

Regulations made under s. 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993.

**GIBRALTAR MERCHANT SHIPPING (RO-RO FERRY
AND HIGH-SPEED PASSENGER CRAFT ON REGULAR
SERVICE) REGULATIONS 2005**

(LN. 2005/160)

12.1.2006 (*LN. 2006/007*)

Amending enactments	Relevant current provisions	Commencement date
LN. 2012/027 ¹	rr. 2, 3, 6(a)(ii), 13(1) & 14	5.3.2012

EU Legislation/International Agreements involved:

Regulation 3051/95/EC	Directive 2001/25/EC
Regulation 179/98/EC	Directive 2002/59/EC
Directive 94/58/EC	Directive 2002/84/EC
Directive 95/21/EC	Directive 2009/16/EC
Directive 98/35/EC	Directive 2009/18/EC
Directive 1999/35/EC	

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¹ Amended by *Corrigenda LN. 2012/030*

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CRITERIA OF QUALIFICATION AND INDEPENDENCE FOR QUALIFIED
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In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, the Government, for the purpose of transposing into the law of Gibraltar Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services, as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and prevention of pollution from ships, has made the following Regulations—

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Title and commencement.

1.(1) These Regulations may be cited as the Gibraltar Merchant Shipping (Ro-Ro Ferry and High-speed Passenger Craft on Regular Service) Regulations 2005.

(2) These Regulations come into operation on a day to be appointed by the Minister with responsibility for the Port and Shipping by notice in the Gazette.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“accident” shall have the meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012;

“Administration” means the Maritime Administrator in the case of Gibraltar, and in other cases the person in the relevant flag State holding equivalent responsibilities;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“certificates” means—

- (a) for ro-ro ferries and high-speed passenger craft engaged on international voyages, the safety certificates issued under the SOLAS Convention as amended, together with the relevant records of equipment and, where appropriate, exemption certificates and permits to operate;

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- (b) for ro-ro ferries and high-speed passenger craft engaged on domestic voyages, the safety certificates issued in accordance with the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyage) Regulations, 2003, together with the relevant records of equipment and, where appropriate, exemption certificates and permits to operate;

“Code for the investigation of marine casualties” means the Code for the investigation of marine casualties and incidents adopted by the IMO by means of Assembly Resolution A.849(20) of 27 November 1997, in its up-to date version as in force at the time of reference;

“Commission” means the Commission of the European Communities;

“Company” means a company operating one or more ro-ro ferries to which a document of compliance has been issued in compliance with Article 5(2) of Council Regulation (EC) No. 3051/95 of 8 December 1995 on the safety management of roll on roll off passenger ferries (ro-ro ferries) or a company operating high speed passenger craft to which a document of compliance has been issued in accordance with Regulation 4 of Chapter IX of the SOLAS Convention;

“competent authority” means, in the case of Gibraltar, the Maritime Administrator;

“deficiency” means a condition found not to be in compliance with the requirements of these Regulations.

“Directive” means Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services, as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and prevention of pollution from ships and Directive 2009/18/EC;

“document of compliance” means a document issued to a company as defined in these Regulations;

“domestic voyage” means a voyage from the port of Gibraltar within the sea areas classified under regulation 5 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyage) Regulations 2003, and includes a voyage where the vessel exceeds these sea areas but returns to Gibraltar within 48 hours of time, without calling at any port of another State;

“exemption certificate” means any certificate issued under the provisions of Regulation IB/12(a)(vi) of the SOLAS Convention;

“flag State” means the State where the ro-ro ferry or the high-speed passenger craft is registered;

“High Speed Craft Code” means the “International Code for Safety of High Speed Craft” contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, in its up-to-date version as in force at the time of reference;

“high-speed passenger craft” means a high-speed craft as defined in Regulation 1 of Chapter X of the SOLAS Convention, in its up-to-date version as in force at the time of reference, which carries more than 12 passengers;

“host State” means a Member State to or from whose port a ro-ro ferry or high-speed craft is engaged on a regular service and for the purposes of these Regulations, Gibraltar shall be treated as a host State if such a vessel operates to and from Gibraltar;

“IMO” means the International Maritime Organization;

“IMO ship identification number scheme” means the IMO ship identification number scheme adopted by Resolution A. 600(15);

“inspector” means a qualified inspector;

“interested Member State” means the substantially interested State that is a Member State;

“international voyage” means a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;

“lead administration” shall have the meaning assigned to it by the Code for the investigation of marine casualties;

“lead investigating State” means the State that takes responsibility for the conduct of the investigation as mutually agreed between the substantially interested States, but, in the case of a marine casualty occurring in BGTW, the lead investigating State shall be either Gibraltar or the flag State, as they may agree between them, and failing such agreement it shall be Gibraltar;

““marine casualty” shall have the meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012;

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“Maritime Administrator” means the person appointed under section 3 of the Act;

“Member State” means any State within the European Economic Area and for the purposes of these Regulations includes—

- (a) those non-EU Member States who through their EEA affiliation have agreed to comply with the Directive; and
- (b) Gibraltar;

“owner” includes the company or charterer or any other entity responsible for the operation of a vessel and for safeguarding safety and the environment;

“passenger” means every person carried on a ship other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on the business of the ship; and
- (b) a child under one year of age;

“passenger ship” means a ship carrying more than 12 passengers;

“port” shall have the same meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003;

“port authority” means the Gibraltar Port Authority established by section 3 of the Gibraltar Port Authority Act 2005;

“qualified inspector” means a public-sector employee or other person, duly authorised by the Administration to carry out surveys and inspections related to the certificates and fulfilling the criteria of qualification and independence specified in Schedule 5;

“recognised organisation” means an organisation recognised or authorized in conformity with regulation 4 of the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations, 2002;

“regular service” means a series of ro-ro ferry or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either—

- (a) according to a published timetable; or

- (b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“ro-ro ferry” means a seagoing passenger vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;

“sea area” means any sea area defined in accordance with regulation 5(1) of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, together with protocols and amendments thereto, in its up-to date version as in force at the time of reference;

“specific survey” means a survey carried out by the host State as specified in regulations 7 and 9;

“substantially interested State” means a State–

- (a) which is the flag State of a ship that is the subject of an investigation;
- (b) in whose internal waters or territorial sea a marine casualty has occurred;
- (c) where a marine casualty caused, or threatened, serious harm to the environment of that State, or within those areas over which the State is entitled to exercise jurisdiction as recognised under international law;
- (d) where the consequences of a marine casualty caused, or threatened, serious harm to that State or to artificial islands, installations, or structures over which it is entitled to exercise jurisdiction;
- (e) where, as a result of a casualty, nationals of that State lost their lives or received serious injuries;
- (f) that has at its disposal important information that may be of use to the investigation;
- (g) that for some other reason establishes an interest that is considered significant by the lead investigating State;

“vessel” means a ro-ro ferry or high-speed passenger craft.

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Application of these Regulations.

3. These Regulations apply to all ro-ro ferries and high-speed passenger craft operating from the port on a regular service, regardless of their flag, when engaged on international voyages or on domestic voyages within BGTW.

Exemptions.

4.(1) The Administration may grant an exemption from the need to comply, prior to a vessel starting operations, with one or more of the requirements in regulations 5 to 7 where—

- (a) the vessel was previously engaged on a regular service;
- (b) the Administration has taken the utmost account of verifications and surveys previously carried out for that vessel for operation on a previous regular service; and
- (c) the Administration is satisfied with these previous verifications and surveys, and that they are relevant to the vessel's new operational conditions.

(2) The Administration may grant an exemption from one or more of the requirements of regulations 5 to 7 where—

- (a) a vessel which complies with the requirements of the Directive is operating a regular service;
- (b) the vessel transfers to another regular service to or from a port in a Member State where the route characteristics are agreed by the relevant host State or States to be similar; and
- (c) the host States all agree that the vessel fulfils all the requirements of these Regulations for safe operation on that service.

(3) Where subregulations (1) and (2) do not apply, the Administration may grant an exemption from one or more of the requirements of regulations 5 to 7 where—

- (a) following unforeseen circumstances, a replacement vessel must be introduced rapidly to ensure continuity of service;
- (b) a visual inspection and document check raise no concerns that the vessel does not fulfil the necessary requirements for safe operation; and

- (c) the Administration completes the verifications and surveys required in relation to the vessel by regulations 5 to 7 within one month of its starting operations.

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Initial verifications required in relation to ro-ro ferries and high-speed passenger craft.

5.(1) The competent authority shall, prior to the start of operation by a ro-ro ferry or high-speed passenger craft on a regular service, or as soon as reasonably practicable for a ro-ro ferry or high-speed passenger craft that has already been operating a regular service, check whether it–

- (a) carries valid certificates, documents, attachments or exemption certificates issued or approved by the flag State or by a recognised organisation acting on its behalf;
- (b) has been surveyed for the issue of certificates and documents in accordance with the relevant procedures and guidelines annexed to the Survey Guidelines under the Harmonised System of Survey and Certification by the IMO by means of Resolution A. 746(18) of 4th November 1993 or with procedures designed to achieve the same goal;
- (c) complies with the standards specified for classification by the rules of a recognised organisation, or rules accepted as equivalent by the flag State, for construction and maintenance of their hull, machinery and electrical and control installation;
- (d) has been fitted with a voyage data recorder (VDR) for the purpose of providing information for the benefit of a possible casualty investigation; and
- (e) meets, where appropriate, with stability standards required by international instruments and regional agreements adopted in accordance with the notification procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998.

(2) The voyage data recorder (VDR) referred to in subregulation (1)(d) shall meet the performance standards of IMO Assembly Resolution A.861(20) of 27 November 1997 and comply with the testing standards laid down in International Electrotechnical Commission (IEC) standard No 61996.

(3) Subregulation (1)(e) shall apply to high-speed passenger craft only where appropriate.

Initial verifications required in relation to companies and flag states.

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6. The competent authority shall, prior to the start of operation by a ro-ro ferry or high-speed passenger craft on a regular service, or as soon as reasonably practicable for a ro-ro ferry or high-speed passenger craft that has already been operating a regular service, check–

- (a) whether the company which operates or intends to operate such a ferry or craft on a regular service–
 - (i) is taking or will take the necessary measures to ensure that the specific requirements laid down in Schedule 1 are applied and provides the evidence of compliance with this regulation and regulation 5 to the Administrations involved in the regular service;
 - (ii) agrees in advance that the competent authority and any substantially interested Member State may conduct, participate fully in or cooperate with any investigation of a marine casualty or incident in accordance with the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 and agrees to give them access to the information retrieved from the VDR of their ferry or craft involved in such a casualty or incident.
- (b) for such a ferry or craft flying a flag other than that of a Member State, concurrence that the flag State accepts the company's commitment to meet the requirements of the Directive.

Initial specific surveys.

7.(1) The competent authority shall, prior to the start of operation by a ro-ro ferry or high-speed passenger craft on a regular service, or as soon as reasonably practicable for a ro-ro ferry or high-speed passenger craft that has already been operating a regular service, carry out an initial specific survey, in accordance with Schedules 1 and 3, to satisfy itself that the ro-ro ferry or high-speed passenger craft fulfils the necessary requirements for safe operation of a regular service.

(2) Where this regulation is applied prior to the start of operation, the competent authority shall set a date for the initial specific survey which is no more than one month after receipt of the evidence necessary to complete the verification prescribed by regulations 5 and 6.

Special provisions.

8.(1) When a ro-ro ferry or high-speed passenger craft already in regular service between two Member States is to be engaged on a new regular service to Gibraltar, the competent authority shall take the utmost account of verifications and surveys previously carried out for that ferry or craft for operation on a previous regular service covered by these Regulations if—

- (a) the competent authority is satisfied with these previous verifications and surveys; and
- (b) such verifications and surveys are relevant to the new operational conditions.

(2) The provisions of regulations 5, 6 and 7 are not required to be applied—

- (a) prior to the ro-ro ferry or high-speed passenger craft starting operation on the new regular service pursuant to subregulation (1); and
- (b) when a ro-ro ferry or high-speed passenger craft which complies with the Directive and is already operating a regular service covered by the Directive transfers to another regular service where the route characteristics are agreed by the competent authority to be similar, and the competent authority and the relevant administration all agree that the ro-ro ferry or high-speed passenger craft fulfils all the requirements for safe operation on that service.

(3) For the purpose of subregulation (2)(b), the competent authority and the relevant administration may, at the request of a company, confirm in advance—

- (a) their agreement as to whether the route characteristics are similar; or
- (b) whether there are any special local requirements that need to be complied with.

(4) In cases where, following unforeseen circumstances, a replacement ro-ro ferry or high-speed passenger craft must be introduced rapidly to ensure continuity of service, and subsections (1) and (2) are not applicable, the competent authority may allow the ferry or craft to start operating if—

- (a) a visual inspection and document check raise no concerns that the ro-ro ferry or high-speed passenger craft does not fulfil the necessary requirements for safe operation; and

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- (b) the competent authority completes the verifications and surveys under regulations 5, 6 and 7 within one month.

Regular specific surveys and other surveys.

9.(1) The competent authority shall, once in every 12-month period, carry out—

- (a) a specific survey, in accordance with Schedule 3; and
- (b) a survey during a regular service, which shall aim to cover enough items listed in Schedule 1, 3 and 4 in order to satisfy the competent authority that the ferry or craft continues to fulfil all the necessary requirements for safe operation.

(2) An initial specific survey carried out pursuant to regulation 7 shall be counted as a specific survey for the purposes of this regulation.

(3) The competent authority shall carry out a specific survey in accordance with Schedule 3 each time the ro-ro ferry or high-speed passenger craft undergoes repairs, alterations and modifications of a major character, or when there is a change in management or flag, or a transfer of class.

(4) The competent authority may, in the case of a change in management or flag, or transfer of class, after taking account of verifications and surveys previously issued for the ferry or craft, and if the safe operation of the ferry or craft is not affected by such change or transfer, grant a dispensation to the vessel from the specific survey required by subregulation (3).

Fees and charges.

10.(1) Except in subregulation (2), all verifications and surveys required of the competent authority shall be performed free of charge.

(2) Where the surveys referred to in regulation 9(1) confirm or reveal deficiencies in relation to the requirements of these Regulations warranting a prevention of operation, and there is a need for further surveys to ensure rectification of the deficiencies, all costs, fees or charges relating to such surveys including the initial survey shall be borne by the company.

Notification.

11. The competent authority shall notify companies promptly, in writing, of the outcome of verifications and surveys carried out under these Regulations.

Prevention of operation.

12.(1) The competent authority shall prevent the operation of a ro-ro ferry or high-speed passenger craft on a regular service—

- (a) when the ro-ro ferry or high-speed passenger craft does not comply with the requirements of regulations 5 and 6;
- (b) whenever deficiencies are found during the surveys referred to in regulations 7 and 9 which pose an immediate danger to life, the ferry or craft, its crew and passengers or the environment;
- (c) when there is an established failure to comply with the Community instruments listed in Schedule 2 which poses an immediate danger to life, the ferry or craft, its crew and passengers or the environment; or
- (d) whenever it has not been consulted by the flag State in respect of the issue of an exemption or special conditions for operation in its waters,

until the competent authority has established that the danger has been removed and the requirements of these Regulations are met.

(2) The competent authority shall inform the company in writing of the decision to prevent that ro-ro ferry or high-speed passenger craft operating, giving full reasons.

(3) Where a ro-ro ferry or high-speed passenger craft has already been operating a regular service and deficiencies are established, the competent authority shall require the company to take the necessary measures for their rectification promptly or within a well-defined and reasonable period of time, where such deficiencies do not pose an immediate danger to the safety of the ferry or craft, its crew and passengers or the environment.

(4) After rectification of the deficiencies, the competent authority shall verify that the rectification has been carried out to its complete satisfaction and, if this is not the case, it shall prevent the ferry or craft from operating until the deficiencies have been so rectified.

(5) Where a ferry or craft is prevented from operating, the competent authority shall duly inform the company of its right of appeal under regulation 19.

(6) In cases where regulations 5, 6 and 7 are applied prior to the start of operation by a ro-ro ferry or high-speed passenger craft on a regular service, a decision to prevent a vessel operating must be taken within one month of the initial specific survey and communicated to the company immediately.

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Procedures related to initial and regular specific surveys.

13. (1) Ro-ro ferries and high-speed passenger craft that have undergone the specific surveys to the satisfaction of the competent authority shall be exempted from the expanded inspections referred to in regulation 15 of the Gibraltar Merchant Shipping (Port State Control) Regulations, 2011 and from expanded inspections where there are clear grounds that they belong to the category of passenger ships referred to in regulation 15(1) of those Regulations.

(2) The competent authority shall co-operate with other host States that are Member States and that are involved in a specific survey of the same ro-ro ferry or craft and such surveys shall be carried out by a team composed of qualified inspectors.

(3) Where in a case referred to in subregulation (2), there is a need for qualitative assessment of the fulfilment of class-related provisions, the competent authority shall ensure that the necessary expertise is included in the team that may require the services of a surveyor of a recognised organisation.

(4) The competent authority shall communicate all deficiencies to the flag State, if that State is not a host State involved in the survey.

(5) The competent authority—

- (a) may agree to carry out a survey at the request of another host State;
- (b) if requested by the company, shall invite the Administration of the flag State, not being a host State, to be represented in any specific survey under the provisions of these Regulations; and
- (c) in planning a survey in accordance with regulations 7 and 9, shall take due account of the operational and maintenance schedule of the ferry or craft.

(6) The findings of the specific surveys shall be recorded in a report of which the format shall be established in accordance with the procedure laid down in Article 16 of the Directive.

(7) The competent authority shall, in the case of persistent disagreement between a host State and Gibraltar, on the fulfilment of the requirements of regulations 5 and 6(1), cause the Commission to be immediately notified of the reasons for the disagreement.

Investigation of accidents.

14. An investigation into an accident involving a vessel to which these regulations apply shall be conducted in accordance with the provisions of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

Accompanying measures.

15.(1) The port authority shall operate shore-based navigational guidance systems and other information schemes in accordance with IMO Resolution A.795 (19) to assist the ferries and craft in the safe conduct of regular service.

(2) The competent authority shall cause the copies of survey reports referred to in regulation 13(6), with IMO identification number, to be provided to the Commission.

(3) The competent authority shall ensure that companies operating ro-ro ferries or high-speed passenger craft on regular services to or from the port are able to maintain and implement an integrated system of contingency planning for shipboard emergencies.

(4) For the purpose of subregulation (3), the company shall submit its integrated system of contingency planning within the framework of IMO Resolution A.852(20) for shipboard emergencies to the host State.

(5) Where two or more Member States are involved as host States in a regular service an integrated system of contingency plan shall be established jointly for the different routes.

(6) The Administration shall not issue a “Permit to operate a high-speed craft” without prior consultation with relevant host States with regard to any local situation or special conditions that need to be complied with.

(7) The competent authority shall not recognise or accept a “Permit to operate high-speed craft” issued by a flag State unless the competent authority was duly consulted about any local conditions or requirements.

Co-operation between host States.

16. In the application of these Regulations, the competent authority shall liaise with other host States involved in the same regular service.

Supporting measures.

17. The competent authority shall inform third States which have either flag State responsibilities or responsibilities similar to those of a host State for ro-ro ferries and high-speed passenger craft falling under the scope of these

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Regulations of the requirements imposed by these Regulations on any company providing a regular service to or from a port of the Community.

Penalties.

18.(1) No ro-ro ferry or high-speed passenger craft shall be allowed to operate in Gibraltar on a regular service unless it complies with the requirements of these Regulations.

(2) Any ferry or craft operating in contravention of these regulations may be detained until the requirements laid down by these Regulations are complied with.

(3) Where the master, agent or any other person acting on behalf of a detained ferry or craft attempts to sail from Gibraltar while the order for prevention of operation is in force, each of them shall be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale.

Appeal.

19. In the case of a dispute or complaint with regard to any decision made by the competent authority or the Administration in carrying out its duties under these Regulations, the aggrieved person may appeal to the Minister whose decision shall be final.

SCHEDULE 1

Regulations 6, 7 and 9

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SPECIFIC REQUIREMENTS TO BE FULFILLED BY COMPANIES.

Every company shall ensure that on board its ro-ro ferries and high-speed passenger craft—

- (a) the master is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist him in the safe conduct of the voyages, before the ferry or craft begins to sail, and that he makes use of the navigational guidance and information schemes set up by Member States;
- (b) the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699, on revised guidelines for passenger safety instructions, are applied;
- (c) a table with the shipboard working arrangements is posted in an easily accessible place, and contains—
 - (i) the schedule of service at sea and service in port, and
 - (ii) the maximum hours of work or the minimum hours of rest required for watchkeepers;
- (d) the master is not constrained from taking any decision, which in his professional judgment is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
- (e) the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;
- (f) any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ferry or craft, and any deficiencies in the securing arrangements of such doors, are promptly reported to both the flag State administration and the host State and are promptly repaired to their satisfaction;
- (g) an up-to-date voyage plan is available before the departure of the ro-ro ferry or high-speed passenger craft on its voyage and in preparing the voyage plan the guidelines set out in the relevant MSC Resolution of the IMO, on guidelines on voyage planning, are taken fully into account; and

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- (h) general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.

SCHEDULE 2

Regulation 12

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1. Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers (OJ L 319, 12.12.1994, p. 28). Directive as last amended by Directive 98/35/EC (OJ L 172, 17.6.1998, p. 1), where applicable, as replaced by Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers and as transposed by the Gibraltar Merchant Shipping (Manning, Training, Certification and Related Seafarers Matters) Regulations, 2002 (Legal Notice 7 of 2002).
2. Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll on/roll off passenger ferries (ro-ro ferries) (OJ L 320, 30.12.1995, p. 14) and the Regulation as amended by Commission Regulation (EC) No 179/98 (OJ L 19, 24.1.1998, p. 35).

PROCEDURES FOR SPECIFIC SURVEYS.

1. The specific surveys under these Regulations shall ensure that statutory requirements, in particular, those for construction, subdivision and stability, machinery and electrical installations, loading, stability, fire protection, maximum number of passengers, life saving appliances and the carriage of dangerous goods, radiocommunications and navigation are fulfilled and are for that purpose, and where applicable, at least include the following—

- (a) the starting of the emergency generator;
- (b) an inspection of emergency lighting;
- (c) an inspection of the emergency source of power for radio-installations;
- (d) a test of the public address system;
- (e) a fire drill, including a demonstration of the ability to use firemen's outfits;
- (f) the operation of the emergency fire-pump with two fire-hoses connected to the fire main line in operation;
- (g) the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans;
- (h) the testing of remote and local controls for the closing of fire dampers;
- (i) the testing of fire detection and alarm systems;
- (j) the testing of proper closing of fire doors;
- (k) the operation of bilge pumps;
- (l) the closing of watertight bulkhead doors, both from the local and remote control positions;
- (m) a demonstration that shows that key crew members are acquainted with the damage control plan;
- (n) the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system,

and recovering them from the water into their stowed position on board;

- (o) the checking that all lifeboats and rescue boats correspond to the inventory;
- (p) the testing of the ship's or craft's steering gear and auxiliary steering gear.

2. Specific surveys under these Regulations shall include the verification of the planned maintenance system on board.

3. Specific surveys under these Regulations shall focus on the familiarisation of crew members with, and their effectiveness in, safety procedures, emergency procedures, maintenance, working practices, passenger safety, bridge procedures and cargo and vehicle-related operations. Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook shall be checked. The documented evidence that crew members have successfully followed a special training shall be checked, in particular with regard to:

- (a) crowd-management training;
- (b) familiarisation training;
- (c) safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency; and
- (d) crisis management and human behaviour training.

The specific survey shall include an assessment as to whether rostering patterns are causing unreasonable fatigue particularly for watch-keeping personnel.

4. Certificates of competence of the crew members issued by third States shall only be recognised when they comply with Regulation I/10 of the revised International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW '95).

**INDICATIVE GUIDELINES FOR QUALIFIED INSPECTORS
WHEN CARRYING OUT UNSCHEDULED SURVEYS DURING A
REGULAR CROSSING.****1. Passenger information.**

The means used to ensure that the passenger number for which the ro-ro ferry or high-speed passenger craft (hereafter referred to as “ship”) is certified is not exceeded; that the system for registration of passenger information complies with the regulations and is effective. How the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

2. Loading and stability information.

That, when applicable, reliable draught gauges are fitted and are in use. That measures are taken to ensure that the ship is not overloaded and the appropriate sub-division load line is not submerged. That the loading and stability assessment is carried out as required. That goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment. That damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.

3. Security for sea.

The procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed. That all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable the bow visor to be closed, the closing arrangements for the bow, stern and side doors, and the provision of indicator lights and TV surveillance to show their status on the navigating bridge. Any difficulties with the operation of the indicator lights, particularly the switches at the doors, should be ascertained and reported.

4. Safety announcements.

The form of routine safety announcements and the posting of instructions and guidance on emergency procedures in the appropriate language(s). That the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.

5. Log book entries.

An examination of the log book to ensure that the entries are being made regarding the closing of the bow, stern and other watertight and weather-tight doors, drills for sub-division watertight doors, testing of steering gears, etc. Also that draughts, freeboard and stability are being recorded as well as the common working language for the crew.

6. Dangerous goods.

That any cargo of dangerous or polluting goods is carried in accordance with the relevant regulations and, in particular, that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show their location on board, that the carriage of the particular cargo is permitted on passenger ships, and that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated.

That vehicles carrying dangerous and polluting goods are properly placarded and secured. That, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore. That the master is aware of the notification requirements under the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004, and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants. That the means of ventilating the vehicle decks is in use at all times, is increased when the engines of the vehicles are running and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

7. Securing freight vehicles.

How freight vehicles are secured, for example, whether block stow or individual lashings. Whether sufficient strong points are available. The arrangements for securing freight vehicles when adverse weather is experienced or expected. The method of securing coaches and motor cycles, if any. That the ship has a cargo securing manual.

8. Vehicle decks.

Whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed. That fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

9. Closure of watertight doors.

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That the policy laid down in the ship's operational instructions for the subdivision watertight doors is being followed. That the required drills are being carried out. That the bridge control for the watertight doors is kept, when possible, on "local" control. That the doors are kept closed in restricted visibility and any hazardous situation. That crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

10. Fire patrols.

It should be confirmed that an efficient patrol is being maintained so that any outbreak of fire may be readily detected. This should include special category spaces where a fixed fire detection and alarm system is not fitted noting that these spaces may be patrolled as indicated in paragraph 8.

11. Communications in an emergency.

That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors:

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
- (c) the possible need to communicate during an emergency by some other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);
- (d) the extent to which complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

12. Common working language between crew members.

Verify that a working language is established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

13. Safety equipment.

That the life-saving and fire appliances, including the fire doors and other items of the structural fire protection plan that may be readily inspected, are being maintained. That fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers. That the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified. That the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, etc. that may be located on the vehicle decks.

14. Navigational and radio equipment.

That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

15. Supplementary emergency lighting.

That supplementary emergency lighting is fitted, when required by the regulations, and that a record of deficiencies is being kept.

16. Means of escape.

Marking, in accordance with the applicable requirements, and the lighting, from both the main and emergency sources of power, of the means of escape. The measures taken to keep vehicles clear of escape routes where the means of escape cross or pass through vehicle decks. That exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

17. Operations book.

That copies of the operations book are provided for the master and each senior officer and that other copies are available for all members of the crew. Also that there are check lists to cover the preparation for sea and other operations.

18. Engine room cleanliness.

That the engine room is maintained in a clean condition with regard to maintenance procedures.

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19. Garbage disposal.

That the arrangements for the handling and disposal of garbage are satisfactory.

20. Planned maintenance.

All companies should have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment. Plans should be in place for periodically checking all items so as to maintain safety standards at the highest level. Procedures should be in place for recording deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified. Periodic checking of the operation of the inner and outer bow door closing arrangements should include the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

21. Making a voyage.

When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. That the vehicle deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking should also be checked.

SCHEDULE 5

Regulation 2(1)

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**CRITERIA OF QUALIFICATION AND INDEPENDENCE FOR
QUALIFIED INSPECTORS.**

1. The qualified inspector must be authorised to carry out the specific surveys referred to in Article 6 of the Directive by the competent authority of the Member State.
2. Either:
 - (a) the qualified inspector must have completed a minimum of one year's service with the competent authority of a Member State as a flag State inspector dealing with surveys and certification in accordance with the SOLAS Convention,
 - (b) and be in possession of:
 - (i) a certificate of competency as master, enabling that person to take command of a ship of 1600 GT or more (see STCW '95, Regulation II/2), or
 - (ii) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3000 kW (see STCW '95, Regulation III/2), or
 - (iii) have passed in a Member State an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years,
 - (c) the qualified inspectors mentioned under (a) and (b) must have served for a period of not less than five years at sea as officer in the deck or engine department respectively;
or:
 - (d) the qualified inspector must hold a relevant university degree or equivalent in a Member State; and
 - (i) have been trained and qualified at a school for ship safety inspectors in a Member State; and
 - (ii) have served at least two years with the competent authority of a Member State as a flag State inspector dealing with surveys and certification in accordance with the SOLAS Convention.

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3. Qualified inspectors shall have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.
4. Qualified inspectors shall have an appropriate knowledge of the provisions of the SOLAS Convention and of the relevant procedures of this Directive.
5. The qualified inspectors carrying out specific surveys shall have no commercial interest either in the company concerned or any other company operating on a regular service to and from the involved host State or in the ro-ro ferries or high-speed passenger craft inspected, nor shall the qualified inspectors be employed by or undertake work on behalf of non-governmental organisations which carry out statutory or classification surveys or issue certificates for that ro-ro ferry or high-speed passenger craft.
6. Inspectors not fulfilling the above criteria are also accepted if they were employed by the competent authority for statutory surveys or port State control inspections at the date of adoption of Directive 95/21/EC (30th June 1996) .