



## MARITIME (LARGE YACHTS) RULES, 2014 NO.1

155/14

18 December 2014

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#### 1 Title and Commencement

- (1) These Rules may be cited as the Maritime (LYC) Rules.
- (2) These Rules will come into force on the day after notice of their making is given in the Gazette.

#### 2 Interpretation – In these rules, -

“Act” means the Maritime Transport Act 2008;

“Administration” for the purposes of Flag State matters means the Administrator appointed under the Ship Registration Act 2007 for the time being and for the purposes of Port and Coastal State matters means the Ministry of Transport or such other entity of the Cook Islands Government that has competency;

“LY3” means, The Large Commercial Yacht Code contained in UK Merchant Shipping Notice (MSN 1851 (M)), as amended from time to time;

“C I Large Yacht Code” means Cook Islands Code of Practice Large Yachts (≥24 meters) published on the Maritime Cook Islands web site;

“Registrar” means the Registrar of Ships appointed under section 11 of the Ship Registration Act, 2007;



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“Vessel” means any vessel to which the LY3 or C I Large Yacht Code applies;

“Existing Vessel” means, notwithstanding the definition of existing vessel in LY3, a commercial yacht of more than 24 meters in length that was registered on the Cook Islands Ship Register on 1 July 2014 and continues to be registered.

- 3 Purpose – The purpose of these Rules is to –
  - (1) Implement LY3 and the CI Large Yacht Code for Cook Islands registered yachts  $\geq 24$  meters in length;
  - (2) Enforce compliance with LY3 and the CI Large Yacht Code by way of investigation and enforcement under the Act.
  
- 4 Maritime & Coastguard Agency Merchant Shipping Notice MSN 1851 (M) (LY3) and Cook Islands Code of Practice Large Yachts ( $\geq 24$  meters) are incorporated by reference – The LY3 is incorporated into and forms part of these Rules. Cook Islands Code of Practice Large Yachts ( $\geq 24$  meters) is incorporated into and forms part of these Rules.
  
- 5 Application – These Rules shall apply to a vessel and the vessels owner and master to the extent that the LY3 or CI Large Yacht Code applies to that vessel, the owner or the master. The owner of a vessel must elect whether they wish to comply with LY3 or CI Large Yacht Code.
  
- 6 Compliance with LY3 or CI Large Yacht Code –
  - (1) Where the LY3 or CI Large Yacht Code provides for the manner in which the vessel, the vessel owner and master are obligated to comply then the vessel, the vessel owner and master must comply in the manner provided by the LY3 or CI Large Yacht Code.
  - (2) If the LY3 or CI Large Yacht Code does not provide for or there is uncertainty about the manner in which the vessel, the vessel owner and master are obligated to comply then the vessel, the vessel owner and master are obligated to comply in the manner directed by the Registrar from time to time.



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- 7 Non-Compliance – A person who fails to comply with either of Rules 6 (1) or 6 (2) commits an offence against the Act, and is liable to prosecution under the Act.
- 8 Amendments to LY3 or CI Large Yacht Code
- (1) Except as provided by Subclause (2) all amendments to the LY3 from time to time are incorporated into these Rules;
- (2) The Minister may by notice in the Gazette exclude from these Rules any instrument amendment or modification which but for the notice would be incorporated into these Rules under Subclause (1).
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