

# Admiralty Waters (Gibraltar) Order, 1972

## ADMIRALTY WATERS REGULATIONS

SI  
1972/2207  
Subsidiary  
1972/016

Subsidiary Legislation made under Art. 5 of the Admiralty Waters (Gibraltar) Order 1972.

## ADMIRALTY WATERS REGULATIONS

(LN. 1972/016)

*Commencement*      **5.4.2007**

Amending  
enactments

Relevant current  
provisions

Commencement  
date

**EU Legislation/International Agreements involved:**

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### **Title.**

1. These Regulations may be cited as the Admiralty Waters Regulations.

### *Interpretation.*

### **Interpretation.**

2. (1) The Interpretation Act 1889 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

- (2) In these Regulations the following expressions shall have the meanings respectively assigned to them, namely:

“Admiralty Waters” and “Port Waters” shall be as defined respectively in the Admiralty Waters (Gibraltar) Order 1972;

“approved pilot” means a pilot licensed by the Senior Naval Officer under Article 9 of the Admiralty Waters (Gibraltar) Order 1972 for conducting vessels within Admiralty Waters or a pilot licensed under Part IX of the Merchant Shipping Act for conducting a merchant or other private vessel to or from any berth within Admiralty Waters which is available for the berthing of such vessel by virtue of the provisions of an agreement between the Secretary of State for Defence and the Governor of Gibraltar;

“master” means the person having command or charge of a vessel for the time being;

“Queen’s Harbour Master” includes any person who for the time being is authorized by the Senior Naval Officer to perform the duties of Queen’s Harbour Master;

“under way” – a vessel is “under way” when she is not at anchor or made fast to the shore or aground;

“vessel” includes every description of water craft used or capable of being used as a means of transportation on water, and includes hovercraft when so used;

“whistle” means any vessel’s whistle or siren.

### *Entry into Admiralty Waters.*

### **Restrictions on entering Admiralty Waters.**

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3. (1) Subject to subregulations (2) and (3), no merchant or other private vessel shall enter Admiralty Waters or berth therein without the permission of the Queen's Harbour Master.

(2) Permission to enter Admiralty Waters and to berth within Port Waters may be given by the Captain of the Port of Gibraltar to any merchant or other private vessel requiring to proceed to, or to any berth within, Port Waters.

(3) Permission to enter Admiralty Waters and (subject to regulation 16(3)) to berth at any berth within Admiralty Waters other than Port Waters which is available for the berthing of any merchant or private vessel by virtue of the provisions of an agreement between the Secretary of State for Defence and the Governor of Gibraltar may be given by the Captain of the Port of Gibraltar to any such vessel requiring to proceed to any such berth.

(4) A vessel which has had permission to berth within Admiralty Waters shall, if returning to Admiralty Waters after an absence of more than 24 hours, again apply for permission to enter and berth therein.

#### *Signals to be observed.*

#### **Warning signals.**

4.(1) When any of Her Majesty's Ships or other vessels moving under the direct orders of the Queen's Harbour Master is or are about to enter or leave Admiralty Waters, the following warning signals will be displayed by direction of the Queen's Harbour Master to denote the Harbour Entrance or Entrances being, or to be, used for that purpose:—

(a) Day signals to be exhibited at the Tower and at "D" Head

| <i>North<br/>Entrance in<br/>use</i> | <i>South Entrance in<br/>use</i> | <i>Both Entrances in use</i>   |
|--------------------------------------|----------------------------------|--|
| A square<br>red flag                 | A square<br>green flag           | A square red flag and a<br>square green flag,<br>displayed vertically. |

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- (b) Night signals to be exhibited at “A” Head Lighthouse and at “D” Head Signal Tower

| <i>North<br/>Entrance in<br/>use</i> | <i>South<br/>Entrance in<br/>use</i> | <i>Both Entrances in use</i>                                    |
|--------------------------------------|--------------------------------------|---|
| A fixed red light                    | A fixed green light                  | A fixed red light and a fixed green light, vertically disposed. |

- (2) When any of these signals is displayed, no merchant or other private vessel shall attempt to enter or leave Admiralty Waters or to move in the vicinity of the entrance or entrances indicated by the signals, until such time as the signals are hauled down or extinguished.

### *Navigation.*

#### **Speed, etc. of vessels in Admiralty Waters.**

5. (1) All seagoing vessels, when within the limits of Admiralty Waters, shall carry such lights as are prescribed by the Regulations for Preventing Collisions made from time to time under the Merchant Shipping Acts of the United Kingdom, and all vessels shall observe the steering and sailing rules set forth in such regulations.

- (2) (a) The speed of all vessels greater than 65 feet in length is not to exceed 8 knots in Admiralty Waters.
- (b) The speed of all vessels within the Boat Camber, Auxiliary Camber, Cormorant Camber, Montague Basin and the Destroyer Pens at the North Mole is not to exceed 5 knots.
- (c) All vessels shall within Admiralty Waters proceed at a speed and in a manner which shows reasonable consideration for other persons and vessels who are using or might reasonably be expected to be using Admiralty Waters, in particular paying due regard to the dangers of collision and the effects of their wash.
- (3) A ship’s whistle shall not be used within Admiralty Waters except—
- (a) as a signal of distress; or
- (b) when used in accordance with the Collision Regulations; or
- (c) to signal manoeuvring and berthing instructions; or

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- (d) in fog, mist, falling snow, heavy rainstorms or any other condition similarly affecting visibility; or
- (e) to test the whistle, provided that permission to do so has first been obtained from the Queen's Harbour Master or in Port Waters from the Captain of the Port.

#### **Vessels used for water-skiing, etc.**

6. (1) Water-skiing, aqua-planing and similar activities are prohibited without the prior approval of the Queen's Harbour Master—

- (a) south of a line drawn from "B" Head on the Detached Mole in a direction of 110° (True) to Ordnance Wharf;
- (b) within Port Waters;
- (c) within 100 yards of the shore, or of any jetty, wharf or mole;
- (d) within 100 yards of a vessel under way.

(2) Persons engaged in water-skiing, aqua-planing and similar activities, including any use of high speed craft, shall at all times conduct themselves and their craft in such a way as to avoid endangering or inconveniencing other users of Admiralty Waters.

#### *Fishing and Underwater Swimming.*

#### **Fishing and underwater swimming.**

7.(1) No trawling or fishing by nets, whether drift nets or set nets, shall at any time be carried out in Admiralty Waters without the permission of the Queen's Harbour Master.

(2) No person shall use Admiralty Waters for the purpose of underwater fishing. In this regulation "underwater fishing" means fishing by means of any implement or device for taking fish used by a person whilst swimming in the water.

(3) No person who is wearing or equipped with clothing or apparatus designed or adapted for swimming underwater or diving shall swim underwater or dive in Admiralty Waters, save with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto.

#### *Crews.*

**Crew of private vessels.**

8. Whilst a merchant or other private vessel is in Admiralty Waters other than Port Waters, no change shall be made in the complement of her crew without the approval of the Senior Naval Officer which shall be sought by the master or agent for the vessel.

*Pilotage.*

**Private vessels to have approved pilot.**

9. (1) No merchant or other private vessel shall enter or leave Admiralty Waters or anchor, berth, moor or otherwise navigate therein without having on board an approved pilot unless exempted by the Queen's Harbour Master, or, in respect of navigation within Port Waters, by the Captain of the Port.

(2) When the Captain of the Port considers that the use of one or more Admiralty tugs is necessary for the safe conduct of any movement of a vessel in Port Waters, he shall consult with the Queen's Harbour Master and they shall jointly select the tug or tugs to be used.

(3) When the Queen's Harbour Master considers that the use of a tug or tugs is necessary for the safe conduct of any movement of a vessel in Admiralty Waters other than Port Waters, he shall determine the tug or tugs to be used.

**Approved moorings, etc.**

10. (1) Moorings for Her Majesty's ships and vessels, mark buoys, lights, and other aids to navigation, and such other buoys as may be required for any defence purpose may be placed by the Queen's Harbour Master in such positions as from time to time he may deem necessary.

(2) No other moorings whatsoever shall be laid in Admiralty Waters, except with the licence in writing of the Queen's Harbour Master and in accordance with any conditions attached thereto. All such moorings shall be in such positions as the Queen's Harbour Master shall deem fit, and shall be removed forthwith on the order of the Queen's Harbour Master.

**Damaging moorings, etc.**

11. If at any time any merchant ship or other private vessel fouls any of Her Majesty's moorings, or any electric cable, or any pipe, or any other underwater object, the master shall forthwith give notice thereof to the Queen's Harbour Master and shall, if it is safe and practicable, await his instructions before proceeding to clear the same.

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#### Permission to make fast.

12. No merchant or other private vessel shall—

- (a) make fast to, or lie at, any of Her Majesty's vessels, moorings, buoys, mark buoys, piles or other fixed structures in Admiralty Waters, except with the permission of the Queen's Harbour Master; or
- (b) make fast to, or lie at, any quay, wharf or jetty, or shift her berth, within Admiralty Waters other than Port Waters, except with the permission of the Queen's Harbour Master or such permission as may be given by the Captain of the Port under regulation 3(3); or
- (c) be moored, anchored or placed in Admiralty Waters so as to give a foul berth to any vessels already at anchor or at moorings or so as to obstruct passage within, entrance into or departure from, Admiralty Waters.

*Firearms, etc.*

#### Firearms, etc.

13. No firearms, guns, rockets or pyrotechnics shall be fired on board any merchant or other private vessel within Admiralty Waters, except as a signal of distress; and no ship's gun shall be kept loaded.

*Disposal of solid matter.*

#### Unloading, etc., at approved places.

14. No person shall unload, cast or allow to fall or be washed into Admiralty Waters, except in such places and subject to such conditions as may be required by the Queen's Harbour Master, any ballast, stones, earth, clay, refuse, ash or any rubbish or any other substance or object which is or might become a hazard to navigation.

*Discharge of liquids.*

#### Discharge of liquids.

15. No person shall discharge or allow to be washed into the Admiralty Waters any oil fuel or other types of oil, any washings from oil fuel tanks, oily waste or residue or any other harmful liquid. If it is necessary to arrange for the removal of oil fuel residue or oily washings from tanks, application shall be made for the necessary facilities to the Senior Naval



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Officer. No person shall pump out bilge water or other water containing oily residue within Admiralty Waters.

### *Dangerous Goods and Explosives.*

#### **Transshipping explosives, etc.**

16. (1) This regulation applies to Admiralty Waters other than Port Waters.

(2) The Master of any vessel carrying or intending to load or tranship explosives, petroleum spirit or any other dangerous store shall, unless the nature and quantity thereof is such that it is exempt from any enactment, rule or notice applying to the landing or storage of such goods in Gibraltar, give notice of its nature and quantity to the Queen's Harbour Master before transshipment, loading or unloading is undertaken; and the transshipment, landing or loading shall in any such case be subject to the permission in writing of the Queen's Harbour Master and to any conditions which he may make as to the time, place and quantity of such goods to be landed, moved, handled or stored. Every person in control of such goods or of any vessel or vehicle containing such goods shall, when so required by the Queen's Harbour Master, afford every reasonable facility for inspection and examination of such goods under his control or upon his ship.

(3) No merchant or other private vessel carrying explosives, petroleum spirit or any other dangerous store may approach or make fast to any berth without permission being first obtained from the Queen's Harbour Master, who may direct where the vessel shall make fast or lie.

### *Explosives.*

#### **Vessels carrying explosives, etc., to display flags.**

17. (1) This regulation applies to Admiralty Waters.

(2) Merchant and other private vessels carrying explosives on board shall fly by day a red flag in size not less than four by three feet and shall during dark hours display at the masthead, in addition to the lights ordinarily required and above them a red light showing a clear, uniform and broken light all round the horizon, visible on a clear night at a distance of one mile.

(3) Such vessels, when berthed, shall provide at least two suitable watchmen or if none is available shall embark two guards to be supplied by the Captain of the Port, for whom payment shall be made by the Master of the vessel before clearance at such rates as may at the time be in force.

(4) The quantities of explosives to be in any merchant or other private vessel shall not at any time exceed the limits in paragraph (a), (b) or (c) of

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this subregulation, the classification and description of the explosives being read in accordance with the relevant Schedules in the Conveyance in Harbours of Military Explosives Regulations 1969–

- (a) A maximum of 1,000 tons gross weight of explosive belonging to Shipping Category B, of which not more than 100 tons gross in weight shall be of a description marked with a double star in the first column of the relevant Schedules; or
- (b) a maximum of 25 tons gross in weight of explosive belonging to Shipping Category C (i.e. 40,000 lbs. net explosive content); or
- (c) where there is explosive belonging to Shipping Category B and also explosive belonging to Shipping Category C, not more than 100 tons gross in weight of explosive in the aggregate, of which not more than 25 tons gross in weight (i.e. 40,000 lbs. net explosive content) shall be in Shipping Category C.

#### *Safety Precautions.*

#### **Safety precautions.**

18. (1) This regulation applies to Admiralty Waters.

(2) Except to discharge or load cargo, hatches of holds in which explosives, petroleum spirit or other dangerous stores are stored shall not be removed and, if hatches be removed to discharge or load cargo, all proper precautions shall be taken to avoid danger. While the ship is alongside, two ship's fire hydrants shall be rigged with fire hoses laid out and charged together with other fire appliances, ready for immediate use.

(3) Fires, lights and smoking or the use of paraffin or oil lamps in place of electric lighting installation or safety lamps of approved construction, shall not be allowed on board any vessel with hatches off whilst embarking or discharging explosives, petroleum spirit or other dangerous stores or whilst alongside any vessel with hatches off and loaded with explosives, petroleum spirit or other dangerous stores; nor where these conditions apply, shall the operation of electrical machinery and equipment or of safety lamps be permitted unless the same is of approved construction, i.e. flameproof for vessels carrying inflammable fluid, and watertight or dust-tight for vessels carrying explosives.

(4) The provisions of subregulation (3) are subject to the following exceptions only–

- (a) Stoking of engine-room fires may continue when steam is required for working winches or for other essential purposes.

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When steam is not so required, engine-room fires are to be carefully banked and are not to be spread while the hatches are open in the vessel or in other vessels alongside or while explosives, petroleum spirit or other dangerous stores remain on the wharf;

- (b) Galley fires may be kept alight provided the galley funnel is led into the main funnel, or the galley is well clear of the cargo hold and galley doors are kept shut;
- (c) Riding and signal lights so disposed as to prevent risk of fire or explosion, and electric cabin, cargo and forecastle lights and small cabin fans of the protected type in living accommodation spaces are excepted;
- (d) Smoking at meal times may be permitted in places specially authorized by the Master for the purpose;
- (e) Fires, lights and smoking by members of ship's crew may be permitted during non-working hours when alongside provided that—
  - (i) hatches are closed;
  - (ii) no explosives, petroleum spirit or other dangerous stores are on the wharf; and
  - (iii) no other vessels with explosives, petroleum, spirit or other dangerous stores on board and with hatches off are alongside in adjacent berths.

### *Fire Precautions and Firefighting.*

#### **Fire precautions and firefighting.**

19. All merchant and other private vessels within Admiralty Waters shall carry out such directions as they may receive from the Queen's Harbour Master or other officer acting on his behalf with respect to putting out fires or lights, or other precautions necessary for the prevention of fire. Every outbreak of fire in such vessels shall be immediately reported to the Admiralty Fire Service and the Police. On arrival of the fire appliances at the vessel, the responsibility for deciding what degree of assistance is required to be rendered by the Admiralty Fire Service rests with the Chief Fire Officer, Admiralty Fire Service.