

Registration of a yacht under the Maltese flag

As a prelude to Permanent Registration, one would first apply for the Provisional Registration of a yacht under Malta flag. The following criteria need to be fulfilled:-

- I. Given that it is planned that the yacht's owner is to be a Maltese registered company, the same will be required to submit a certified true copy of the Company's Memorandum and Articles of Association with the Registrar of Shipping.
- II. An application is then submitted for registration to the Registrar of Shipping. The application would be prepared based on the yacht's specifications. It is recommended that the yacht's proposed name is reserved with the Registry of Shipping prior to the commencement of the registration. The name will be reserved for a period of three months (free of charge). After the acquisition of the yacht by the Company, a copy of the Bill of Sale will be filed together with a Declaration of Ownership.
- III. Once the above has been fulfilled, the Registrar of Shipping will have to be informed of the yacht's radio equipment (make and type, serial number of the yacht's radio equipment) or alternatively provide the Registrar with a copy of the yacht's radio report if this is available at the time of provisional registration so that the Registrar can determine whether the yacht falls within the G.A. Regime. If this is the case, there will be no requirement for the yacht to apply for a radio license and an exemption will be issued on the basis of the radio survey report endorsed by a recognized classification society or approved radio surveyor.
- IV. Given that the yacht is over 24metres in length, a declaration pertaining to the yacht's anti-fouling system in accordance with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships is to be completed by the owner/manager and submitted to Transport Malta. Payment of the applicable Transport Malta fees for provisional registration is to be affected.
Please advise if the yacht is not free from encumbrances (including mortgages).
- V. Provisional registration remains valid for a period of six months, which can be further extended by another six months. Extension of provisional registration normally takes place for a period of three months, followed by a further two months and finally a one month period. During the provisional registration of the yacht, the following documents require to be obtained in order for permanent registration to take place:
 - a) Original Bill of Sale (duly witnessed);
 - b) Carving and Marking Note, dated, signed and stamped by an authorized surveyor or recognized Classification Society;
 - c) Certificate of Survey issued by an authorized surveyor or recognized classification society;
 - d) Original Deletion Certificate from previous registry.

Note

Yachts over 24 meters in length are also required to provide a Class Certificate and International Tonnage Certificate issued by a recognized classification society.



COMMERCIAL REGISTRATION OF A YACHT IN MALTA

Maltese law is very advantageous for the operation of Commercial yachts. In fact, the Commercial Yacht Code gives the opportunity to yacht owners to have their yachts registered under the Malta flag as a commercial vessel which therefore enables them to pay an annual tonnage tax on the tonnage of their yacht instead of income tax on earnings with savings made on building and operational costs.

The Maltese Commercial Yacht Code regulates the registration of all commercial yachts starting off from a minimum length of 15metres and having a maximum of 2999GT. The Maltese Commercial Yacht Code is intended to regulate Maltese flagged yachts carrying not more than twelve passengers and being operated for commercial purposes as from 1st January, 2011.

Enclosed is a list of the requirements for the commercial registration of a yacht and issuance of the relative Certificate of Compliance:-

- I. An inspection report and radio report will be required. The inspection report is to be carried out and endorsed by a recognized classification society or approved surveyor, whilst the latter should be carried out and endorsed by a recognized classification society or approved radio surveyor.
- II. Once the above have been provided to Transport Malta, the commercial yacht department will review the documentation. If no safety related items are flagged in the reports, commercial registration should take around five working days. Should there be any non- safety related items flagged in the reports, the Maltese Ship registry usually gives a time- frame within which these matters are to be rectified.
- III. Crew certification is subject to the yacht's length and gross tonnage. Transport Malta recognizes training and certificates issued by most of the reputable training establishments in accordance with the STCW Convention and every crew member should be in possession of a valid medical fitness certificate. Please note that there are no restrictions on the nationality of the crew.
- IV. Given that the yacht is over 24metres in length but less than 500GT, additional requirements are to be submitted to the Registrar of Shipping:-
 - a) A copy of the Load Line Certificate issued by a recognized Classification Society or approved government surveyor;
 - b) A copy of the International Tonnage Certificate issued by a recognized Classification Society;
 - c) A copy of Certificate of Class issued by a recognized Classification Society;
 - d) An application for minimum safe manning submitted by owners/managers. The application will be subject to such factors as the yacht's gross tonnage, propulsion, type of construction, equipment and nature of areas of operation including the environmental conditions and time of year;
 - e) As the yacht is over 400GT, a copy of the International Oil Pollution Prevention (IOPP) Certificate issued by a recognized Classification Society or approved government surveyor will be required.



Global reach
Local knowledge

V. Yachts can also be granted the Green Yacht Notation which affirms that the boat operates at extra cleanliness and safety standards. Yachts with such a notation reap various benefits, including charter preference, continuous improvement, better image and motivation and pride of crew.

NOTE

Since the yacht is less than 500GT, it is not mandatory for the yacht to be certified in line with the Maritime Labour Convention which will enter into force on the 28th August, 2013. However, the yacht's specifications must comply with the Convention. It is therefore Transport Malta's recommendation that the yacht is certified in line with the Convention. We suggest that this matter be taken up with the surveyor to ensure that if the owner chooses not to certify the yacht in line with the Convention, there will be no issues hindering the operation of the yacht for commercial purposes.

What are the advantages of the Maltese flag?

- The Maltese flag is recognized globally (*Malta currently possesses the 6th largest shipping register in the world*);
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- European flag with long maritime tradition;
- A dynamic administration with IMO/EU proactive participation;
- Malta is on the White List of the Paris MoU (*Malta is 1 of only 4 maritime registries to attain the highest quality ranking in 2006 following Paris Memorandum Port State Inspections*);
- Yachts can be registered under the name of legally constituted corporate bodies, irrespective of nationality;
- No restrictions on the sale or mortgaging of Maltese registered yachts and super yachts;
- Hulls may be mortgaged separately;
- Attractive yacht finance possibilities offered by reputable Maltese banks;
- Malta currently has 6 marinas catering for different yacht sizes up to 100m, and the Maltese Government is currently tendering the construction of another marina which will be the largest to date;
- High quality, specialised yacht care services;
- No nationality restrictions for master, officer and crew;
- Technical assistance to applicants;
- A flat organization structure with direct access to the decision makers, offering 24/7 service in respect of urgent matters;
- Marriages can be officiated on-board Maltese ships.