



## Adoption of the UK Merchant Shipping Regulations for Small Vessels in Commercial Use

The Falkland Islands Maritime Authority (FIMA) are opening a public consultation for the adoption of the UK Merchant Shipping (Vessels in Commercial use for Sport or Pleasure) Regulations (SI 1998/2771).

This consultation will be open from 2<sup>nd</sup> May 2022 until 31<sup>st</sup> May 2022 to give members of the public an opportunity to ask any questions they may have about the codes listed below.

The adoption of these regulations will drive up standards and ultimately improve the safety of the vessels and those who use them.

The Codes we are looking to adopt are the following:

- **The Yellow code** – Code of practice for the safety of small motor vessels (24m or less) in commercial use for sport or pleasure which do not carry cargo or more than 12 passengers.
- **The Blue code** – Code of practice for the safety of small sailing vessels (24m or less) in commercial use for sport or pleasure which do not carry cargo or more than 12 passengers.
- **The Red Code** - Code of practice for the safety of small motor vessels (24m or less) in commercial use for sport or pleasure operating from a nominated departure point which does not carry cargo and does not carry more than 12 passengers.
- **Large Yacht Code** – A code of practice for large commercial sailing and motor yachts.



### Is my vessel operating commercially?

If your vessel does not meet the definition of 'pleasure vessel' then it will be subject to commercial vessel regulation.

A pleasure vessel must only be used for the sport or pleasure of the owner and their friends and family. In the case of a company-owned vessel it can only be used for the sport or pleasure of the employees and officers and their friends and family. The owner must not be paid for operating the vessel or carrying people.

### What if my vessel is being used 'commercially'?

A vessel operating commercially at sea needs to be appropriately certificated and manned. If your vessel is less than 24 metres long and carries no more than 12 passengers, it will be deemed a 'Code Vessel' and can be issued a small code vessel certificate. The thrust of the code requirements is one of safety and code vessels are regularly surveyed and inspected.

The code defines differing areas of sea operations; the further out to sea you intend to go the more requirements are placed on the vessel.

- Category 6 - Within 3 miles of land and not more than 3 miles radius from either the point of departure to sea or the seaward boundary of protected waters
- Category 5 - Up to to 20 miles from a nominated departure point, in favourable weather and in daylight
- Category 4 - Up to 20 miles from a safe haven, in favourable weather and in daylight.
- Category 3 - Up to 20 miles from a safe haven.
- Category 2 - Up to 60 miles from a safe haven.
- Category 1 - Up to 150 miles from a safe haven.
- Category 0 - Unrestricted service.



**I use my vessel for private use, but on the odd occasion I take people out whale watching. Do I need to get my vessel coded?**

Yes, if the boat is used even once a year for any activity where payment is received, then the vessel will require coding.

**I have a vessel which I use to take my friends and family out around the Falklands. Does this mean I need to code my vessel?**

If the vessel is used solely for the sport and pleasure of the owner and their friends and family, there is no requirement to code your vessel under the regulations.

**I have been using my boat for many years, why do I now need to get my vessel coded?**

There is an identified gap in Falklands Legislation whereby substandard small commercial vessels could be utilised for commercial work within Falkland Island waters, thereby presenting a hazard to the safety of personnel on the vessel and the wider Falkland Islands.

**What happens if I don't code my vessel?**

If you wish to continue using your vessel commercially, coding will be required under Falkland Islands Law. Operators will be given ample time for the phasing in of the new regulations. If they are unable to meet these requirements after the phasing in period, the vessel will be liable to be detained under section 284 of the Maritime Ordinance 2017.

**What is the benefit of having a coded vessel?**

The coding of small commercial vessels in the Falkland Islands will become a requirement to ensure safe standards are met for the safety of the vessel and those who use it.



## What will the surveyor look at when coding my vessel?

When the relevant paperwork has been completed and a surveyor visits your vessel they will conduct an in water and out of water survey. They will also concentrate on the following:

- Construction
- Machinery
- Navigational & communication equipment
- Area of operation
- Examination of the vessel
- Lifesaving and fire-fighting appliances
- Manning levels and qualifications

## Does the Falkland Islands Maritime Authority provide a Surveyor to survey my vessel?

FIMA has agreements in place with two certifying authorities; MECAL and SCMS. Both organisations can provide a recognised surveyor to undertake initial and renewal surveys.

It is the responsibility of the vessel owner to make all arrangements with the certifying authority for vessel coding.

## How long do I have before I need to get my vessel coded?

There will be a phasing in period of new codes. This will be for a period of 12 months following the adoption of regulations. This will allow sufficient time for owners to ensure their vessels are compliant and to arrange survey.

## How often will I need to get my vessel inspected?

This will depend on the type of vessel and code used. Full details can be found in the applicable code.



APPLICATION PROCESS FOR SCV SURVEY

