

Regulations made under s.16.

PORT OPERATIONS (FORMS) REGULATIONS 2005

(LN. 2005/036)

1.6.2006 (*LN. 2006/063*)

Amending enactments	Relevant current provisions	Commencement date
Act. 2009-48	Sch. 3	3.12.2009

ARRANGEMENT OF REGULATIONS

Regulations.

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Forms of applications.

SCHEDULE 2

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SCHEDULE 3

Forms of notice of appeal and reasons.

SCHEDULE 4

Forms of registers.

SCHEDULE 5

Forms of certificate of registration and Port operator's licence.

In exercise of the powers conferred on him by section 16 of the Port Operation (Registration and Licensing) Act 2005, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Port Operations (Forms) Regulations 2005 and come into operation on a date to be appointed by the Minister by notice in the Gazette.

Interpretation.

2. In these Regulations “Minister” means the Minister with responsibility for the Port and shipping.

Forms of applications.

3. The forms for applications for licensing or re-licensing as a port operator or registration or re-registration as a port worker under the Port Operations (Registrations and Licensing) Act 2005 shall be as set out in Schedule 1.

Forms giving notice of application.

4. The form giving notice of an application to be published pursuant to regulation 12 of the Port Operations (Registrations and Licensing) Regulations 2005 shall be as set out in Schedule 2.

Forms of notice of appeal and reasons.

5. The forms giving notice of appeal under regulation 29(1), and notice of reasons for decisions to be furnished by the Port Authority under regulation 29(2) of the Port Operations (Registrations and Licensing) Regulations 2005 shall be as set out in Schedule 3.

Forms of registers.

6.(1) The Register of port operators shall be as set out in FORM 1 of Schedule 4

(2) The Register of port workers shall be as set out in FORM 2 of Schedule 4.

Forms of certificate for registration and port operator’s licence.

7.(1) The form of certificate of registration for any port worker issued under section 3(2) of the Port Operations (Registration and Licencing) Act 2005 shall be as set out in Schedule 5.

(2) The form of licence for any port operator issued under section 3(3) of the Port Operations (Registration and Licencing) Act 2005 shall be as set out in Schedule 5.

Particulars of port workers.

8.(1) The particulars of each port worker to be sent to the Authority pursuant to section 6 of the Port Operations (Registration and Licencing) Act 2005 shall be—

- (a) full name;
- (b) Social Insurance No;
- (c) date of employment;
- (d) actual occupation;
- (e) certificate of registration number.

(2) Particulars of port workers to be supplied to the Authority shall be as set out in FORM 3 of Schedule 4.

Revocations.

9. The following Regulations are revoked—

- (a) Dock Work (Regulations) (Forms) Regulations; and
- (b) Ship Agents (Forms and Fees) Regulations 1987.

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SCHEDULE 1**

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Regulation 3.

FORM 1

APPLICATION FOR REGISTRATION AS A PORT WORKER

The Chief Executive
Gibraltar Port Authority

I hereby apply to register the person described in the Schedule hereto as a
port worker with effect from (date).....
in the following capacity.....

Signature (of employer of port worker):

Name of employer:

Date of application:

Schedule

Name:

Address:

Social Insurance No:

Name of employer:

Address of employer:

Registration No. of employee with the Employment and Training Board:

Date of commencement of full time employment with the employer:

Nature of present employment:

APPLICATION FOR PORT OPERATOR'S LICENCE

I / we of.....
.....
apply to the Gibraltar Port Authority for a port operator's licence for the following category of licence.....

Intended date of commencement of the class of port operation in respect of which a licence is being applied for:

If a company,

- (a) names and addresses of directors and shareholders indicating distribution of shareholding:
- (b) Registration No. under the Companies Act:

If trading under a business name,

- (a) Name and registration No. under the Business Names Act:
- (b) Registration No. under the Business Trades and Professions (Registration) Act 1989:

If trading as a partnership, names and addresses of partners:

And in all cases:

- (a) Address of registered office:
- (b) Address of principal place of business:
- (c) Telephone and fax no:
- (d) Email address:
- (e) Details of any relevant trade licences (attach copies):
- (f) Date and details of any previous registration as a port operator (give certificate number):
- (g) Details of any relevant licences held under the Imports and Exports Act (attach copies):

I/we enclose evidence that I/we have available sufficient financial resources to ensure the establishment and proper administration of the port operation

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carried on or proposed to be carried on under the licence.

Details of capitalisation of the business and of the business plan for a period of five years indicating at least the source and volume of business and turnover on which the business plan is based:

I/we enclose evidence of professional competence.

Number of full time Port workers employed (attach list indicating whether or not the workers are entitled workers under the Employment Regulations 1994, and if not, indicating beside each worker, the date of issue of the work permit, the date of termination of the permit and details of the worker's permit under the Immigration Control Act, and against each worker, give the registration number of that worker with the Employment and Training Board:

Number of other employees of the company, setting out their role, function and job title:

If the employees are not yet in employment, give details of the intended structure of the company:

Give particulars of premises. If approved by the Collector of Customs, attach a copy of the approval:

Location of berth allocated by the Captain of the Port or available for the purpose of the business:

Full details of any vessel to be used:

Details of principal equipment engaged in the business (attach a list showing against any item which under any statute is required to have been inspected and approved, details of the date of the last inspection and a copy of the approval or extract from the book of records of inspection):

Details of the incremental business that the applicant hopes to attract to the port:

Details of training opportunities that the company will offer:

I/we enclose particulars of any relevant convictions (if any).

I/we certify that no relevant convictions have been recorded against me/us or our company in the last 5 years immediately preceding this application.

I give below details of other applications made for the issue, renewal or amendment of a port operation licence within the last 24 months.

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I certify that the information given in this application is complete and accurate and I authorise the verification of any part as may be required.

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Date of application:

Signature of applicant:

Position in organisation:

Notes:

1. Every application must be signed:
 - (a) if made by an individual person, by that individual;
 - (b) if made by a body corporate, by an individual person authorised for the purpose by the body, or under its common seal; and
 - (c) if made by a person in partnership, by one of the partners with the authority of the others.

2. This application should be sent to the Chief Executive of the Gibraltar Port Authority with sufficient time to allow for the application to be considered prior to the proposed commencement date of the port operation.

APPLICATION FOR RENEWAL OF A PORT OPERATOR'S
LICENCE

I / we of
.....
apply to the Gibraltar Port Authority for renewal of my/our port operator
licence for the following category of licence.

- (a) If a company–
 - (i) names and addresses of directors and shareholders indicating distribution of shareholding:
 - (ii) Registration no. under the Companies Act:
 - (iii) Address of registered office:
- (b) If trading as a business, name and registration no. under the Business Names Act:
- (c) If a partnership–
 - (i) names and addresses of partners:
 - (ii) Registration no. under the Business Trades and Professions (Registration) Act 1989:
- (d) Address of principal place of business:
- (e) Telephone and fax no.:
- (f) Email address:
- (g) Date of commencement of [*state class of port operation*]:
- (h) Date of the first registration as a port operator:
- (i) Date of last renewal of licence as port operator (give certificate number):
- (j) Date of licensing as [*state class of port operator*]:

I, [name], a senior officer of the Gibraltar Port Authority, hereby certify that the above named applicant has been regularly engaged in Port operations in thecategory since the date of last registration.

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[Signature and date]

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♣ I list below changes in any of the particulars provided on first application for a port operator licence or on last renewal of the said licence, whichever is the later:

♣ I certify that there has been no change in the information supplied at the time of registration, or on last renewal of this port operator licence, whichever occurred last.

♣ delete as applicable.

Date of application:

Signature of applicant:

Position in organisation:

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FORM 4

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APPLICATION FOR RE-REGISTRATION OF A PORT WORKER

The Chief Executive
Gibraltar Port Authority

I hereby apply to re-register the person described in the Schedule hereto as a
port worker with effect from (date).
in the following capacity.

I hereby certify that the port employee has been regularly engaged as a port
worker since he/she was last registered on [date].

Signature (of employer of port worker):

Name of employer:

Date of application:

Schedule:

Name:

Address:

Social Insurance no.:

Name of port operator:

Registration no. with the Employment and Training Board:

Date of commencement of full time employment:

Nature of present employment:

Date of previous registration of the port worker (attach copy of certificate of
registration or give certificate number):

SCHEDULE 2

Regulation 4.

**PORT OPERATIONS (REGISTRATION AND LICENSING) ACT
2005**

**NOTICE OF INTENTION TO APPLY FOR A PORT OPERATOR
LICENCE**

Full name of the applicant:

Postal address:

Premises at which business will be managed:

Details of licence if is intended to apply for:

Any person who wishes any objection to the application to be considered by the Gibraltar Port Authority, shall supply details in writing of such objection to the Authority at North Mole Avenue, within 21 days of the date of this notice.

This notice is submitted by (name) on behalf of (name of applicant)

[Date]

FORM 1

NOTICE OF APPEAL

I, _____ of _____
being aggrieved by a decision of the Gibraltar Port Authority given on
the _____ day of _____, 20____ when the Authority—

- (a) refused to register / re-register (name) as a port worker;
- (b) refused to license/re-license me as a [*state class of port operator*],

appeal against that decision.

[Date]

Appellant (signed)

To:

- (i) the Clerk to the Port Tribunal,
- (ii) the Secretary, Gibraltar Port Authority;
- (iii) _____ (the applicant)

**NOTICE OF REASONS FOR DECISION OF THE PORT
AUTHORITY**

The reasons of the Gibraltar Port Authority for its decision on [date] to—

- (a) refuse to register / re-register the appellant as a port worker;
- (b) refuse to license/re-license the appellant as a [*state class of port operator*];
- (c) remove the appellant from the register of port operators/port workers,

were as follows:

[Date]

Chairman

To:

- (i) Clerk to the Port Tribunal;
- (ii) The appellant; and
- (iii) The applicant.

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SCHEDULE 4

Regulation 6.

FORM 1

REGISTER OF PORT OPERATORS

Name:

Registered business address:

Licence number:

Date of first registration as port operator:

Date of last re-registration by the Gibraltar Port Authority:

Number of full time port workers employed:

Expiry date of registration:

[Date]

REGISTER OF PORT WORKERS

Name:

Address:

Social Insurance no:

Registration no:

Name of port operator:

Address of port operator:

Date of first registration by Gibraltar Port Authority as a port worker:

Date of last re-registration as a port worker:

Expiry date of registration:

[Date]

Regulation 8(2).

PARTICULARS TO BE SUPPLIED BY REGISTERED PORT OPERATORS OF PORT WORKERS EMPLOYED BY THEM

Name:

Registered business address:

Telephone number:

Certificate of Registration Number:

Number of full time port workers employed on date of registration as (state class of licence) with respective rate of wages payable for a basic working week:

	I Number employed	II Basic wage £
(a) General port operator		
(b) Port operator/Deckman		
(c) Craneman		
(d) Lighterman		
(e) Machine operator		
(f) Foreman		
(g) Supervisor		
(h) Delivery/Tally clerk		
(i) Others (specify duties)		
CONDITIONS OF SERVICE:		

Port worker Surname name(s)	Social Insurance no.	ETB registration no.	Employed with effect from (date)	Actual occupation	Number of certificate of registration

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SCHEDULE 5

Regulation 7.

PORT OPERATIONS (FORMS) REGULATIONS 2004

FORM 1

CERTIFICATE OF REGISTRATION AS A PORT WORKER

This to certify that

is registered as a port worker in the following capacity:

Date of first registration:

Date of expiry of registration:

Signed (for the Chief Executive, Gibraltar Port Authority):

Date:

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PORT OPERATIONS (FORMS) REGULATIONS 2004

FORM 2

PORT OPERATOR'S LICENCE

This to certify that

is registered as a port operator for the following class/classes of port operations:

subject to the following conditions:

Date of first registration:

Date of expiry of registration:

Signed (for the Chief Executive, Gibraltar Port Authority):

Date: