



YACHT DESIGNERS AND SURVEYORS ASSOCIATION

SURVEYORS' CODE OF PRACTICE

2019 edition

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YACHT DESIGNERS AND SURVEYORS ASSOCIATION

(A Company Limited by Guarantee)

CODE OF PRACTICE

1 Introduction

The Association was originally set up in 1912 and works to support the professionalism of yacht designers and surveyors both in the UK and overseas.

"The Yacht Brokers, Designers and Surveyors Association" (YBDSA) is the holding company for two individual and independent Associations, the Association of Brokers and Yacht Agents ("ABYA") and the Yacht Designers & Surveyors Association ("YDSA"). The individual Associations have separate committees and manage their affairs individually but administration is handled by the YBDSA secretariat.

YDSA exists to promote the highest standards of professionalism and expert knowledge in the field of yacht design and surveying, and expects high standards of its members. Membership is only open to existing practising surveyors and designers with a proven track record in the industry. For all principal grades of membership there is a rigorous scrutiny of the candidate's work, and an examination must be passed to secure Affiliate grade membership. A Continuous Professional Development scheme exists to ensure that members update their knowledge regularly, and Members' work is monitored on a regular basis. The Association has a training programme - the **YDSA** Academy – and holds regular training Seminars and Forums in house. YDSA maintains close contact with other professionals in the marine industry such as Law firms and Insurance houses, many of whom are **Associates**. All members are required to carry Professional Indemnity insurance.

Grades of Membership

An **Affiliate** is a surveyor or designer who is actively involved in surveying or designing but not necessarily with sufficient knowledge and experience to be able to advertise as a member of the Association. Affiliate, Accredited and Full Members have specific logos which they may use to advertise their membership.

An **Accredited Member** is a surveyor or designer who has been practising continuously for at least three years immediately preceding his application and who, in the opinion of the Committee, has gained a good reputation and is capable of acting in his own right in practising his profession.

A **Full Member** is a surveyor or designer who has been an Accredited member in respect of such qualifying activity for a continuous period of three years and has during such period been actively engaged as principal. If he has not been an Accredited for **three years** or at all but has been actively engaged as principal for a continuous period of ten years the Committee may admit him as a Full member on the basis of their track record and experience.

Progress from Affiliate to Accredited and Accredited to Full membership is by a mixture of assessment, examination and Continuous Professional Development.

There are also **Fellow** and **Honorary** grades of membership, granted by the Association in recognition of exceptional service to the Association or the profession.

The Association also offers **Trainee** (a non-member category) to assist those coming new to surveying or design to develop their skills before applying for membership and there is also a non-member **Student** category for those undertaking a course towards becoming a surveyor or designer.

2 Preamble

Every Member of the Association shall observe this Code of Practice in line with the Memorandum and Articles of Association. (“Member” includes Affiliate, Accredited and Full Members).

The use of the masculine is intended to include any Surveyor or Designer Member, male or female.

The purpose of this code is to define the standards of professional conduct to be followed by all Members of the YBDSA, whose sub-association is the Yacht Designers’ and Surveyors’ Association (YDSA).

The YBDSA and YDSA shall not be held responsible in any way for any work undertaken by any Member whether in compliance with the Code of Practice or outside its guidelines

3 Range of services typically offered

- Standard Condition Surveys
- Damage Surveys
- Valuations
- Limited Scope Survey (e.g. Machinery, Electrical or Ancillary Equipment)
- Consultancy
- Insurance Surveys
- Project Management
- Tonnage Measurement Surveys (under 24m)
- Compliance Examinations for MCA Codes of Practice for Small Commercial Vessels (under 24m)
- Recreational Craft Directive Compliance Surveys and consultancy
- Boat Safety Scheme examinations

4 Professional Conduct

- 4.1 Members of the YDSA shall discharge their professional responsibilities with integrity and shall at all times act and report in a fair and factual manner. They shall be independent of all other parties
- 4.2 Members shall be aware of the risk of conflict of interest and if any such conflict exists then they must either inform the client in writing or withdraw from the assignment.

- 4.3 Members shall only undertake assignments for which they are qualified by virtue of experience and/or training.
- 4.4 Professional advice or reports are confidential to the instructing Client and may normally only be disclosed to a third party with the express permission of that Client.
- 4.5 Members shall not offer any commissions or other hidden payments to any third party. No Member who is acting on behalf of a purchaser shall accept any commission or other benefit, hidden or otherwise from any party to the sale.
- 4.6 If a Member knowingly has, once had or acquires in the future, a financial or other vested interest in a vessel, product or service which he has been asked to examine, he shall declare that interest to his Client, either at the time or at any future time when he first becomes aware of such an interest.
- 4.7 A Member is not empowered to commission work on a vessel without prior written instructions from the owner or his representative.
- 4.8 A Member acting as an independent consultant should disclose any possible conflict of interest and should not undertake work where his independence could be influenced in any way which would affect his obligation to the instructing Client.
- 4.9 A Member shall at all times present a fair, objective, and unbiased opinion on the condition of the vessel, maintaining his independence and impartiality at all times.
- 4.10 A Member shall act at all times with impartiality with respect to creed, gender, nationality or disability of the persons he is dealing with.
- 4.11 The Client shall be advised of the professional fees and personal expenses to be charged, and whether VAT is payable, prior to commencing the work.
- 4.12 The Member is strongly encouraged to use a written form of Contract or Instruction from the client before commencing the survey. The content of the Contract should include the following:
 - The type of survey or design work
 - All terms to be relied upon
 - The intended scope of the survey or design
 - The extent of expected preparatory works required in order that the work may be carried out.
 - The law and jurisdiction of the contract
 - The Limit of Liability

5 Complaints Procedure

- 5.1 If a Client or a third party has a matter of concern in respect of the actions of a Member, he should initially take this up with the Member concerned, so that the Member may have the opportunity to clarify the situation or suggest a remedy, etc.
- 5.2 If the complainant is not satisfied they may then notify the matter to YDSA who will refer the matter to the Disciplinary Sub-Committee for consideration if it is thought to be a matter of professional misconduct. Technical matters cannot be considered as they are matters for insurers and due legal process. Complaints that are or may become *sub-judice* will also not be able to be considered until any legal process is

completed. The sub-committee comprises senior members of the Association who are experienced in survey or design matters.

- 5.3 The Disciplinary Sub-Committee will make its judgement based on the information supplied to them. Once this decision has been made there will be no scope for further discussion. It is therefore highly important that all the relevant evidence is supplied at the outset.
- 5.4 Sanctions may be applied to the Member by the Disciplinary Sub-Committee if appropriate including suspension, downgrading of membership and in extreme cases expulsion.

