

## Terms & Conditions

These Terms & Conditions are produced by the Board of the Alliance, who has the power to review and amend from time to time, as required.

### Aim

There shall be a register of persons known as the 'Yacht Owner's Representative Register' (the Register) which has been established with the aim to give Owners a choice of qualified Owner's Representative, supported by evidence which is verified and validated.

### Government

The Register is owned, managed and governed by the Superyacht Alliance for Professional Standards (the Alliance), based in Malta. The Alliance is a non-profit association with members including SYBAss, IAMI, MYBA, IYBA, PYA, AIMEX and ICOMIA.

The aim of the Alliance is to establish and promote high professional standards throughout the superyacht sector, both ashore and afloat.

### The Register

The Register is established by the Alliance, and as a public register, the Alliance shall organise its publication as it deems fit.

The Register will periodically be reviewed and updated, and a copy of the Register will be held at the Alliance Head Office, based in Malta.

### Membership Application

All applicants wishing to register as a Yacht Owner's Representative are subject to detailed review and approval by the Professional Council before membership is granted. The application includes a verification of the qualifications and the experience of the applicant.

On successful approval as a member of the Register, the member will automatically become an Associate Professional Member of the Alliance.

### Personal Data

All members expressly agree on application that the personal data and all data handed to the Alliance may be received, processed, held, stored and used for internal purposes, publication and marketing by the Alliance and the Council as is reasonable and necessary. Further members consent to the publication of their data to the public as is necessary to meet the Aim of the Register.

### Professional Council

The Professional Council of the Register is appointed by the board of directors of the Alliance and consists of Owner's Representatives who are members of the Register, as well as:

- 1 SYBAss representative
- 1 Alliance representative, also acting as secretary of the council
- 1 non-voting lawyer

## Termination

Membership is terminated by:

- A written resignation addressed to the Secretary General of the Alliance. A resigning member is liable for any overdue subscription and that of the current year.
- Removal for non-payment of the subscriptions as laid down in the statutes of the Alliance.
- Removal for professional misconduct or other conduct likely to be damaging to the Register's good name and best interests or that of its members, as decided by the Professional Council. The decision is subject to appeal and confirmation by the Board of Directors of the Alliance.
- Death of the member or dissolution.
- The insolvency or bankruptcy of the member declared by a competent body or authority
- If the member cannot prove that he/she is in good standing, or that he/she has a clean police record of his/her country of residency after being requested to provide said information by means of a request in writing at the last known address (physical or digital) and being granted 15 days.

## Code of Conduct

Members are bound by Register's Code of Conduct. Disciplinary action may be taken against members who do not adhere to this code.

## Complaints

In the event the Professional Council receives a complaint from an owner, a shipyard or an interested person who can prove his/her interest, the Alliance has the obligation to investigate.

- All complaints should be substantiated and received in writing and passed onto the Secretary of the Alliance.
- The Secretary shall investigate the claim and if it is felt to warrant further investigation, will inform the owner's representative and ask for his/her comments.
- If the claim is such that it can't be resolved by the Secretary, who shall try to reconcile the parties and mediate each matter, the Secretary will organise a hearing before the Professional Council.
- The hearing will be attended by at least 3 of the Professional Council members.
- Before the hearing the owner's representative will be informed of the original claim, the information gathered by the Secretary, and be given a reasonable time to prepare and provide a written defence.
- The Secretary shall be responsible for presenting all findings to the Professional Council.
- The Professional Council shall regulate its own procedure during the hearing.
- The member/owner's representative shall be given the right to speak during the hearing, if a hearing is organised and held, and may be supported by a lawyer.
- The Professional Council will decide on the claim within a reasonable time and inform the member/owner's representative of its decision in writing.

The Professional Council shall have the power to add to and amend the Register, reprimand, suspend, or terminate any person from the Register. The Professional Council shall also have the power to require remedial action.

Repeated minor breaches of the Code of Conduct may lead to a suspension or termination. Suspension or termination will be included as a note in the public register.

An appeal shall lie for a decision of the Professional Council by means of a written request to the Alliance Board of Directors within 15 days of the notification of the decision of the Council. The Board shall have a discretion on how to tackle the appeal and shall regulate its own procedure to address same. No further appeal shall lie from the decision of the Board of the Alliance.

The Professional Council, should the information or claim before it so requires, can present any information to the police or other competent authority. Should the Professional Council feel that the claim is such that it may have criminal law consequences for any of the parties, it may suspend any process, suspend the member temporarily, and refer the matter to the police, judicial or authorities and await the verdict of the competent authorities before deciding conclusively on the claim.

### **Subscriptions**

Membership subscriptions are paid in full annually at the beginning of each calendar year, or on a pro-rata basis if joining part way through the year. There is a modest non-refundable joining administration fee, and the full subscription does not become payable until an application is approved.

### **Professional Indemnity Insurance**

The Register's Code of Conduct strongly recommends all members to have Professional Indemnity insurance before they accept an appointment for owner's representative.

### **Continuing Professional Development**

The Alliance operates a CPD programme, and members are encouraged to keep their CPD up to date.

### **Register Logo**

Members are allowed to use the Register logo.

July 26<sup>th</sup>, 2024