fitted with over-side working systems for which there is evidence that the system is in compliance with either BS EN 795:1997 or 2012 and there is evidence that the installation was approved but there is no evidence of onboard post-installation testing.

16.5.4.4 Prior to the completion of the required testing, signage shall be clearly displayed stating that the track is not to be used unless the crew member has a fall arrester attached by a secondary line which shall be secured to a strong point or secured to a part of the yacht structure having the necessary strength to withstand the drop loads.

16.5.5 *Use of over-side working systems*

16.5.5.1 Over-side systems shall not be used whilst the yacht is underway at sea. Over-side systems shall be used whilst using the appropriate PPE. On systems where one of the travellers is fitted with a locking device, the device which locks the traveller in position along the track shall only be disengaged from the track rail while the user is changing position. The over-side working system user shall never rely on only one attachment point for personal protective equipment.

16.5.5.2 All over-side working systems shall be clearly marked for the use of one user only.

16.6 Personnel Training

16.6.1 All personnel shall receive training appropriate to the tasks they undertake. It is the responsibility of the company/owner to ensure that this training is given, and that the personnel have an understanding of the relevant regulations and rules. As a minimum, this means:

a) for the Master, the training appropriate for the respective qualifications;
b) for the crew, the training appropriate for the respective qualifications and any additional training appropriate to the relevant designated duties.

16.6.2 Prior to the first occasion of working on the yacht, each employee shall receive appropriate familiarisation training and proper instruction on onboard procedures. This shall include, but not necessarily be, limited to:

a) launching and recovery of survival craft;
b) donning of lifejackets;
c) handling of passengers in emergency cases;
d) use of handling of firefighting equipment.

16.6.3 A training manual shall be available onboard and shall include details of established safe working practices, guidance on onboard training, preparation for emergencies, personal clothing and protection from injury, health, security and safety awareness and prevention of pollution.

16.7 Surface of Working Decks

16.7.1 The surface of a working deck shall be non-slip.

16.7.2 Acceptable surfaces are: chequered plate; unpainted wood; a non-skid pattern moulded into fibre-reinforced plastic (FRP); non-slip deck paint; or an efficient non-slip covering.

16.7.3 Particular attention shall be paid to the surface finish of a hatch cover when it is fitted on a working deck.

16.8 Man-Overboard Retrieval System (recovery of persons from the water)

16.8.1 Means shall be provided for the recovery of a person from the sea to the vessel. The means shall assume that the person is unconscious or unable to assist in the rescue.

16.8.1.1 The means of recovery shall be demonstrated to the satisfaction of the attending surveyor.

16.8.2 If a safety net is provided to assist in the recovery of an unconscious person from the water, it shall extend from the weather deck to at least 600mm below the lowest operational waterline.

16.9 Personal Clothing

16.9.1 Each person on board shall be provided with the necessary protective clothing suitable to undertake his/her necessary duties onboard.

16.9.2 All persons on board shall be provided with suitable protective clothing and equipment appropriate also to the prevailing air and sea temperatures and weather conditions.

16.9.3 It is strongly recommended that all persons on board wear footwear provided with non-slip soles, particularly on the open deck.

16.10 Noise

16.10.1 All yachts shall meet the requirements of the Merchant Shipping (Maritime Labour Convention) Rules, MLC 2006. The requirements of the IMO Code on Noise Levels shall also be complied with, as far as reasonable and practicable.

16.10.2 For safe navigation, it is important that sound signals and VHF communications can be properly heard, at the navigating position in normal operating conditions.

16.10.3 The wearing of ear protectors in spaces, such as machinery spaces, where the noise levels normally exceed 85 dB(A) is mandatory. The ear protectors must be capable of being worn with other safety equipment.

16.10.4 Signs and symbols for the use of ear protectors shall be posted on the entrance of the machinery spaces. Such symbols must conform to international (IMO, EU) standards.

16.10.5 Ear protectors having the correct level of noise attenuation required for each particular application shall be supplied for each member of the crew who may have to enter the spaces.

16.10.6 Vessels shall not produce any noises (including but not limited to loud music and machinery noises) at levels that are so loud as to cause nuisance to those persons onboard and to others in the vicinity.

16.11 Chemicals

16.11.1 Each crew member shall be given suitable protective clothing and equipment for protection against the effects of corrosive chemicals that may be used for onboard maintenance. This may include special gloves, goggles, eyewash and chemical showers, as applicable.

16.12 Protection from Electric Shock

16.12.1 Main and emergency switchboards shall be so arranged as to give easy access as may be needed to apparatus and equipment, without danger to personnel. The sides and the rear and, where necessary, the front of switchboards shall be suitably guarded. Exposed live parts having voltages to earth shall not be installed on the front of such switchboards.

16.12.2 Non-conducting mats or gratings shall be provided at the front and rear of the switchboards.

16.13 Sea and Harbour Pilots

16.13.1 Should it be necessary for a yacht to take a pilot on board then safe boarding arrangements shall be provided.

16.13.2 Due consideration shall be given to any Port State Requirements in the yacht's trading area.

16.14 Cranes and Other Lifting Appliances

16.14.1 All cranes and lifting appliances onboard shall be marked with the appropriate Safe Working Load (SWL).

16.4.2 During the course of their life service, Cranes and Lifting Appliances shall be dynamically tested on an annual basis and a dynamic overload test of 1.1 times the SWL shall be carried out, at least, once in every five years and the relevant test certificate shall be available onboard. All tests shall be witnessed by a RO.

16.15 Portable Atmosphere Testing Instruments

16.15.1 Every yacht shall carry an appropriate calibrated portable atmosphere testing instrument or instruments. As a minimum these shall be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces.

SECTION 17
MEDICAL STORES

17 MEDICAL STORES

17.1 General

17.1.1 All vessels shall carry adequate medical stores suitable for their area and range of operation.

17.1.2 The Master, or an authorised crew member with adequate medical training in accordance to STCW, shall ensure that any necessary medical attention given on board the vessel is given in the best means possible.

17.1.3 The Master, or an authorised crew member with adequate medical training in accordance to STCW, shall be responsible for the management of the medical supplies and in ensuring that they are maintained in good condition and within their reference expiry date.

17.1.4 Every vessel shall maintain and updated Medical Stores List in which all medical stores are listed and in which any expiry dates are clearly mentioned.

17.1.5 Lifeboats, rescue boats and life rafts shall carry their own medical stores as required by international standards and conventions.

17.1.6 All packaging and relevant containers shall contain clear directions for use and clearly indicate the relevant expiry date(s), as applicable.

17.2 Medical Supplies' Requirements

17.2.1 Medical supplies' requirements, shall comply with the Merchant Shipping (Maritime Labour Convention) Rules, as amended and with the Administration Requirements. At the discretion of the Administration, special considerations may be considered for vessels operating exclusively near shore facilities and/or when the seafarers and passengers do not sleep onboard.

17.2.2 A valid Medical Stores Certificate including the full list of the medical stores and any relevant expiry dates shall be issued by a qualified medical doctor or pharmacist, and shall be kept onboard. The Medical Stores Certificate shall be renewed annually.

17.3 First Aid Kits

17.3.1 Further to the Medical Stores and Medical Equipment mentioned hereabove, all Passenger Yachts shall carry one first aid kit for every 100 persons for which they are licensed to carry.

17.3.2 The first aid kit shall, at least, contain the following items which shall be kept in a separate portable waterproof container:

Item	Quantity Required
- Triangular bandages with sides of about 90cm and a base of about 127cm	4
- Medium Sterile bandages with unmedicated dressings, 10x8cms	6
- Large sterile bandages with unmedicated dressings, 13x9 cms	2
- Extra-large unmedicated dressings, 28cmsx17.5 cms	2
- Medium size safety pins, which do not rust	6
- Assorted adhesive dressing strips medicated BPC	20
- Sterile pads with attachments	2
- Packages each containing 15g sterile cotton wool	2
- Pair of large disposable polythene gloves	5
- Butterfly Closures – Adhesive skin closures approx 5cm length sealed and sterile	19
- Forceps – Epilation with oblique ends, 12.5cm of stainless steel throughout	1
- Scissors (approved medical type) about 18cm, one blade sharp pointed and the other round ended	1
- Thermometer – Ordinary range clinical thermometer, stubby bulb pattern	1
- First Aid Manual (Published by an appropriate Body or Authority)	1

SECTION 18
MARINE POLLUTION PREVENTION, AFS and BWM

18 MARINE POLLUTION PREVENTION, AFS and BWM

18.1 General

18.1.1 All vessels complying with this Code shall meet international, national, regional, local and port state requirements/legislation for the prevention of pollution which are applicable to the area in which the vessel is operating.

18.1.2 The Passenger Yacht shall comply with the applicable Passenger Ship survey and certification requirements in accordance to the MARPOL Convention.

18.1.3 It is the responsibility of the crew and all persons on board the vessel to comply with the applicable requirements of this section at all times.

Requirements for Preventing Pollution of the Sea

18.2 Oil Pollution Prevention – MARPOL Annex I

18.2.1 All vessels are prohibited from discharging unfiltered oily bilge water overboard as defined in MARPOL. Vessels are prohibited from discharging any effluent overboard as required by MARPOL. Tanks of adequate capacity shall be provided for retention of all oil residues and effluent and these tanks shall be emptied only to appropriate shore reception facilities.

18.2.2 Where a vessel is fitted with oil filtering equipment, it shall be ensured that the equipment is Type Approved or Certified and that the calibration and testing of the equipment is carried out at intervals as per the manufacturer's recommendations, but in any case, at intervals not exceeding 5 years.

18.2.3 Passenger Yachts shall be surveyed and certified in line with MARPOL Annex I requirements and shall carry onboard an approved SOPEP Manual. The SOPEP shall also include details about crew training. MARPOL drills are to be carried out in accordance to the drills and training requirements specified in the SOPEP manual (however not less than once every three months) to ensure the effectiveness of the Plan. Records of these drills shall be maintained in the vessel's drill logbook and/or official logbook.

18.2.4 All vessels shall, prior and during cargo and bunkering operations, comply with the applicable requirements of the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations, 1996, as amended.

18.3 Prevention of Pollution by Sewage – MARPOL Annex IV

18.3.1 Passenger Yachts shall be surveyed and certified in line with Marpol Annex IV.

18.3.2 In areas where direct overboard discharge from a water closet is prohibited, dedicated holding tanks of sufficient capacity to store waste for discharge to shore facilities shall be available onboard.

18.3.3 Sewage holding tanks shall be constructed with a sloping bottom arranged such that the outlet is at the lowest point. Ventilation arrangements shall be routed well clear of accommodation and sleeping quarters. Outlets from ventilation shall not be near ventilation or machinery inlets and shall not pose a danger to other vessels alongside. Tanks shall be manufactured from material not susceptible to corrosion in anaerobic decomposition conditions and shall be provided with means to view and/or measure its contents.

18.4 Prevention of Pollution by Garbage – MARPOL Annex V

18.4.1 Disposal of garbage at sea is prohibited, except as otherwise stated under MARPOL Annex V.

18.4.2 All vessels are required to comply with the applicable provisions of MARPOL Annex V. Passenger Yachts shall be provided with a Garbage Management Plan (*) and with a Garbage Record Book (GRB) in the form specified in MARPOL Annex V.

18.4.3 All vessels shall display Garbage Disposal placards which notify the crew and passengers about the appropriate disposal of garbage onboard. Such placards shall be written in English and the working language of the crew.

18.4.4 The master shall maintain a record and receipts of all garbage transferred ashore. Records and receipts shall be kept onboard the vessel for at least 12 months.

(*) *Refer to guidelines for the development of garbage management plans adopted by MEPC resolution MEPC 71(88).*

18.5 Prevention of Air Pollution and Energy Efficiency – MARPOL Annex VI

18.5.1 Each diesel engine ≥ 130 kW installed onboard a vessel constructed on or after the 1st January 2000 shall be issued with an EIAPP Certificate. For vessels constructed before the 1st January 2000, if a diesel engine undergoes or has undergone a major conversion after the 1st January 2000, the engine must hold an EIAPP certificate. Engines used for emergency purposes may be exempted from this requirement.

18.5.2 Passenger Yachts shall be surveyed and certified in line with Marpol Annex VI.

18.5.3 Passenger Yachts having equipment containing Ozone Depleting Substances (ODS) shall maintain an ODS Record book (can be in electronic format) where entries and records of repairs or maintenance of such equipment, recharge and discharge of ODS can be made.

18.5.4 Storage, usage and handling of Fluorinated Greenhouse Gases (F-Gases) shall be carried out in accordance to EU Regulation 517/2014, as amended. The monitoring, recovery and recording of F-Gases is mandatory and this shall be reflected on the onboard maintenance instructions and procedures.

18.5.5 An International Energy Efficiency Certificate (IEEC) is to be issued, as applicable, in accordance to Annex VI.

18.6 Anti-Fouling Systems (AFS) Convention

18.6.1 The use of organotin compounds which act as biocides in anti-fouling systems is prohibited on all vessels. Passenger Yachts shall be issued with an AFS-Certificate in conformance to the International Antifouling System Convention.

18.7 Ballast Water Management (BWM) Convention

18.7.1 Passenger Yachts shall comply with the survey and certification requirements of the Ballast Water Management (BWM) Convention, as applicable, and be issued with an International Ballast Water Management Certificate. A Statement of Non-Applicability shall be issued to Passenger Yachts in cases when the vessel complies with any one of the conditions as stipulated under Article 3.2 of the BWM Convention as follows:

a) ships not designed or constructed to carry Ballast Water;

b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;

c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;

d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to sub-paragraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent of other States; and

e) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

18.8 MARPOL related manuals/plans/booklets to be carried onboard, as applicable

18.8.1
a) SOPEP – Shipboard Oil Pollution Emergency Plan (including Drills Logbook)
b) SEEMP – Ship Energy Efficiency Plan
c) Garbage Management Plan
d) Garbage Record Book
e) ODS/F-Gases Record Book
f) Oil Record Book Part 1

SECTION 19
MANNING AND SEAFARER CERTIFICATION

19 MANNING AND SEAFARER CERTIFICATION

19.1 Minimum Safe Manning Certificate

19.1.1 A Passenger Yacht shall carry onboard a Minimum Safe Manning Certificate issued by the Administration.

19.1.2 Every Passenger Yacht to which this Code applies shall be sufficiently and efficiently manned at all times so that all relevant safety and marine environment protection and security standards can be maintained bearing in mind the other day to day operational requirements of the yacht.

19.1.3 In determining the minimum safe manning scales and requirements for a vessel, consideration will also be given to the vessel's size, power, number of persons, number of passengers, area of operation and the workload likely to be undertaken.

19.1.4 The number of trained seafarers shall always be sufficient to assist the total number of passengers who may be onboard at any one time.

19.1.5 During lay-up periods the number of seafarers may be reduced whilst an adequate and sufficient number of seafarers onboard, that are able to handle emergencies, are kept onboard.

19.2 Seafarer Qualifications and Certification

19.2.1 Qualifications/Certification issued in accordance with the STCW Convention, as amended, are accepted subject to endorsement by the Maltese Administration. Details about recognition of non-Maltese Certificates of Competence for Service on Maltese vessels may be found on Merchant Shipping Notice No.92, as amended (refer to Transport Malta website). Other yacht/ship qualifications may be accepted on a case by case basis, at the discretion of the Administration.

19.2.2 All crew members, including cooks and stewardesses, shall hold a valid medical fitness certificate and a Basic Training Certificate in accordance with STCW Reg.VI/1 or a Certificate, recognised by the Administration, which proves basic training in:

a) Personal survival techniques,
b) Fire Prevention and Fire Fighting,
c) Elementary First Aid,
d) Personal Safety and Social Responsibility,
e) Security Awareness

19.3 Medical Fitness Certificates

19.3.1 Every person applying for employment on a vessel shall provide proof of physical and mental fitness by being in possession of a certificate from a medical doctor attesting that he has passed a medical examination covering in particular visual and auditory acuity, colour vision, mobility of the upper and lower limbs, the neuro-psychiatric state and cardiovascular condition.

19.4 Schedule of Duties

19.4.1 The Master shall ensure that a schedule of duties is drawn up setting out the hours of work for each of the crew. The table of schedule shall show:

a) the schedule of duties at sea and duties in port; and

b) the minimum hours of rest as defined by the Merchant Shipping (Maritime Labour Convention) Rules, as amended.

19.4.2 Changes shall not be made to the schedule of duties unless they can be justified by substantially altered work patterns or other significant factors.

19.4.3 A copy of the schedule of duties shall be made available to all crew members and it will not be necessary to draw up a new schedule of duties for each voyage, so long as it is applicable to the voyage in question and the composition of the crew for whom it was originally intended has not changed.

19.5 Work and Rest Hours

19.5.1 All members of the yacht's complement, including the Master, shall have minimum rest periods and maximum periods on duty (emergencies excluded) in accordance with the provisions of the STCW and Malta Merchant Shipping (Maritime Labour Convention) Rules 2013, as amended.

19.5.2 The Master shall ensure that the work and rest hours are adhered to onboard by suitable arrangements with respect to the assignment of duties and in line with adequate manning levels.

19.5.3 The time and place of rest periods shall be such as to ensure that such periods can be taken in a suitable environment conducive to achieving an effective rest.

19.5.4 As far as practicable and possible, the Master shall schedule emergency drills in such a manner which minimises the disturbance to rest periods.

19.5.5 The Master is responsible for maintaining a record of the actual hours of work performed by the individual seafarer. This record allows verification that the minimum periods of rest have been complied with. In an emergency, or when unforeseen, events occur, changes may be unavoidable. In this case the records shall reflect all deviations from the schedule.

SECTION 20
INSURANCE REQUIREMENTS

20 Insurance Requirements

20.1 Third Party Liability

20.1.1 All vessels shall carry a valid dedicated certificate of insurance for third party liability in respect of:

a) any liability which may be incurred in respect of the death or bodily injury to any person caused by or arising out of the use of the vessel (including, but not limited to: passengers, crew or any other persons engaged on the business of the vessel);

b) any liability which may be incurred in respect of loss or damage to property belonging to any third party arising out of the use of the vessel;

c) salvage and wreck removal cost;

d) pollution damage and costs of preventing or reducing damage resulting from the discharge or escape of dangerous or polluting goods.

20.1.2 The certificate of insurance shall contain the vessel's particulars and any limitations imposed by the insurer.

20.1.3 The certificate of insurance shall be valid at all times during the vessel's period of operations.

20.1.4 Every insurer issuing a certificate of insurance shall keep a record of the issued certificate including the herebelow particulars:

a) the full name and address of the person to whom the policy is issued;

b) in the case of a policy relating to a specified vessel or to specified vessels the registration number of each vessel;

c) the date on which the policy comes into force and the date on which it expires;

d) the conditions subject to which the persons or classes of persons specified in the policy will be indemnified;

e) such records shall be kept for a period of one year from the date of expiry of the policy.

20.1.5 Insurers shall, upon request and free of any charges, provide copies of a certificate of insurance to the Administration.

20.2 Bunker's Convention - Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

20.2.1 Passenger Yachts ≥ 1,000 GT shall carry an appropriate level of insurance covering liability for costs arising from pollution damage following a bunker oil spill from the yacht.

20.2.2 As evidence that adequate insurance cover is in place the owner or operator of the yacht is required to carry a Certificate to this effect issued by the Administration.

20.2.3 The Administration shall issue such a Bunkers Certificate only where it is satisfied that the insurance cover provided is acceptable.

20.3 Nairobi Convention - Wreck Removal Insurance

20.3.1 Passenger Yachts ≥ 300 GT shall carry an appropriate level of insurance covering liability for costs arising from the costs of wreck removal.

20.3.2 As evidence that adequate insurance cover is in place the owner or operator of the yacht is required to carry a Certificate to this effect issued by the Administration.

20.3.3 The Administration will issue such a Wreck Removal Convention Certificate only where it is satisfied that the insurance cover provided is acceptable.

SECTION 21
SURVEYs, AUDITs AND CERTIFICATION

21 SURVEYs, AUDITs and CERTIFICATION

21.1 General

21.1.1 Passenger Yachts covered by this Code shall be surveyed/audited and certified in accordance with the applicable International Conventions, this Code and Administration legislation and requirements, and only if the necessary standards are met, Convention certificates shall be issued.

21.1.2 Passenger Yachts shall be surveyed/audited and certified in accordance with the applicable requirements of the survey guidelines under the IMO Harmonized System of Survey and Certification (HSSC), as amended, and as adopted by Resolution A.1053(27), applicable to Passenger Ships carrying not more than 36 passengers.

21.1.3 Recognised Organisations are authorised by this Administration to perform the required surveys/audits leading to the issuance of the applicable Statutory Certificates for Passenger Yachts.

21.1.4 Only RO Surveyors who are experienced and fully qualified for carrying out surveys/audits onboard Passenger Ships, are authorised to carry out the surveys/audits pertaining to the Passenger Yacht certification.

21.1.5 Recognised Organisations' Surveyors are to follow the relevant Recognised Organisation's own Code of Ethics.

21.1.6 Recognised Organisations shall carry out the surveys/audit and the subsequent reporting without undue delay.

21.1.7 The crew compliment as indicated on the Minimum Safe Manning Certificate shall always be present onboard during the surveys/audits in order to enable the:

a) necessary equipment/machinery to be operated and tested;
b) drills to be carried out by the competent responsible seafarers;
c) personal certification/documentation checks;
d) audits to be carried properly out.

21.2 Statement of Compliance with the PYC Code

21.2.1 Upon the satisfactory completion of all the required surveys/audits, the yacht's RO shall issue a statement confirming compliance with the Malta Passenger Yacht Code (PYC). A copy of this statement shall also be sent to the Administration.

21.2.2 The Passenger Yacht Code Compliance Statement shall:

a) have a validity of 5 years without any requirement for any annual endorsements and shall be renewed thereafter;
b) include a list of equivalencies applied to the Passenger Yacht;

c) include a list of all limitations on the operation of the ship, unless a separate and dedicated List of Limitations is issued to the yacht. The list of limitations shall include details about exemptions, restrictions in operating areas, weather restrictions, sea state restrictions, restrictions in permissible loads, trim, speed and any other limitations, whether imposed by the RO, by the Administration or established during the design or the building stages.

21.3 Statutory Surveys/Audits and Certificates

21.3.1 The Statutory Surveys/Audits that shall be carried out and the Statutory Certificates compliment that shall be issued to a Passenger Yacht are the same as those required for a Passenger Vessel carrying not more than 36 passengers.

21.4 Classification Requirements

21.4.1 All Passenger Yachts shall be designed, constructed, maintained and assigned a Class Notation as a Passenger Ship in compliance with the structural, mechanical and electrical requirements of a Recognised Organisation and the Passenger Yacht shall be classed and be issued with a Class Certificate by a RO. The applicable RO Rules for classification purposes shall be those used for the classification of Passenger Ships.

21.4.2 The use of classification rules for Commercial Yachts and Pleasure Yachts is not permitted.

21.4.3 Traditional Build vessels, built predominantly from timber shall also be Classed. Replica of traditional build vessels constructed of materials other than timber, shall not generally be considered as Traditional Build vessels.

21.5 Occasional Surveys, Surveys following Damage, Surveys following Port State Control, Surveys following Recommendations, Additional Audits and Static Chartering Surveys

21.5.1 Occasional Surveys, Surveys following Damage, Surveys following Recommendations, Additional Audits and Static Chartering Surveys shall be carried out by a RO.

21.5.2 Masters/Owners/Managers are required to contact the RO and the Administration following Damage and/or following a Port State Control Detention. On a case by case basis, the Administration will carry out additional/occasional surveys in order to confirm the validity of the Statutory Certificates.

21.6 Static Charters

21.6.1 Surveys pertaining the approval for Static Charters shall be carried out in accordance with Section 22 of this Code.

21.7 Major Repairs and/or Alterations/Conversions

21.7.1 Major repairs and/or conversions shall be carried out under the supervision of a RO.

21.7.2 Passenger Yachts which undergo a major alteration/modification/conversion, shall follow the requirements of the relevant Convention and Classification Rules.

21.8 Remote Surveys

21.8.1 Remote Surveys may be carried out onboard Passenger Yachts in accordance with pre-agreed and pre-authorised passenger vessels' remote survey procedures with the Administration.

21.9 Change of Ownership or Flag or Class Surveys

21.9.1 Change of ownership surveys, change of flag surveys and change of Class surveys shall have the same scope and extent as to those carried out on Passenger Ships.

21.10 Historical Vessels

21.10.1 Historical vessels shall be surveyed by a Recognised Organisation acting under the direction of the Administration.

21.11 Suspension and Withdrawal of Certificates

21.11.1 The requirements of the applicable Convention, the Administration Requirements and the Classification Rules shall apply.

21.12 Tonnage Certificate (Vessels to which this Code applies)

21.12.1 An Appointed Surveyor or a Recognised Organisation shall carry out the necessary measurements and issue a Tonnage Certificate.

21.13 Minimum Safe Manning Certificate

21.13.1 The Minimum Safe Manning Certificate shall be kept on board the vessel at all times. Minimum Safe Manning Certificates are issued only by the Administration.

21.14 Exemption from certain Regulations or Requirements

21.14.1 Exemptions from the application of specific Regulations and/or Requirements may be issued only at the sole discretion of the Administration. An authorisation from the Administration is required prior to the issuance of any Exemption Certificate.

21.15 Tenders and Ancillary Craft

21.15.1 Tenders and other Ancillary Craft shall also be surveyed in conjunction with the mother vessel. Tender(s) details and survey outcome shall be duly included in the survey report and the tender(s) shall be mentioned on the vessel's Class Survey Status.

21.16 List of Recognised Organisations (ROs)

21.16.1 A list of all ROs may be found on TM's website: www.transport.gov.mt

SECTION 22
GUIDELINES FOR STATIC CHARTERING OF PASSENGER YACHTS

22 Guidelines for the Static Chartering of Passenger Yachts

22.1 The guidelines for the Static Chartering of Passenger Yachts have been issued in order to present a practical, safe and homogeneous approach to this ever-growing market sector.

22.2 These guidelines are applicable to registered Passenger Yachts flying the Malta Flag.

22.3 It is to be pointed out that the Master/Owner is fully responsible at all times for all the persons onboard the yacht.

22.4 In the event that the Passenger Yacht will remain static; berthed or anchored at sea, the yacht may be allowed to carry more than 36 passengers in line with the requirements and the process set out in these guidelines.

22.5 For a Passenger Yacht to be able to be chartered on a static basis, the yacht shall be issued with a Statement by Transport Malta, allowing Static Charters to be held onboard. For this statement to be issued an application shall be made to the Yachting Section of the Merchant Shipping Directorate and the application shall include

I. details of the Passenger Yacht including name and official number;
II. the maximum number of persons planned to be carried onboard during a static charter;
III. the total number of crew and other staff (non-passengers) planned to be carried onboard during the static charter;
IV. a risk assessment, carried out by a Recognised Organisation. The risk assessment shall identify all risks associated with the yacht being chartered on a static basis, when berthed and when anchored at sea and shall include recommendations about any necessary mitigating measures;
V. confirmation from a RO verifying that the yacht's approved Stability Booklet includes a loading condition calculated taking into consideration the maximum number of persons carried onboard and any additional ancillary equipment utilised during the static charter. This loading condition shall also include the possible shifting of all persons to one side of the highest deck of the yacht altogether at the same time (crowding), and shall comply with the requirements for Passenger Ship Intact Stability, Damage Stability and for Minimum Freeboard;
VI. the availability of adequate insurance coverage;
VII. confirmation from Master/owners/managers that the yacht shall abide by the following conditions and requirements whenever a Static charter is planned to be carried out:
    a) the necessary lifesaving appliances, namely lifejackets and liferafts, are provided for the total number of persons onboard during a static charter when the yacht is anchored at sea;

b) at least, two means of escape shall be available from the yacht during a static charter held alongside at berth;
c) the crew shall be adequately trained and an evacuation drill shall be carried out prior to the commencement of the static charter;
d) the port authorities shall be notified about the event, beforehand;
e) the yacht shall remain static throughout the event and shall not navigate/cruise if more than 36 passengers are onboard (tender boats may be used to convey any additional persons).
f) static charters at anchor shall only be undertaken in good weather conditions and the yacht shall remain static within 1 mile from the coast and within 5 miles from a safe haven;
g) during static charters, at sea, any tender boats shall remain standby for the full duration of the charter.

22.6 Subsequent to the satisfactory review of the static charter application, the yacht will be issued with a Statement by Transport Malta, allowing static charters to be held onboard. The Statement will have an indefinite validity subject that the conditions and requirements set out in these guidelines remain unchanged and subject that the Passenger Ship Safety Certificate (PSSC), the other applicable Statutory Certificates and the Classification Certificate remain valid and no periodical surveys are overdue.

22.7 Whenever a Static Charter is planned the Master/owners/managers shall inform the local port authorities and send a notification utilising Form MSD_PYSTATINF to the Yachting Section of the Merchant Shipping Directorate (yachtsmalta.tm@gov.mt), at least 48hrs in advance.

SECTION 23
HELICOPTER LANDING AREAS (HLAs)

23 Helicopter Landing Areas (HLAs)

23.1 General

23.1.1 The design, construction and operations of helicopter landing areas (HLAs) and hangar arrangements onboard large yachts is widely recognised by the marine industry as being a heavily regulated and technically challenging topic. In this regards special consideration shall be taken in order to fully address the relevant requirements and regulations. In all cases a documented detailed risk analysis shall be carried out by a Recognised Organisation (RO) having the expertise and qualifications to do so. The risk analysis shall include both the HLA's physical installation and its related appliances/equipment and also the HLA's operations. The risk assessment shall establish the possible hazards and risks associated with the operation of each helicopter type that is planned to land/take-off on the yacht in question. The risk analysis of the operational aspects of the HLA shall include, at least: Landing and securing; Preparing for take-off and taking off; Unloading of passengers, baggage and stores; Refuelling and Securing and Safe movement of personnel. Mitigating measures shall be established and implemented onboard. The maximum weather conditions and any affecting environmental effects in which the helipad may be utilised shall be clearly identified, specified and documented.

23.1.2 When the yacht's RO is not experienced and qualified to carry out risk analysis involving the HLA's operations, the RO, in agreement with the owners/operators, shall appoint an experienced, qualified and recognised Aviation Inspection Body (AIB) operating under the RO's supervision. Recognised AIBs appointed by the ROs shall be AIBs which are adequately experienced and qualified and shall also be recognised and utilised by other prominent Administrations involved in the Commercial/Passenger Yacht industry.

23.1.3 The helicopter operator is responsible for ensuring that the requirements of the Administration with which the helicopter is registered and the requirements of the Administration responsible for the airspace in which the helicopter is operating are fully complied with.

23.2 HLAs shall meet the below requirements:

1. The International Civil Aviation Organisation (ICAO) Annex 14 the convention of International Civil Aviation, as amended;
2. Applicable SOLAS requirements such as, but not limited to, SOLAS Ch.II-2;
3. The standards of the ICAO Annex 14, as amended shall be followed, where applicable, for purpose built shipboard heliports including those located in the bow or stern of the yacht.
4. RO rules with respect to the design and relevant structural strength of the HLA;

23.3 HLA Construction

23.3.1 In general, the helideck construction shall be of steel or other equivalent materials. The underside of the helideck in way of all enclosed spaces shall be insulated to A-60 Class.

23.3.2 In specific cases where due to the yacht's design and operational requirements helidecks are constructed using aluminium or other low melting point metals which are not made equivalent to steel then the following provisions shall be met:

1. The underside of the helideck in way of all enclosed spaces shall be insulated to A-60 Class;

2. Any glazed openings in exposed locations immediately forward/aft of and/or below the helideck shall be adequately protected and shall also be fire rated;

3. Subsequent to any fire on the yacht or on the HLA, the landing platform shall be subject to a thorough structural analysis and to the required tests in order to determine the HLA's suitability for further use.

23.4 HLA Fire Fighting Appliances

23.4.1 The helideck shall be equipped with the below fire-fighting appliances, which shall be located in close proximity to the helideck and be stored near the access point to the helideck:

1. At least two trolley portable dry powder extinguishers having a total capacity of not less than 45 kg;

2. CO2 portable fire extinguishers having a total capacity of not less than 18 kg;

3. Two sets of fire-fighter's outfits;

4. The following equipment shall be stored in a manner that provides for immediate use and protection from the elements:

a) adjustable wrench;
b) fire resistant blanket;
c) 60cm bolt cutters;
d) hook, grab or salving;
e) heavy duty hacksaw, complete with 6 spare blades;
f) ladder;
g) lift line 5 mm diameter × 15 m in length;
h) side cutting pliers;
i) set of assorted screwdrivers; and
j) harness knife complete with sheath.

5. A foam fire-fighting appliances/system complying with the provisions of the Fire Safety Systems Code (FSS) Code Chapter 17;

23.4.2 Drainage facilities in way of helidecks shall be constructed of steel and shall lead directly overboard independent of any other system and shall be designed so that drainage does not fall onto any part of the yacht.

23.4.3 Passenger Yachts having their keel laid before the coming into force of this Code may comply with the below foam fire-fighting appliances' requirements in lieu of those prescribed in Section 23.4.1.5:

23.4.3.1 A foam application system consisting of monitors or foam making branch pipes or Deck Integrated Pop-up Nozzles (DIFFS) capable of delivering foam to all parts of the helideck in all weather conditions in which helicopters can operate and which shall be capable of delivering a discharge rate as required in Table H for at least five minutes. The foam application system shall, in general, meet the following criteria:

a) The principal foaming agent shall be suitable for use with salt water and conform to the IMO performance standards;

b) At least two nozzles of an approved dual-purpose type (jet/spray) and hoses sufficient to reach any part of the helideck;

Category	Helicopter Overall Area	Discharge rate of foam solution (l/min)
H1	< 15m	250
H2	≥ 15m & < 24m	500
H3	≥ 24m & < 35m	800

Table H – Foam Discharge rate for Passenger Yachts having keel laid before the entry into force of this Code

23.5 Access Points and Means of Escape

23.5.1 Special attention shall be taken as many helicopters have passenger access on one side only and, as such, the helicopter landing orientation in relation to landing area access points becomes important because it is necessary to ensure that embarking and disembarking passengers are not required to pass around the helicopter tail rotor, or under the front of the main rotor of those helicopters with a low profile rotor, should a 'rotors-running turnaround' be conducted. It is always preferable and recommended that helicopter passengers are embarked/disembarked when the rotors are in a stationary position.

23.5.2 There shall be a minimum of two access/egress routes to the HLA and these shall be as widely separated as possible. The arrangements shall be optimised to ensure that, in the event of an accident or incident on the HLA, personnel shall be able to escape upwind of the landing area. Adequacy of the emergency escape arrangements from the HLA shall be included in any evacuation, escape and rescue analysis for the yacht, and may require a third escape route to be provided.

23.5.3 Where foam monitors are located adjacent to access points, care shall be taken to ensure that no monitor is so close to an access point as to cause injury to escaping personnel by operation of the monitor in an emergency situation.

23.5.4 Where handrails associated with landing area access/escape points exceed the height limitations given by ICAO Annex 14, they shall be retractable, collapsible or removable. When retracted, collapsed or removed the rails shall not impede access/egress. Procedures shall be in place to retract, collapse, or remove them prior to helicopter arrival. Once the helicopter has landed, and the crew has indicated that passenger movement may commence, the handrails may be raised and locked in position. The handrails shall be retracted, collapsed, or removed again prior to the helicopter taking-off.

23.5.5 A helideck shall be provided with both a main and an emergency means of escape and access for fire-fighting and rescue personnel. These shall be located as far apart from each other as is practicable and preferably on opposite sides of the helideck.

23.6 HLA Operations Manual

23.6.1 Each HLA facility, including any refuelling and hangar facilities, shall have an HLA Operations Manual, including a description and a checklist of safety precautions, procedures and equipment

requirements. This manual may be part of the yacht's emergency response procedures. All relevant operational restrictions, limitations and the maximum helicopters' size and weight and 'D' values, the yacht is designed to carry, shall be included in the HLA Operations Manual.

23.6.2 The procedures and precautions as detailed on the HLA Operations Manual shall be followed during refuelling operations.

23.6.3 Fire-fighting personnel, consisting of at least two persons trained for rescue and fire-fighting duties, and fire-fighting equipment shall be immediately available at all times when helicopter operations are expected.

23.6.4 Onboard HLA operations and HLA fire-fighting refresher training shall be carried out and additional supplies of firefighting equipment shall be provided for training and testing of the equipment. All crew onboard shall be trained and familiarised with helicopter operations.

23.7 Yacht's HLA linked Equipment and Instrumentation Requirements, Reporting and Recording

23.7.1 All yachts shall be provided with calibrated means of measuring, reading, ascertaining and reporting the following, at any time:

a) Movement of the vessel to deduce 'Roll', 'Pitch', and 'Heave';
b) Wind speed and wind direction using aviation approved equipment meeting ICAO standards;
c) Air temperature;
d) Barometric pressure using aviation approved equipment meeting ICAO standards;
e) Visibility, cloud base and cloud cover; and
f) Sea state.

23.7.2 Yachts fitted with HLAs shall carry the necessary support equipment in connection with helicopter operations, and these shall include:

a) Chocks and tie-down strops;
b) Equipment for clearing the HLA from snow and ice;
c) An emergency power source for starting helicopters;
d) One aeronautical frequency radio.

23.8 Helicopter Hangar Facilities

23.8.1 Onboard helicopter hangars shall be considered as being machinery spaces of Category A, with regards to escapes, structural fire protection, fire detection and fire-suppression/extinguishing (both fixed and portable).

23.8.2 The requirements regarding onboard fuel storage and ventilation shall also be applicable to hangar spaces.

23.8.3 Helicopter hangar(s) onboard shall be positioned so as to preclude excessive movement and acceleration forces to the helicopter.

23.8.4 It is recommended that CCTV is used to ensure the visibility of the helicopter at all times.

23.9 Aviation Fuel Storage, Handling and Movement

23.9.1 Onboard systems and equipment dedicated to the storage, handling and movement of aviation fuel including refuelling shall be approved by a RO.

23.9.2 Remote shutdowns shall be installed on storage, handling and fuel movement systems.

23.9.3 Means shall be provided for keeping deck spills away from accommodation and service spaces.

23.10 Non-commercial 'Touch & Go' Helicopter Operations

23.10.1 Yachts whose helideck will solely be used by owners for non-commercial operations, aka 'Touch & Go' operations shall also meet all the requirements as set out in this Code. HLAs fitted on yachts, not complying with the requirements set out in this Code, shall have the HLA put 'Out of Service' and the space shall be treated as nothing more than an open deck space.

SECTION 24
PASSENGER YACHTS ENGAGED IN RACES

24 Passenger Yachts Engaged in Races

24.1 Passenger Yachts may be allowed relaxations to certain requirements of the Code during races and/or during the transfer voyages to and from the race location.

24.2 The RO shall by duly informed when the Passenger Yacht is transferring for a race and/or taking part in a race.

24.3 A risk assessment shall be carried out and the necessary mitigating measures shall be implemented.

24.4 The RO shall issue a Statement attesting that a risk assessment has been carried out and shall provide details about the mitigating measures put in place. The RO Statement shall also include confirmation that the Passenger Yacht meets basic safety and integrity standards and is fit for carrying out the race and/or transfer voyage. The RO Statement shall also contain details about the relaxations to the requirements of the Code and/or to the International Conventions. A copy of the RO Statement shall be sent to the Administration.

24.5 Any person on board is to be clearly informed of any relaxations to the requirements of the Code and/or to the International Conventions for the duration of the race and/or the transfer voyage.

24.6 It remains the responsibility of the Owner/Master/Agents of the yacht to have the persons on board covered by a valid insurance policy for the duration of the race and the relevant transfer voyage.