

Malta Implements a New Passenger Yacht Code: More Than Twelve Passengers

Malta is a well-known and popular jurisdiction within the yachting sector. It has the largest shipping register of vessels in the EU and the 6th largest in the world.

20th September 2021

Background

Malta is a well-known and popular jurisdiction within the yachting sector. It has the largest shipping register of vessels in the EU and the 6th largest in the world. It is also a jurisdiction that is 'leading the way', with a number of initiatives in this sector.

Current Obligations

Yachts need to meet obligations for 'commercial passenger ships' and it is widely recognised when considering the operational pattern and risk profile of yachts, that these requirements, are in some instances disproportionately onerous and impractical in terms of design and implementation.

As the trend for larger commercial yachts increases, the 12 passenger limitation rule has become more problematic and has resulted in an increase in administration for a number of organisations, including the Malta Merchant Shipping Directorate. This, combined with encouragement from the yachting industry, has provided impetus for Malta to develop the 'Passenger Yacht Code', to meet industry demands.

The Malta Passenger Yacht Code

The Malta Passenger Yacht Code is applicable to passenger yachts, which carry between 12 and 36 passengers, do not carry cargo, and which sail internationally. The Code is intended to cater exclusively to the yachting sector of the market, it is not

intended to apply to the excursion and/or ferry passenger sectors of the industry.

The new yacht code has been drafted by the Authority for Transport in Malta, in consultation with various industry stakeholders including; yacht designers, yacht builders, repair yards, specialised service providers and manufacturers, appointed surveyors and recognised organisations. This has been to ensure a wide representation of the industry.

Details of the Malta Passenger Yacht Code

A passenger yacht must be; surveyed, certified, audited and issued with Class and Statutory Certificates, applicable to passenger vessels, by a recognised organisation. Class Rules relating to passenger vessels will apply. Approval staff, auditors and surveyors must be experienced and qualified in passenger ship planning, audits, and surveys.

The Malta Passenger Yacht Code provides addition regulation, in particular in relation to safety, for example; life- saving appliances and arrangements, life at sea safety, navigation safety, and protection of personnel.

Passenger Yachts Chartered on a Static Basis

Where a passenger yacht remains static; berthed or anchored at sea, the yacht may be allowed to carry more than 36 passengers, as provided for in The Malta Passenger Yacht Code. For a passenger yacht to be able to be chartered on a static basis, the yacht would need to be issued with a statement by the Flag Authority, permitting static charters.

The Certification Process

Once owners submit the necessary documentation and complete the designated survey and inspections, the Maltese Flag Authorities will issue the vessel with a Statutory Certificate.

All passenger yachts must, in addition, be classified by a Recognised Organisation (RO), and must maintain a valid classification throughout the validity period of the yacht's statutory certificate. The applicable RO Rules for classification purposes are those used for the classification of passenger ships. Upon satisfactory completion of the required surveys or audits, the yacht's RO needs to issue a certificate, confirming compliance

with the Malta Code.

Passenger yachts certified under the remit of the Code may carry out International (Unrestricted) Voyages or Short International Voyages, as defined by The International Convention for the Safety of Life at Sea (SOLAS).

Advantages of the Malta Passenger Yacht Code

The introduction of the Malta Passenger Yacht Code is a welcome development for those who plan to register larger commercial yachts under the Malta flag. It enables larger yachts to carry between 12 and 36 passengers.

It offers a solution to the many technical issues and concerns which were previously faced by prospective registrants.

Additional Information

If you would like further information regarding the registration of a yacht and opportunities available through Malta, please speak to [Jonathan Vassallo](mailto:advice.malta@dixcart.com): advice.malta@dixcart.com, at the Dixcart office in Malta or your usual Dixcart contact.