

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,265 of 19th May, 2016

B. 17/16

BILL

FOR

AN ACT to amend the Fast Launches (Control) Act, 1987.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Fast Launches (Control) (Amendment) Act 2016 and comes into operation on the day of publication.

Amendment of the Fast Launches (Control) Act, 1987.

2.(1) The Fast Launches (Control) Act, 1987 is amended in accordance with this section.

(2) In section 2—

- (a) in the definition of “controlled area” for “the Schedule” substitute “Schedule 1”;
- (b) in the definition of “fast launch” after “vessel” insert “, other than a vessel certified as exempt under section 2A,”.

(3) After section 2 insert the following section—

“Exempt vessels.

2A.(1) The Captain of the Port may, with the approval of the Government, on application by the owner of a vessel or a person intending to purchase a vessel, certify such vessel, which other than for this section would be categorized as a fast

launch, as an exempt vessel if he is satisfied that such vessel meets the criteria contained in Schedule 2 to this Act.

- (2) The Captain of the Port shall not certify a vessel under this section if the registered owner of such vessel has been convicted of an offence which would preclude an issue to such person of a licence under section 4 of this Act.
- (3) A certification granted under subsection (1) may be subject to such conditions as the Captain of the Port considers necessary or desirable including but not limited to a condition that the vessel be surveyed or tested at such intervals as the Captain of the Port deems appropriate.
- (4) A certification granted under subsection (1)–
 - (a) shall be valid only for the vessel to which it is expressed to relate;
 - (b) shall be valid until revoked or until the ownership of the vessel changes.
- (5) The Captain of the Port may revoke a certification granted under this section if–
 - (a) the vessel no longer meets any of the criteria set out in Schedule 2;
 - (b) the registered owner is convicted of an offence which would preclude the issue to such person of a licence under section 4 of this Act;
 - (c) there has been a breach of any condition to which the certification is subject; or
 - (d) the engines, drive systems, propellers or jets of such vessel have been replaced, tuned or altered in any way without the Captain of the Port’s permission.
- (6) A person aggrieved by the revocation of a certification may, within 14 days of the notification of such revocation, appeal in writing to the Government, whose decision shall be final.

- (7) Sections 15, 16, 17, 20 and 21(1)(b), (c), (e) and (h) apply to exempt vessels as if the references therein to fast launches include a reference to vessels certified as exempt under this section.”.
- (4) In section 22–
- (a) renumber the current text as subsection (1);
 - (b) insert after the newly renumbered subsection (1)–
 - “(2) The Government may by regulations amend Schedule 2 so as to alter or add to the criteria for certification under section 2A.”.
- (5) The current Schedule is renumbered as “Schedule 1”.
- (6) After the newly renumbered Schedule 1 insert the following–

“SCHEDULE 2

The criteria for certification under section 2A are that–

- (1) the vessel does not under normal operating conditions exceed a speed of 40 knots; and
- (2) the vessel is not of a type, characteristic, colour or description the certification of which would be in the opinion of the Captain of the Port in consultation with the Government, against the public interest; and
- (3) the vessel is not an inflatable boat or a rigid inflatable boat as defined in paragraph 16(2) of Schedule 1 to the Imports and Exports (Control) Regulations, 1987; and
- (4) the vessel–
 - (a) has a hull beam of over 2.4m; and
 - (b) has a hull length of over 6.9m or, if it is a shaft drive vessel with the propeller fixed directly to the end of the shaft, 5.9m; and

- (c) has a hull displacement weight–
 - (i) without engine, of over 1200kg if outboard engine powered; or
 - (ii) with engine, of over 1500kg if not outboard engine powered; and
- (5) the vessel is not equipped with an engine or engines with a brake horsepower which exceeds the manufacturer’s maximum engine recommendation.”.

EXPLANATORY MEMORANDUM

This Bill amends the Fast Launches (Control) Act, 1987 so as to allow for the exemption of certain vessels from the regime created under that Act if they meet certain criteria.

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