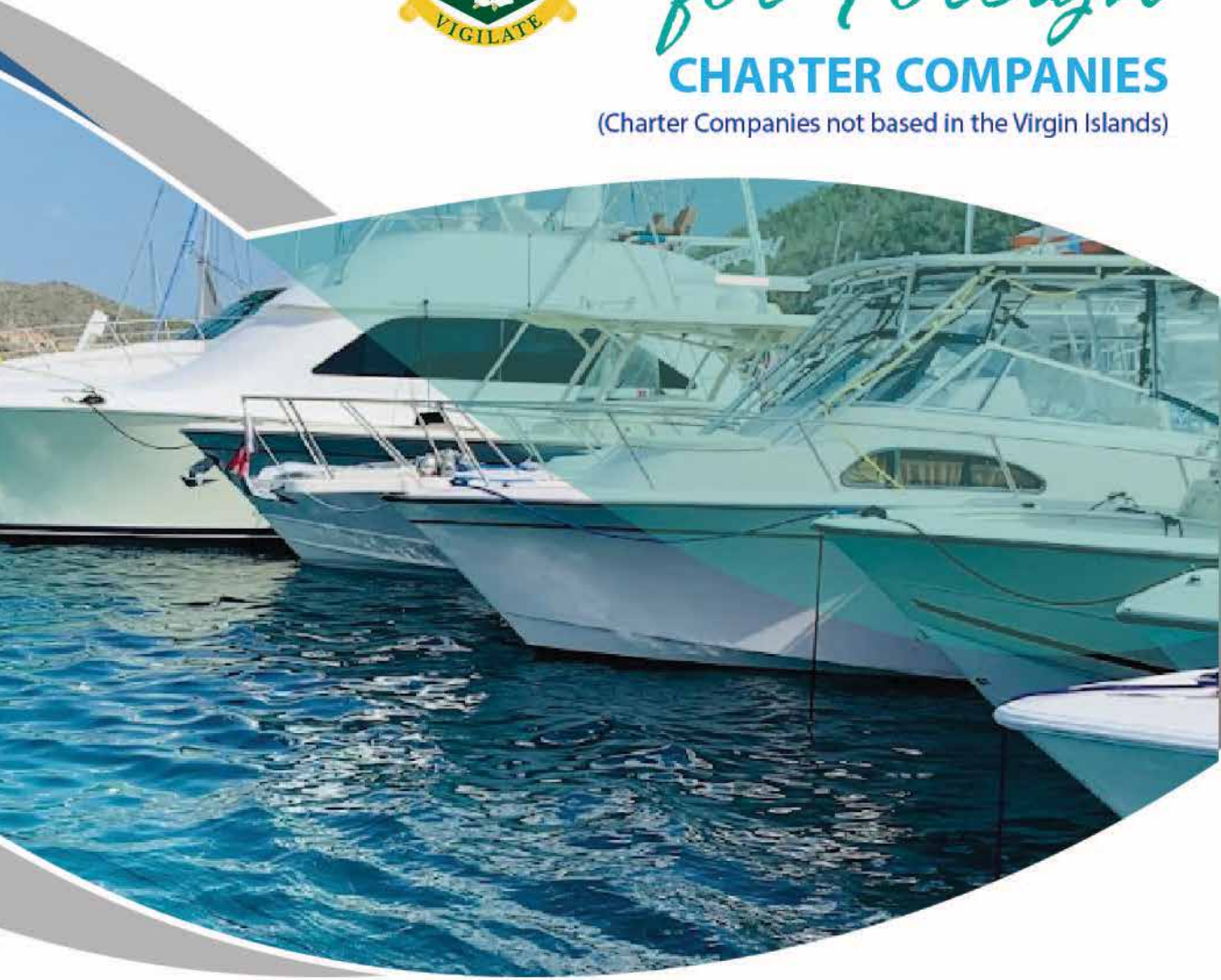




# GUIDELINES *for Foreign* CHARTER COMPANIES

(Charter Companies not based in the Virgin Islands)



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# Terms to know!

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## CATEGORIES OF VESSELS

➤ **PRIVATE VESSELS/ NONCOMMERCIAL:**

Any vessel owned by a person for personal use (noncommercial recreational vessel).

➤ **COMMERCIAL RECREATIONAL VESSEL:**

Any vessel offered for hire, for payment or for reward, with or without crew, for the conveyance of passengers for a particular period of time.

*Categories of vessels operating under foreign base charter companies*

**1. Charter vessels not regularly engaged in charter**

- i. Charter vessels conducting no more than 2 charters within a 3 months period and;
- ii. No more than 5 charters within the charter season (November 1 to Oct 31)

**2. Charter vessels regularly engaged in charter**

- i. Charter Vessels conducting charters daily within the Territory and;
- ii. Charter Vessels conducting charter weekly within the Territory

**3. Charter vessels frequently engaged in charter**

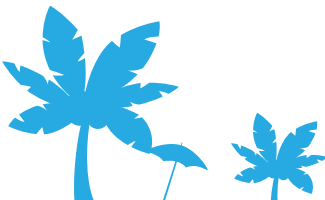
- i. Charter vessels conducting more than 2 charters within a 3 months period and;
- ii. More than 5 charters within the charter season (November 1 to Oct 31);
- iii. But not conducting charters daily and weekly within the Territory.

➤ **CHARTER OPERATIONAL PLAN\*:**

**An Official Letter to the Commissioner of Customs highlighting the following Information:**

- The intended charter operation (day trip, term charter, advertised itinerary)
- Indicate if it's for the season or a period
- Vessels in fleet attach the following
  - ✓ Certificate of registration
  - ✓ Safety Commercial Vessel Certificates (VISR letter of recognition)
  - ✓ Vessel Insurance
- Crew (attach crew list and their certificates)
  - ✓ Attach copy of Captain's Licence for captain (VISR Letter of recognition)
  - ✓ Valid STCW and other certificates required for all crew (VISR Letter of recognition)
  - ✓ Passport bio-Page for all Crew (clear copy in color)

*Commercial Recreational Vessels (Charter Vessels) Requirements*



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# Commercial Recreational Vessels (Charter Vessels) Requirements

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## WHY APPLY FOR APPROVAL TO CHARTER?

**Applying for approval to charter is a requirement by various the Laws and Regulations of the Virgin Islands; such as:**

1. The Merchant Shipping (SAFETY OF COMMERCIAL SAILING AND MOTOR VESSELS) Regulations 2004
2. Business, Professions and Trade Licence Act (CAP 200)
3. Commercial Recreational Vessel Licencing act No.8 of 1992
4. Virgin Islands Labour Code, 2010
5. Immigration and Passport Act

### **1. The Merchant Shipping (SAFETY OF COMMERCIAL SAILING AND MOTOR VESSELS) Regulations 2004**

This Act prohibits applicable vessels from proceeding to sea or attempting to proceed to sea unless (i) a certificate has been issued in respect of it in accordance with the relevant Code of Practice and the certificate is currently in force; (ii) it complies with the requirements of the relevant Code of Practice, including any requirements as to operation, manning and maintenance, and is operated in accordance with any conditions as specified in the certificate; and (iii) the certificate is displayed in a conspicuous place on board.

Under section 424 (1) of the Merchant Shipping Act any person who operates a vessel and proceeds to sea in contravention of these requirements is liable on summary conviction to a fine not exceeding \$5,000 or on conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or both.

### **2. BUSINESS, PROFESSIONS AND TRADE LICENCE ACT (CAP 200)**

No Person shall engage in a business, profession or trade as set out in the First Schedule, or otherwise, without first having obtained a licence for that Purpose.

### **3. COMMERCIAL RECREATIONAL VESSEL LICENCING ACT, NO. 8 OF 1992**

No person shall offer for hire, for payment or for reward, any unlicensed commercial recreational vessel for use in the territorial waters without first obtaining a licence. A licence granted under this Act is not transferable. No Vessels, other than a home based vessel, shall be permitted to make **more than seven (7) charter pickups that originates within the Territory** within any period of twelve months.



#### 4. VIRGIN ISLANDS LABOR CODE, 2010- PART X WORK PERMIT

Part V of the Act speaks to Entry into the Territory. All sections under this part are relevant to persons entering. Part VI of the Act speaks to Residence and Employment in the Territory and is applicable to individuals seeking leave to land and take up employment as a foreign charter vessel.

Vessels chartering in the Virgin Islands must meet the following requirements:

1. Registered as a Commercial Vessel; vessels registered as private and recreational are not allowed to charter in the Virgin Islands without authorization from the Flag Country
2. Safety Commercial Vessel Certificate or Vessel Compliance (Blue code/yellow code); Foreign Flag Charter vessel are required to obtain this certificate from flagged country or Code Certified surveyor.
3. Crew must have requisite certification; Captain Licence/Certification, Standards of Training, Certification and Watch-keeping (STCW).

Note: All certifications listed above must be screened by Virgin Islands Shipping Registry and will be issued “Letter of Safety and Compliance Recognition” prior to making application for Trade Licence, Commercial Recreational Licence and Work Permits. Documents for review can be submitted in hard copy at the Virgin Islands Shipping Registry Office or via email [customer.service@bvimaritime.vg](mailto:customer.service@bvimaritime.vg)



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# Applying for Approval to Charter in the VI.

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## Step 1

*Identify category of vessel*

- Not regularly engaged
- Frequently or Regularly engaged

## Step 2

*Submit listed documents* in hard copy at the Virgin Islands Shipping Registry Office or via email [customer.service@bvimaritime.vg](mailto:customer.service@bvimaritime.vg) to obtain “Letter of Recognition Safety and Compliance”

- i. Certificate of registration
- ii. Safety Commercial Vessel Certificates
- iii. Captain’s Licence, valid STCW, Seafarers and other certificates required for all crew

## Step 3

*Properly fill applications*

### **A. Not Regularly engaged**

1. Charter Authorization application

[https://bvi.gov.vg/sites/default/files/forms/charter\\_authorization\\_application.pdf](https://bvi.gov.vg/sites/default/files/forms/charter_authorization_application.pdf)

2. Commercial Recreational Licence (CRVL) application per vessel

[application\\_for\\_licencing\\_and\\_recording\\_cp1\\_form.pdf](https://bvi.gov.vg/sites/default/files/forms/application_for_licencing_and_recording_cp1_form.pdf) (gov.vg)

3. No work permits required!

### **B. Frequently or Regularly engaged**

1. Trade License – For individual/company

[CharterYachtOperation Fillable Version.pdf](https://bvi.gov.vg/sites/default/files/forms/CharterYachtOperationFillableVersion.pdf) (gov.vg)

2. Commercial Recreational - Per vessel

[application\\_for\\_licencing\\_and\\_recording\\_cp1\\_form.pdf](https://bvi.gov.vg/sites/default/files/forms/application_for_licencing_and_recording_cp1_form.pdf) (gov.vg)

3. Work Permit Applications - Per Crew

[https://bvi.gov.vg/sites/default/files/forms/temporary\\_work\\_permit\\_application\\_form\\_fillable\\_0.pdf](https://bvi.gov.vg/sites/default/files/forms/temporary_work_permit_application_form_fillable_0.pdf)

4. Crew Information – Per Crew

[https://bvi.gov.vg/sites/default/files/forms/application\\_for\\_entry\\_permits.pdf](https://bvi.gov.vg/sites/default/files/forms/application_for_entry_permits.pdf)

Please fill out #1 to 9, 11 to 12, 14 to 18 and 20. Put N/A in all other sections.

Print name in declaration section below # 28, sign and date





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DREAM SPEED

Step 4

*Attach supporting documents to applications*

**NOTE: If an agent is submitting on companies behalf please have letter/agreement authorizing them to do so and attach valid BVI Agent Trade Licence.**

**A. Charter Authorization with Commercial Recreational Licence applications (Vessels Not Frequently engaged)**

- ★ *Supporting documents (charter authorization)*
  - ✓ Business Licence or Certificate of Incorporation
  - ✓ List of Directors
  - ✓ Passport Bio page of applicant
  - ✓ Good Standing Certificate/ financials
  - ✓ Charter Operational Plan\*

[https://bvi.gov.vg/sites/default/files/additionalfiles/guidelines\\_for\\_charter\\_authorizaion.pdf](https://bvi.gov.vg/sites/default/files/additionalfiles/guidelines_for_charter_authorizaion.pdf)

- ★ Supporting documents (Commercial Recreational Vessel Licence)-Per vessel
  - ✓ Authorization from owner of vessel to use in charter operations (if required)
  - ✓ Copy Certificate of registration (VISR letter of recognition)
  - ✓ Safety Commercial Vessel Certificates (VISR letter of recognition)
  - ✓ Vessel Insurance

**B. Trade Licence with Commercial Recreational Licence applications (Vessels Regularly or Frequently engaged)**

• Supporting Documents for:

- ★ Individual(s) Non-Belonger
  - ✓ Passport Size Photo (2" X 2")
  - ✓ Financial Statement
  - ✓ Police Record
  - ✓ Copy of Passport (Picture Page)
  - ✓ Qualifications (Certificates & Résumé)
  - ✓ **Charter Operational Plan\***
- ★ Companies (FOREIGN)
  - ✓ Incorporation Information (Register of Members/ Directors, Certificate of Incorporation)
  - ✓ Good Standing Certificate
  - ✓ **Charter Operational Plan\***







### C. Work Permits Applications

- *Supporting Documents per crew*
  - ✓ **1 passport size photo Cover letter, explaining the need for the employee/ Arrival and departure date**  
(can be done by agent)
  - ✓ **CRVL**
  - ✓ **Valid trade license**
  - ✓ **Charter Operational Plan (same requirement for Trade and CRV Licence)**
  - ✓ **Signature page and Bio page of passport**
  - ✓ **Job Description**
  - ✓ **Certificates and Qualifications (VISR Letter of recognition for STCW and Captain Licences)**
  - ✓ **Non-refundable Application fee of \$50.00**
  - ✓ **Additional expediting fee of \$150.00.**

### D. Immigration work permit screening documents

- *Supporting Documents per crew*
  - ✓ Copy of Charter Operational Plan\* (same requirement for Trade and CRV Licence)
  - ✓ Copy of the applicant's Bio page of passport (Clear copy in color)
  - ✓ Approved Clearance papers (Approval of Work Permits from Labor)
  - ✓ Police Certificate (*Any crew residing in a country for less than six (6) months should present a Notarized/Commissioned Affidavit for each crew member indicating the countries visited and the length of time spent in each, for a period of up to one year.*)
  - ✓ Valid Seafarers medical or BVI Immigration Medical Examination Form filled by a certified entity prior entry  
[https://bvi.gov.vg/sites/default/files/020\\_-\\_fsiu\\_-\\_bvi\\_medical\\_form\\_-\\_fillable\\_version.pdf](https://bvi.gov.vg/sites/default/files/020_-_fsiu_-_bvi_medical_form_-_fillable_version.pdf)

#### Step 5

*Submit applications with supporting documents to relevant agencies and wait for approval*

### A. Charter Authorization with Commercial Recreational Licence applications (Vessels Not Frequently engaged)

- ★ In person submission at HM CUSTOMS HEADQUARTERS, Richard Stouff Building, Road Town Tortola BVI. 284 494 6800.
  - Processing time 1-5 Working days

### B. Trade Licence with Commercial Recreational Licence applications (Vessels Regularly or Frequently engaged)



- ★ In person submission at HM CUSTOMS HEADQUARTERS, Richard Stouff Building, Road Town Tortola BVI. 284 494 6800
  - Processing time 1-5 Working days

### **C. Work Permits (Vessels Regularly or Frequently engaged)**

Submitted after obtaining Trade Licence and Commercial Recreational Licence at Department of Labour and Workforce located: Ashley Ritter Building ground floor, Road Town Tortola, Virgin Islands contact person Sharon Dennis ([email sdennis@gov.vg](mailto:sdennis@gov.vg), [workpermits@gov.vg](mailto:workpermits@gov.vg) or call # 284 468 4740, 468 4707, 468 4708 or 468 4780)

- Processing time 14 Working days/ 7 working days with expedite fee

### **D. Crew Information Sheet**

- ★ Submitted in conjunction with work permit application.
- ★ Proceed to the Immigration Departments Headquarters (1st Floor) Edifice Building, Road Town, Tortola or persons can contact the office at 284-468-4700 or by email at [immigrationinfo@gov.vg](mailto:immigrationinfo@gov.vg). to submit screening documents

### Step 6     *Make payment for Licences, Permits and applicable fees*

- a. Temporary Commercial Recreational Licence - \$15-\$45 per cruise may vary dependent on size and activity of vessel (Customs)
- b. Temporary Trade License valid for up to 3 months- \$200 to \$250 (Trade Dept.)
- c. Commercial Recreational Vessel Licence valid up to Oct 31 conditional - \$205 to \$805 may vary dependent on size and activity of vessel (Customs)
- d. Temporary Work permit valid for up to 3 months – Fees varies; (Labour)
- e. Clearance fee- \$25 (Immigration)

Note: Temporary Trade License and Temporary Work permit is not renewable. Will have to reapply for these licenses at least 2 weeks prior expiration if required.

### Step 7     *Entry Processing*

- Health processing if necessary (dependent on vaccination status and validity of Covid-19 tests)
- Agent presents clearance to immigration officers at port of entry along with passports upon arrival of vessel (regularly and frequently engaged)
- Entry granted based on duration of clearance. (regularly and frequently engaged)
- Complete entry process with customs.
  - ❖ Agent/ Captain must always present Commercial Recreational Vessel Licence, Captain Licence and Passports (used for work permit processing) to officials.







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