



## The International Council of Marine Industry Associations' (ICOMIA) Guide for Large Yachts<sup>1</sup> Carrying Out Maintenance Work in Marinas

### Purpose

Due to the increase in the large yacht fleet, this guidance note has been prepared to advise marina operators, yacht owners and their captains and managers about large yacht maintenance and repair work in a marina.

### General Principles

- Yachts must be ready to be 'put to sea' at all times – therefore no work should be started that could prevent this
- *"Your rights end where your neighbour's begin"* – maintenance work must not affect other yachts or marina facilities nearby
- Beware of minor jobs that become major works – if a maintenance task was started onboard a self-sufficient vessel, (in a normal berth, in a marina or port), it would be practically very difficult to stop work if a serious problem was found - shutting down the vessel's machinery, for example, or removing a fitting which blocks an access could turn out to be much more serious than first thought. It might cancel a current warranty programme, and it could mean a new level of risk, such as interfering with 'dead ship' regulations which are made on a port or flag basis. Or increased chance of explosion through unmonitored development, or unexpected grinding or hot work.

### What is normal work?

This list does not include all possibilities, but describes normal work that may be carried out on a large yacht in a marina:

- Preventative maintenance by the crew of hull, fittings, equipment and systems
- Small repairs
- Small paint repairs
- Small sanding work (with vacuum sander)

### Examples of maintenance work that should **not** be carried out afloat in a marina

- Working in small confined spaces
- Major servicing of main equipment such as main engines, generators, rudders and electrical systems - which may lead to taking a vessel's systems apart

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<sup>1</sup> Greater than 24M (Load Line Length)

- Working on areas of the vessel which are underwater – which may involve diving work
- Hot work (welding or grinding)
- Work inside tanks
- Significant paint work that requires scaffolding and a tent
- Work with harmful or toxic materials involving gases, their exposure to the human body, toxic emissions and controlled waste
- Class inspections for charter yachts

### **What are the potential consequences of ignoring this guidance?**

#### For the marina

Most marinas are required to have an Environmental Permit. This could limit certain activities, and most importantly not allow the use of certain types of pollutant.

Health and safety authorities govern activities and facilities shore-side - around the ports and marinas. If there was an accident onboard a yacht, a full investigation would take place to see if the port or marina had obeyed the safety laws.

Allowing work that breaks that Environmental Permit and/or the Health and Safety Regime risks the marina economically. It may lead to legal liability and potential criminal consequences and in extreme cases include the marina losing its concession.

Many of Europe's marinas have joined the voluntary 'Blue Flag' scheme. To join 'Blue Flag', marinas must obey and comply with all environmental regulations, which include the rule that all repair work must take place in designated areas. The loss of 'Blue Flag' status is a risk for any marina - for work being done in a berth.

Fire regulations and fire permits will also affect the work allowed in marinas, with potential criminal consequences if a fire causes severe damage to person and/or property or causes pollution.

#### For the Yacht Owner and Captain

##### **Legal**

- Health and Safety issues; Maintenance and repair work mean a greater risk of accidents. While a ship is on the high seas it is governed by the law of its flag registry. Normally, inside territorial waters (port state) the vessel must obey the laws of the port state - in addition to the laws of its flag. This includes health and safety and environmental laws.
- In the event of any accident which risks the life or health of any person, (crew member or not), the shore-side police and health and safety authorities could investigate the event. If IMO-ISM or similar regulations have been broken or the yacht's plans and procedures are not satisfactory, then penalties could follow – not only financial penalties, but in many cases include the possibility of prison and uninsured fines.
- What is the legal status of casual workers brought onboard a yacht? Who is supervising them and are they qualified to supervise them?
- No protection that would have been given from a comprehensive contract

### Insurance

A number of marine insurance policies do not include losses that result from 'want of due diligence', causing maintenance and repair issues to be examined. After an accident, there is a great risk that a Court could decide that the "*do it yourself*" approach to maintenance and repair did not meet the standard required by the insurance contract.

### Warranties

Most equipment and systems warranties are made invalid by unauthorised maintenance, disassembly or (new) assembly. For that reason manufacturers and distributors only approve trained workers for maintenance and repair, as once somebody has made a mistake with the system, it is often impossible to know what the consequence will be.

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