



YACHT DESIGNERS AND SURVEYORS ASSOCIATION

SURVEYORS' CODE OF PRACTICE

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(A Company Limited by Guarantee)

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1 Introduction

The Association was originally set up in 1912, and has enlarged and enhanced its operations steadily since then.

"The Yacht Brokers, Designers and Surveyors Association" 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, although there is also a non-member "**Student**" category for those studying to enter the profession. 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 holds regular training Seminars and Forums in house and maintains close contact with other professionals in the marine industry such as Law firms and Insurance houses, many of whom are "Subscribers". All members are required to carry Professional Indemnity insurance.

Grades of Membership

An **Affiliate** is a surveyor who is actively involved in Surveying but not necessarily with sufficient knowledge and experience to be able to advertise as a member of the Association. An affiliate is not entitled to advertise his membership or use the association logo.

An **Associate Member** is a surveyor 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 who has been an Associate 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 Associate 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 Associate and Associate 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.

2 Preamble

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

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

The purpose of this code is to define the standards of professional conduct to be followed by all Surveyor 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 Surveyor whether in compliance with the Code of Practice or outside its guidelines

3 Types of service normally 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
- Compliance Examinations for MCA Codes of Practice for Small Commercial Vessels
- Recreational Craft Directive Compliance Surveys and consultancy
- Boat Safety Scheme examinations

4 Professional Conduct

- 4.1 Surveyor 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 Surveyor 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 Surveyor 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 Surveyor members shall not offer any commissions or other hidden payments to any third party. No Surveyor 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 Surveyor 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 the surveyor first becomes aware of such an interest.

- 4.7 A Surveyor Member is not empowered to commission work on a vessel without prior written instructions from the owner or his representative.
- 4.8 A Surveyor 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 Surveyor 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 Surveyor 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 surveyor's professional fees and personal expenses to be charged, and whether VAT is payable, prior to commencing the survey.
- 4.12 The Surveyor Member is strongly encouraged to use a written form of Survey Contract or Instruction from the client before commencing the survey. The content of the Survey Contract should include the following:
- The type of survey
 - All terms to be relied upon
 - The intended scope of the survey
 - The extent of expected preparatory works required in order that the survey 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 surveyor member, he should initially take this up with the Surveyor Member concerned, so that the Surveyor 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. Complaints that are or may become sub-judice will also not be able to be considered until any legal process is completed. This sub-committee comprises senior members of the Association who are experienced in surveying 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 Surveyor by the Disciplinary Sub-Committee if appropriate including suspension, downgrading of membership and in extreme cases expulsion.

