

1995-13 Gibraltar Merchant Shipping (Safety, etc.)

Subsidiary Legislation made under ss.59, 63(1) and 118.

Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004

LN.2004/071

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Implementing:

Regulation (EC) 725/2004

International Convention for Safety of Life at Sea (SOLAS) 1974

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In exercise of the powers conferred on it by sections 59, 63(1) and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other powers enabling, the Government, for the purposes of completing full implementation of the International Convention for Safety of Life at Sea (SOLAS) 1974 as amended by the Protocol of 1988 relating to that Convention, including other amendments adopted by the IMO by Resolutions in accordance with Article VIII of that Convention and the Codes referred to therein, and implementing Regulation (EC) No 725/2004 of the European Parliament and of the European Council of 31 March 2004 on enhancing ship and port facility security, has made the following Regulations:

**PART I
PRELIMINARY**

Title.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004.

Interpretation.

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

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

“anniversary date” means the day and the month of each year which corresponds to the date of expiry of the certificate or the relevant document;

“appropriate Certifying Authority” means—

- (a) in relation to passenger ships and safety equipment of cargo ships, the Administration;
- (b) in relation to cargo ships, except in relation to their radio installations and safety equipment, the Administration, and if authorised by the Administration, includes Lloyd’s Register of Shipping, Bureau Veritas, Det Norske Veritas, Germanischer Lloyd, American Bureau of Shipping, and Registro Italiano Navale or any other international classification society recognised by the United Kingdom; and
- (c) in relation to radio installations of cargo ships, any person authorised by the Administration;

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“approved” means approved by the Administration or by any Organisation recognised under the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations, 2002;

“audit” means a systematic and independent examination to determine whether–

- (a) the safety management is suitable to meet the objectives set out in the ISM Code; and
- (b) in so far as the safety management system has been operated, that the system has been implemented effectively,

by taking into account the Guidelines on the Implementation of the ISM Code by Administrations adopted by revised Resolution A.1118(30) of 6 December 2017 in its up-to-date version as in force at the time of reference;

“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;

“cargo ship” means any ship that is not a–

- (a) passenger ship;
- (b) ship of war;
- (c) fishing vessel; or
- (d) pleasure vessel;

“chapter II-1” means chapter II-1 of the SOLAS Convention as amended by Resolution MSC. 99(73), in its up-to date version as in force at the time of reference;

“chapter II-2” means chapter II-2 of the SOLAS Convention as replaced by Resolution MSC.99(73), in its up-to date version as in force at the time of reference;

“chapter III” means chapter III of the SOLAS Convention as amended by Resolutions MSC. 47(66) and MSC. 91(72) in its up-to date version as in force at the time of reference;

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“chapter IV” means chapter IV of the SOLAS Convention as amended by Resolution 1 of the Conference of Contracting Governments to the SOLAS Convention, on GMDSS and entering into force on 1 February 1992 and Resolution MSC. 69 (69), in its up-to date version as in force at the time of reference;

“chapter V” means chapter V of the SOLAS Convention as replaced by MSC. 99(73), in its up-to date version as in force at the time of reference;

“chapter VI” means chapter VI of the SOLAS Convention as amended by MSC. 22(59), in its up-to date version as in force at the time of reference;

“chapter VII” means chapter VII of the SOLAS Convention in its up-to date version as in force at the time of reference;

“chapter VIII” means chapter VIII of the SOLAS Convention in its up-to date version as in force at the time of reference;

“chapter IX” means chapter IX of the SOLAS Convention in its up-to date version as in force at the time of reference;

“chapter X” means chapter X of the SOLAS Convention, in its up-to date version as in force at the time of reference;

“chapter XI-1” means chapter XI-1 of the SOLAS Convention as renumbered and modified by the Diplomatic Conference on Maritime Security on 13 December 2002, in its up-to date version as in force at the time of reference;

“chapter XI-2” means chapter XI-2 of the SOLAS Convention as adopted by the Diplomatic Conference on Maritime Security on 13 December 2002, in its up-to date version as in force at the time of reference;

“chapter XII” means chapter XII of the SOLAS Convention, in its up-to date version as in force at the time of reference;

“company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code;

“Convention Certificate” means a certificate issued in accordance with the requirements of the SOLAS Convention;

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“Convention country” means a country or State that is a Party to the SOLAS Convention;

“Document of Compliance” means a document—

- (a) referred to in Regulation 4 of chapter IX; and
- (b) issued to a company that complies with the requirements of the ISM Codes;

“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 sailing, without calling at any port of another State;

“EC Regulation” means Regulation (EC) No 725/2004 of the European Parliament and of the European Council of 31 March 2004 on enhancing ship and port facility security as amended by the Gibraltar Merchant Shipping (Survey, Certification and Safety) (Amendments) (EU Exit) Regulations 2021;

“fishing vessel” means any vessel equipped or used for commercial purposes either for catching or catching and processing fish or other living resources from the sea;

“FSS Code” means the International Code for Fire Safety Systems as adopted by Resolution MSC. 98(73), in its up-to date version as in force at the time of reference;

“Gibraltar ship” means a ship registered in Gibraltar under the provisions of the Gibraltar Merchant Shipping (Registration) Act, 1993;

“Gibraltar waters” means the area of waters contained within the BGTW in Gibraltar;

“gross tonnage” shall have the meaning assigned to it by the International Convention on Tonnage Measurement of Vessels, 1969, in its up-to date version as in force at the time of reference;

“HSC Code” means the “International Code for Safety of High Speed Craft” contained in Resolution MSC. 97 (73) of 5 December 2000, in its up-to date version as in force at the time of reference;

“high-speed craft” means a craft defined in Regulation 1.2 of the SOLAS Convention;

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“high speed passenger craft” means a high speed craft which carries more than 12 passengers but passenger ships engaged on domestic voyages shall not be considered as high speed passenger craft when—

- (a) their displacement corresponding to the design waterline is less than 500 m³; and
- (b) their maximum speed, as defined in paragraph 1.4.30 of the HSC Code, is less than 20 knots;

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by Resolution MSC. 4(48), in its up-to date version as in force at the time of reference;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by Resolution MSC. 5(48), in its up-to date version as in force at the time of reference;

“IMDG Code” means the International Maritime Dangerous Goods Code adopted by Resolution A. 716(17), in its up-to date version as in force at the time of reference;

“IMO” means the International Maritime Organization;

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

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by Resolution MSC. 88(71), in its up-to date version as in force at the time of reference;

“inspector” means a person appointed under section 56 of the Act;

“Intact Stability Code” means the “Code on Intact Stability for all types of ships covered by IMO Instruments” contained in Resolution A.749 (18) of 4 November 1993, in its up-to date version as in force at the time of reference;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the SOLAS Convention applies;

“ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by Resolution A.741(18) as amended by Resolution MSC. 104(73), in its up-to date version as in force at the time of reference;

“ISPS Code” means the International Ship and Port Facilities Security Code as adopted by Resolution A.924(22) on 12 December 2002, in its up-to date version as in force at the time of reference;

“LSA Code” means the International Life-Saving Appliances (LSA) Code as adopted by Resolution MSC. 48(66), in its up-to date version as in force at the time of reference (disregarding for this purpose any amendment so far as it is excluded by Article 10(1) or (2) of the EC Regulation);

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

“mile” means an international nautical mile of 1852 metres;

“MSC/Circ.” means a Circular issued by the Maritime Safety Committee of the IMO;

“national certificate” means a certificate issued pursuant to subregulation (1) or (2) of regulation 4 or regulation 5;

“Act” means the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993;

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

“pleasure vessel” shall have the same meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Seafarer’s Hours of Work and Medical Examination) Regulations, 2003;

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“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;

“port security authority” means the authority designated under rule 7(1) of the Port (Enhancing Security) Rules 2008;

“port facility” means a location as determined by the port authority where interaction takes place between a ship and a port;

“radio installations” means any radio equipment other than radio navigational equipment on board a ship or any equipment required under Part C of chapter IV and provided in relation to the ship’s life-saving appliances;

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

“recognised security organisation” means an organisation with expertise in security and anti-terrorism matters recognised by the Administration and authorised by it for the purpose of carrying out survey, assessment, verification and certification activities, required by chapter XI-2 and the ISPS Code, on its behalf;

“Resolution” means a resolution of the IMO;

“ro-ro passenger ship” means a passenger ship provided with cargo or vehicle spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“security levels” means the description of the degree of risk associated with the threat of an unlawful act against a ship, including a mobile offshore drilling unit, port facility or to areas adjacent to them;

“shipper” means the person responsible for sending the goods to a vessel for transport, including the owner of the goods or his representatives;

“ship-port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of people, goods or the provisions of port services to or from the ship;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended or modified by its Protocols of 1978 and 1988, in its up-to date version as in force at the time of reference (disregarding for this purpose any amendment so far as it is excluded by Article 10(1) or (2) of the EC Regulation);

“short international voyage” means an international voyage in the course of which a ship—

- (a) is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) neither the distance between the last port of call in which the voyage begins and the final port of destination nor the return voyage exceeds 600 miles; and
- (c) the final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began;

“surveyor” means a person appointed under section 52 of the Act;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature and its age shall be determined from the year of build as indicated on its certificate of registry.

(2) Words and phrases used in these Regulations but not defined in subregulation (1) above, shall have the same meaning assigned to them by the SOLAS Convention and other relevant Codes referred to in these Regulations.

PART II GENERAL APPLICATION AND EXEMPTIONS.

Application and administration of these Regulations.

3.(1) These Regulations apply to a Gibraltar ship that is a passenger ship, cargo ship, high-speed craft or a nuclear ship and to such other ships whilst they are in Gibraltar waters.

(2) These Regulations do not apply to fishing vessels, pleasure vessels, ships of war and Government vessels not in commercial operation.

(3) The Maritime Administrator shall be responsible for the administration of these Regulations.

Ships not engaged in international voyages.

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4.(1) Where a ship, other than a passenger ship, operates solely within Gibraltar Waters and because of the size of the ship, the provisions of the SOLAS Convention would have applied had it been operating internationally, the provisions of the SOLAS Convention or equivalent provisions shall apply as closely as practicable and national certificates, as deemed appropriate by the Administration, shall be issued.

(2) Where a ship, other than a passenger ship, operates solely within Gibraltar waters and because of the size of the ship, the provisions of the SOLAS Convention do not apply, the provisions of the relevant United Kingdom legislation shall apply *mutatis mutandis*, and national certificates similar to those issued in the United Kingdom shall be issued by the Administration.

(3) Where subregulation (1) or (2) above applies in respect of a passenger ship, the provisions of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyage) Regulations, 2003 shall additionally apply.

Ships engaged in international voyages.

5.(1) Where a ship is engaged in international voyages but because of its size, the provisions of the SOLAS Convention do not apply, the ship shall comply with the SOLAS Convention as closely as practicable and in that case the Administration shall issue national certificates to the ship in a format deemed appropriate by the Administration.

(2) Every ship referred to in subregulation (1) shall, if it does not comply with the SOLAS Convention, meet the standards developed by the International Association of Classification Societies (IACS) for similar ships.

Equivalence and exemptions.

6.(1) Where the Administration is satisfied that a particular ship, even though it does not have the design, features or the equipment as required by the SOLAS Convention, has other equivalent arrangements, provisions and equipment to provide the ship with an equal degree of protection and safety, the Administration may accept such arrangements, provisions and equipment as being equivalent to the requirements of the SOLAS Convention.

(2) Where the Administration is satisfied that the nature of service or the voyage of a ship does not require total application of the relevant provisions of the SOLAS Convention, the Administration may, within the scope of the SOLAS Convention, grant exemptions from all or any of the provisions of these Regulations or the SOLAS Convention.

(3) An exemption under subregulation (2) shall specify the conditions under which it has been granted and the period of validity for that exemption.

(4) The Administration may—

- (a) in an exemption under subregulation (2), stipulate any alternative arrangement to be complied with; and
- (b) subject to giving reasonable notice, alter, withdraw or cancel any such exemption.

**PART III
SURVEYS, VERIFICATIONS AND CERTIFICATES.**

Surveys of ships.

7.(1) When a ship to which these Regulations apply, requires inspection and survey for the enforcement of these Regulations and the granting of exemptions, the Administration shall nominate one or more surveyors or authorize a recognised organisation to carry out such inspections, surveys and audits on its behalf.

(2) The Administration shall, when nominating a surveyor or authorizing a recognised organisation to carry out inspections, surveys and audits on its behalf pursuant to subregulation (1) -

- (a) as a minimum, empower the surveyor or the recognised organisation to—
 - (i) require repairs to a ship; and
 - (ii) carry out inspections, surveys and audits if requested by an appropriate authority of the Government of a Convention country; and
- (b) cause the IMO to be notified of the specific responsibilities and conditions of the authority delegated to the surveyor or recognised organisation.

(3) When a nominated surveyor or the recognised organisation determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, such surveyor or organisation shall—

- (a) immediately ensure that corrective action is taken by the owner and the master of the ship; and

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(b) in due course, notify the Administration.

(4) If no corrective action is taken pursuant to subregulation (3) within the time limit set by the nominated surveyor or recognised organisation, and the ship is a Gibraltar ship, the relevant certificate shall be withdrawn, and the Administration shall be notified immediately, and if the ship is in the port of a Convention country, the appropriate authorities of that country shall also be notified immediately.

(5) The surveyor acting on behalf of the Administration shall ensure that the ship shall not sail until it can proceed to sea, or leave the port for the purpose of proceeding to an appropriate repair yard, without danger to the ship or persons on board.

(6) In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy the obligation under this regulation.

Surveys of passenger ships.

8.(1) A passenger ship shall be subject to the following surveys–

- (a) an initial survey before the ship is put in service;
- (b) a renewal survey once every 12 months, except where subregulations (5), (8), (9), (10), (11) and (12) of regulation 24 are applicable;
- (c) additional surveys, as occasion arises.

(2) An initial survey referred to in subregulation (1) shall be carried out as follows–

- (a) the initial survey shall include a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers;
- (b) the initial survey shall be such as to ensure that–
 - (i) the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations, including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment fully comply with the requirements of the

SOLAS Convention and of other relevant provisions of any Gibraltar legislation enacted as a result of the SOLAS Convention for ships engaged in the service which it intends to provide;

- (ii) the workmanship of all parts of the ship and its equipment is in all respects satisfactory; and
- (iii) the ship is provided with the lights, shapes, means of making sound signals and distress signals as required by the provisions of these Regulations and the International Regulations for Preventing Collisions at Sea.

(3) A renewal survey referred to in subregulation (1) shall be carried out as follows—

- (a) the renewal survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside of the ship's bottom;
- (b) the renewal survey shall be such as to ensure that—
 - (i) the ship, as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements shipborne navigational equipment, nautical publications, means of embarkation for pilots and other equipment is in satisfactory condition and is fit for the service for which it is intended and it complies with the requirements of the SOLAS Convention and of other relevant provisions of any Gibraltar legislation enacted as a result of the SOLAS Convention for ships engaged in the service which it intends to provide; and
 - (ii) the lights, shapes, means of making sound signals and distress signals carried by the ship comply with the applicable requirements of these Regulations and of the International Regulations for Preventing Collisions at Sea.

(4) An additional survey referred to in subregulation (1) shall be carried out as follows—

- (a) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 16, or whenever any important repairs or renewals are made;

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- (b) an additional survey shall be such as to ensure that—
- (i) the necessary repairs or renewals have been effectively made;
 - (ii) the material and workmanship of such repairs or renewals are in all respects satisfactory; and
 - (iii) the ship complies in all respects with the provisions of these Regulations and of the International Regulations for Preventing Collisions at Sea and of other relevant provisions of any Gibraltar legislation enacted as a result of the SOLAS Convention for ships engaged in the service which it intends to provide.
- (5) The other relevant provisions in any Gibraltar legislation as referred to in subregulations (2)(b)(i), (3)(b)(i) and (4)(b)(iii) shall be such that they—
- (a) in all respects ensure that, from the point of view of the safety of life, the ship is fit for the service for which it is intended; and
 - (b) among other things prescribe the requirements to be observed as to the initial and subsequent hydraulic or other acceptable alternative tests to which the main and auxiliary boilers, connections, stem pipes, high pressure receivers and fuel tanks for internal combustion engines are to be submitted including the test procedures to be followed and the intervals between the two consecutive tests.

Surveys of life-saving appliances and other equipment of cargo ships.

9.(1) The life-saving appliances and other equipment of cargo ships of 500 gross tonnage and upwards shall be subject to the following surveys—

- (a) an initial survey before the ship is put in service;
- (b) a renewal survey at intervals specified by the Administration and not exceeding 5 years, except where subregulations (4), (7), (8), (9), (10) and (11) of regulation 24 are applicable;
- (c) a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Equipment Certificate which shall take the place of one of the annual surveys specified in paragraph (d) below;

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- (d) an annual survey within 3 months before or after each anniversary date of the Cargo Ship Safety Equipment Certificate; and
 - (e) an additional survey in the manner prescribed for passenger ships in regulation 8(4)(b).
- (2) An initial survey referred to in subregulation (1) above shall be carried out as follows–
- (a) an initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, means of embarkation for pilots and other equipment to which chapters II-1, II-2, III and V apply to ensure that they comply with the requirements of these Regulations, are in satisfactory condition and are fit for the service for which the ship is intended;
 - (b) an initial survey shall be for the purpose of ensuring that the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals of the ship comply with the requirements of these Regulations and, where applicable, the International Regulations for Preventing Collisions at Sea.
- (3) A renewal or a periodical survey referred to in subregulation (1) above shall be carried out to include an inspection of the equipment referred to in subregulation (2)(a) above to ensure that it–
- (a) complies with the relevant requirements of these Regulations and the International Regulations for Preventing Collisions at Sea;
 - (b) is in satisfactory condition; and
 - (c) is fit for the service for which the ship is intended.
- (4) An annual survey referred to in subregulation (1) above shall be carried out to include a general inspection of the equipment referred to in subregulation (2)(a) above to ensure that it–
- (a) has been maintained in accordance with regulation 16(1); and
 - (b) remains satisfactory for the service for which the ship is intended.
- (5) The periodical and annual surveys referred to in subregulation (1) shall be endorsed on the Cargo Ship Safety Equipment Certificate.

Surveys of radio installations of cargo ships.

- (iii) an intermediate survey which shall be conducted within three months before or after the second anniversary date or within three months before or after the third anniversary date of the Cargo Ship Safety Construction Certificate and it shall take the place of one of the annual surveys specified in subparagraph (iv) below;
 - (iv) an annual survey which shall be conducted within 3 months before or after each anniversary date of the Cargo Ship Safety Construction Certificate; and
 - (v) an additional survey shall be conducted in the manner prescribed for passenger ships in regulation 8(4)(a); and
- (b) a minimum of two inspections of the outside of the ship's bottom shall be carried out during any five year period, except where subregulations (8) and (9) or (10) and (11) of regulation 24 are applicable and in cases where subregulations (8) and (9) or (10) and (11) of regulation 24 are applicable, this five year period may be extended to coincide with the extended period of validity of the certificate but in all cases the interval between any two such inspections shall not exceed 36 months.

(2) The surveys and inspections referred to in subregulation (1) above shall be carried out as follows—

- (a) the initial survey shall—
 - (i) include a complete inspection of the structure, machinery and equipment;
 - (ii) be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of these Regulations, are in satisfactory condition and are fit for the service for which the ship is intended;
 - (iii) be such as to ensure that the required stability information is provided; and
 - (iv) in the case of tankers, include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices;
- (b) the renewal survey shall include an inspection of the structure, machinery and equipment as referred to in paragraph (a) above to ensure that they comply with

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the requirements of these Regulations, are in satisfactory condition and are fit for the service for which the ship is intended;

- (c) the intermediate survey shall—
 - (i) include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations to ensure that they remain satisfactory for the service for which the ship is intended; and
 - (ii) in the case of tankers, include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones;
- (d) the annual survey shall include a general inspection of the structure, machinery and equipment referred to in subregulation (2)(a) above, to ensure that they have been maintained in accordance with regulation 16(1) and that they remain satisfactory for the service for which the ship is intended;
- (e) the inspection of the outside of the ship's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the ship is intended.

(3) The intermediate and annual surveys and the inspections of the outside of the ship's bottom referred to in subregulation (1)(a)(ii) to (v) and (b) above, shall be endorsed on the Cargo Ship Safety Construction Certificate.

Verifications under the ISPS Code.

12.(1) Every ship to which chapter X1-2 and the ISPS Code apply shall be subject to the verifications specified in subregulation (2) below and such verifications shall, except in exceptional circumstances, be carried out by an inspector or surveyor of the Administration.

- (2) A ship to which chapter X1-2 and the ISPS Code apply shall require—
 - (a) an initial verification before the ship is put in service or before the certificate required by regulation 18(8) is issued for the first time which shall—
 - (i) include a complete verification of its security system and any associated security equipment covered by the relevant provisions of chapter XI-2 and the ISPS Code and the approved security plan; and

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- (ii) ensure that the security system and any associated security equipment of the ship fully complies with the applicable requirements of chapter XI-2 and the ISPS Code and is in satisfactory condition and fit for the service for which the ship is intended;
- (b) a renewal verification at intervals specified by the Administration and not exceeding five years, except where regulation 24(5)(a) or 24(7) is applicable and such verification shall ensure that—
 - (i) the security system and any associated security equipment of the ship fully complies with the applicable requirements of chapter XI-2 and the ISPS Code and the approved ship security plan; and
 - (ii) they are in satisfactory condition and fit for the service for which the ship is intended;
- (c) at least one intermediate verification and if only one intermediate verification is carried out it shall take place between the second and third anniversary date of the certificate and such intermediate verification shall—
 - (i) include an inspection of the security system and any associated security equipment of the ship to ensure that it remains satisfactory for the service for which the ship is intended; and
 - (ii) be endorsed on the certificate; and
- (d) any additional verifications as may be determined by the Administration.

(3) In every case, the Administration shall fully guarantee the completeness and efficiency of the verification and shall undertake to ensure the necessary arrangements to satisfy its obligation.

Surveys of nuclear ships.

13.(1) A survey of a nuclear ship shall include—

- (a) the applicable requirements of regulations 8, 9, 10, 11 and 12 of these Regulations except in so far as surveys are limited by the presence of radiation; and
- (b) any special requirements for safety assessment.

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(2) A survey of a nuclear ship shall, in all cases, notwithstanding the provisions of regulations 9 and 11 of these Regulations, be carried out not less frequently than once a year.

Enhanced surveys.

14.(1) Bulk carriers and oil tankers shall be subject to an enhanced programme of inspections and surveys.

(2) The inspections and surveys referred to in subregulation (1) shall be carried out in accordance with the guidelines adopted by Resolution A.744(18), including any amendment or replacement to that Resolution which relates to such guidelines as adopted and enforced by the IMO and are applicable at the time of reference.

(3) For the purposes of subregulation (2), MSC/Circ. 655 on guidance for planning the enhanced programme of inspections and surveys of bulk carriers and oil tankers, and MSC/Circ.686, guidelines on the means of access to structures for inspection and maintenance of oil tankers and bulk carriers may be relied upon.

Survey of high-speed craft.

15.(1) A high-speed craft shall be subject to the following surveys–

- (a) an initial survey before the craft is put into service for the first time;
- (b) a renewal survey at intervals specified by the Administration and not exceeding 5 years where paragraph 1.8.5 or 1.8.10 of the HSC Code is applicable;
- (c) a periodical survey within three months before or after each anniversary date of the certificate; and
- (d) an additional survey as the occasion arises.

(2) An initial survey referred to in subregulation (1) shall include–

- (a) an appraisal of the assumptions made and limitations proposed in relation to loading, environment, speed and manoeuvrability;
- (b) an appraisal of the data supporting the safety of the design, obtained, as appropriate, from calculations, tests and trials;
- (c) a failure mode and effect analysis as required by the HSC Code;

- (d) an examination of the adequacy of the various manuals supplied with the craft; and
- (e) a complete inspection of the structure, safety equipment, radio installations and other equipment, fittings, arrangements and materials to ensure that they comply with the requirements of the HSC Code, are in satisfactory condition and are fit for the service for which the craft is intended.

(3) A renewal survey referred to in subregulation (1) shall include a complete inspection of the structure, including the outside of the craft's bottom and related items, safety equipment, radio installations and other equipment as referred to in subregulation (2) above, to ensure that they comply with the requirements of the HSC Code, are in satisfactory condition, and are fit for the service for which the craft is intended.

(4) The inspection of the craft's bottom as referred to in subregulation (3) above shall be conducted with the craft out of the water under suitable conditions for close-up examination of any damaged or problem areas.

(5) An additional survey, either general or partial according to the circumstances, shall—

- (a) be made after a repair resulting from investigations prescribed in paragraph 1.7.3 of the HSC Code, or whenever any important repairs or renewals are made; and
- (b) be such as to ensure that—
 - (i) the necessary repairs or renewals have been effectively made;
 - (ii) the material and workmanship of such repairs or renewals are in all respects satisfactory; and
 - (iii) the craft complies in all respects with the requirements of the HSC Code.

Maintenance of conditions after surveys and verifications.

16.(1) The condition of every ship to which these Regulations apply and its equipment shall be maintained to conform with the provisions of these Regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board.

(2) In the case of a verification carried out pursuant to regulation 12, the security system and any associated security equipment of the ship after verification shall be maintained to conform with the provisions of regulations XI-2/4.2 and XI-2/6 of the ISPS Code and of the approved ship security plan.

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(3) After any survey or verification of the ship, under these Regulations, has been completed, no change shall be made—

- (i) in the structural arrangements, machinery, equipment and other items of the ship covered by the survey; and
- (ii) in the security system and any associated security equipment of the ship and of the approved ship security plan after a verification has been carried out pursuant to regulation 12,

without the sanction of the Administration;

(4) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship, the efficiency or completeness of its life-saving appliances or other equipment, the master or the owner of the ship shall report it, at the earliest opportunity, to the Administration who shall cause an investigation to be initiated to determine whether a survey, as required by these Regulations is necessary.

(5) In the case of an accident or defect, as referred to in subregulation (4) above, and where the ship is in a port of another Convention country, the master or the owner shall report immediately to the appropriate authorities of that Convention country and the Administration shall ascertain that such a report has been made.

Inquiry or investigation of incidents.

17.(1) Where any accident or casualty occurs involving a Gibraltar ship, the master or the company shall inform the Administration at the earliest opportunity and shall transmit to the Administration, within 24 hours of the incident, a narrative report of the incident containing—

- (a) the date, time and place of the accident or casualty;
- (b) particulars of any other vessel, object, property or person involved;
- (c) the nature and extent of the accident or details of the casualty; and
- (d) the probable cause of the incident if this can be established or the circumstances surrounding the accident or casualty.

(2) Where any Gibraltar ship has been detained under port state control, the master or the company shall submit a report to the Administration within 24 hours of the receipt of the notice by the ship of such detention.

(3) Upon receipt of a report referred to in subregulation (1) or (2), the Administration, if it deems necessary, may order an inquiry into the causes leading to the accident, casualty or detention.

(4) The inquiry shall be conducted by an officer or a board appointed by the Administration and the inquiry report shall be submitted to the Administration within such period as may be directed by it.

(5) Where an inquiry establishes that any negligence or omission on the part of the company contributed to or caused the accident or casualty, the Administration may—

- (a) withdraw or suspend, for such period as it deems fit, any certificate or document issued to that ship; and
- (b) in addition, require the company to pay part or all of the costs incurred in connection with the investigation of the incident.

(6) Notwithstanding subsection (5), the action taken under this regulation by the Administration shall not prejudice the right of appeal under regulation 87 or any legal action under the law of the country where the incident took place.

(7) Where any accident or casualty occurs on a ship, other than a Gibraltar ship, at sea resulting in loss or damage to persons, property or the environment and Gibraltar is the first port of call after that accident or incident, the Maritime Administrator may investigate the matter as if the accident or casualty had occurred in Gibraltar waters.

(8) Where the flag Administration decides to conduct its own inquiry into any accident or casualty referred to in subregulation (7) above, the Administration and the port authority shall render all possible assistance.

Certificates for passenger and cargo ships.

18.(1) Where a passenger ship complies with the relevant requirements of chapters II-1, II-2, III, IV and V and any other relevant requirements of these Regulations, a certificate, called a Passenger Ship Safety Certificate shall be issued to that ship after an initial or renewal survey.

(2) Where a cargo ship complies with the relevant requirements of chapters II-1 and II-2 (other than those relating to fire safety systems and appliances and fire control plans) and any other relevant requirements of these Regulations, a certificate, called a Cargo Ship Safety Construction Certificate shall be issued to that ship after an initial or renewal survey.

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(3) Where a cargo ship complies with the relevant requirements of chapters II-1, II-2, III and V and any other relevant requirements of these Regulations, a certificate, called a Cargo Ship Safety Equipment Certificate shall be issued to that ship after an initial or renewal survey.

(4) Where a cargo ship complies with the relevant requirements of chapter IV and any other relevant requirements of these Regulations, a certificate, called a Cargo Ship Safety Radio Certificate shall be issued to that ship after an initial or renewal survey.

(5) Where a cargo ship complies with the relevant requirements of chapters II-1, II-2, III, IV and V and any other relevant requirements of these Regulations, as an alternative to the certificates referred to in subregulations (2) (3) and (4) above, a certificate, called a Cargo Ship Safety Certificate may be issued to that ship after an initial or renewal survey.

(6) Whenever in these Regulations a reference is made to a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Radio Certificate, it shall apply to a Cargo Ship Safety Certificate, if it is used as an alternative to these certificates.

(7) The Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate as referred to in subregulations (1), (3), (4) and (5) shall be supplemented by a Record of Equipment.

(8) Where a ship and the company operating the ship complies with the requirements of chapter XI-2 and of the ISPS Code, a certificate, called the International Ship Security Certificate shall be issued to that ship by the Administration, a recognised security organisation or another Administration of a Convention country at the request of the Administration after an initial or renewal survey in accordance with the provisions of regulation 12.

(9) An International Ship Security Certificate shall—

- (a) not be issued to a ship which is entitled to fly the flag of a State which is not a Convention country; and
- (b) be drawn up in a form corresponding substantially to the model given in the appendix to the ISPS Code.

(10) When an exemption is granted to a ship under, and in accordance with, the provisions of these Regulations, a certificate, called an Exemption Certificate shall be issued in addition to the certificates prescribed in this regulation.

(11) The certificates referred to in subregulations (1) to (7) of this regulation and subregulations (1) and (2) of regulation 20 shall be issued or endorsed either by the

Administration or by any person or organisation authorized by it and in every case, the Administration shall assume full responsibility for those certificates.

Certificate and permit to operate high-speed craft.

19.(1) Where a high-speed craft complies with the relevant requirements of the HSC Code, the Administration or a recognised organisation acting on its behalf, shall issue or endorse a certificate, called a High-Speed Craft Safety Certificate, to that craft after completion of an initial or renewal survey.

(2) The certificate issued or endorsed under subregulation (1) above, shall—

- (a) be for a period not exceeding five years as may be specified by the Administration; and
- (b) be drawn up in a form corresponding substantially to the model given in annex 1 to the ISM Code.

(3) A Permit to Operate High-Speed Craft shall be issued by the Administration and drawn up on the basis of the information contained in the route operational manual specified in Chapter 18 of the HSC Code to—

- (a) certify the compliance of paragraphs 1.2.2 to 1.2.7 of Chapter 1 of the HSC Code; and
- (b) stipulate conditions for the operation of the craft.

(4) The Permit to Operate High-Speed Craft shall—

- (a) be for a period not exceeding five years as may be specified by the Administration; and
- (b) be drawn up in a form corresponding substantially to the model given in Annex 2 to the HSC Code.

Certificates for nuclear ships.

20.(1) Where a nuclear passenger ship complies with the relevant requirements of chapters II-1, II-2, III, IV and VIII and any other relevant requirements of these Regulations, a certificate, called a Nuclear Passenger Ship Safety Certificate, shall be issued to that ship after inspection and survey.

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(2) Where a nuclear cargo ship satisfies the requirements for cargo ships on survey set out in regulation 11 of these Regulations and complies with the requirements of chapters II-1, II-2, III, IV and VIII and any other relevant requirements of these Regulations, a certificate, called a Nuclear Cargo Ship Safety Certificate, shall be issued to that ship after inspection and survey.

(3) Every Nuclear Passenger Ship Safety Certificate and Nuclear Cargo Ship Safety Certificate shall—

- (a) state that the ship, being a nuclear ship, complied with all requirements of chapter VIII of the SOLAS Convention and conformed to the Safety Assessment approved for the ship; and
- (b) be valid for a period of not more than 12 months.

Certification and verification for safety management system.

21.(1) The Administration or a recognised organisation acting on its behalf shall issue a Document of Compliance, to every company which complies with the requirements of the ISM Code, for a period not exceeding five years as specified by the Administration.

(2) The Document of Compliance shall be—

- (a) accepted as evidence that the company is capable of complying with the requirements of the ISM Code;
- (b) valid only for the ship types explicitly indicated in the document; and
- (c) withdrawn if the annual verification required by paragraph 13.4 of the ISM Code is not requested or if there is evidence of major non-conformities with the ISM Code.

(3) A company responsible for the safe operation of a ship which holds a valid Document of Compliance for the ship types explicitly indicated in that document issued by or on behalf of another Administration, may apply to the Maritime Administrator for a letter of acceptance.

(4) The Maritime Administrator shall, upon an application pursuant to subregulation (3), issue to the company a letter of acceptance of its Document of Compliance if it complies with the requirements of the ISM Code, in respect of any ship covered by the said document and the ship is registered in Gibraltar.

(5) The Administration or a recognised organisation acting on its behalf may issue an Interim Document of Compliance, for a period not exceeding 12 months, to facilitate initial implementation of the ISM Code when—

- (a) a company is newly established; or
- (b) new ship types are to be added to an existing Document of Compliance,

following verification that the company has a safety management system and it demonstrates plans to implement a safety management system meeting the full requirements of the ISM Code within the period of validity of the Interim Document of Compliance.

(6) A copy of the Interim Document of Compliance shall be placed on board in order that the master of the ship, if so requested, may produce it for verification by the Administration.

(7) The Administration or a recognised organisation acting on its behalf shall issue a Safety Management Certificate to a ship, for a period not exceeding five years, after verifying that the company and its shipboard management operates in accordance with the approved safety management system.

(8) The Administration or a recognised organisation acting on its behalf may issue an Interim Safety Management Certificate, following the verifications set out in paragraph 14.4 of the IMS Code, for a period not exceeding 6 months—

- (a) to new ships on delivery;
- (b) when a company takes on responsibility for the operation of a ship which is new to the company; or
- (c) when a ship changes its flag.

(9) Notwithstanding subregulation (8) above, the Administration may, in special cases, extend the validity of an Interim Safety Management Certificate for a further period not exceeding 6 months from the date of expiry.

(10) The Document of Compliance, the Interim Document of Compliance, the Safety Management Certificate and the Interim Safety Management Certificate shall be drawn up in the forms corresponding, as closely as possible, to the models given in the appendix to the ISM Code.

Issue or endorsement of certificates by another Government.

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22. The Administration may request the Government of a Convention country to survey a Gibraltar ship, other than a ro-ro passenger ship and, if satisfied that the requirements of the SOLAS Convention are complied with, issue or authorize the issue to the ship of the appropriate certificates in accordance with the SOLAS Convention, and a certificate issued in accordance with such a request containing a statement that it has been so issued shall have the same effect as if it had been issued by the Administration in Gibraltar.

Issue or endorsement of certificates on request by another Government.

23.(1) The Administration may, if requested by the Government of a Convention country, cause a ship to be surveyed and, if satisfied that the requirements of the SOLAS Convention are complied with, issue or authorize the issue of appropriate certificates to the ship and, where appropriate, endorse or authorize the endorsement of certificates on the ship in accordance with the SOLAS Convention.

(2) A certificate issued under subregulation (1) shall—

- (a) contain a statement to the effect that it has been issued at the request of the Government of a Convention country the flag of which the ship is entitled to fly; and
- (b) have the same force and receive the same recognition as a certificate issued under these Regulations.

Duration and validity of certificates for passenger and cargo ships.

24.(1) A Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months.

(2) A Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate shall be issued for a period not exceeding five years as may be specified by the Administration.

(3) An Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

(4) An International Ship Security Certificate shall be issued for a period not exceeding five years as may be specified by the Administration.

(5) Notwithstanding the requirements of subregulations (1) to (4) above—

- (a) when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey—
 - (i) for a passenger ship, to a date not exceeding 12 months from the date of expiry of the existing certificate; and
 - (ii) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate;
- (b) when the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey—
 - (i) for a passenger ship, to a date not exceeding 12 months from the date of expiry of the existing certificate; and
 - (ii) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate;
- (c) when the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey—
 - (i) for a passenger ship, to a date not exceeding 12 months from the date of completion of the renewal survey; and
 - (ii) for a cargo ship, to a date not exceeding five years from the date of completion of the renewal survey.

(6) Where a certificate other than a Passenger Ship Safety Certificate has been issued for a period of less than five years, the Administration may extend the validity of the certificate beyond the expiry date to the maximum period specified in subregulations (1) to (4) with the condition that the surveys referred to in regulations 9, 10, 11 and 12 of these Regulations applicable when a certificate is issued for a period of 5 years are carried out as appropriate.

(7) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the person or the organisation authorized by the Administration may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed 5 months from the expiry date.

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(8) If a ship, at the time when a certificate expires, is not in a port in which it is to be surveyed, the Administration may extend the period of validity of the certificate but this extension shall be granted only—

- (a) for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed; and
- (b) in cases where it appears proper and reasonable to do so.

(9) No certificate shall be extended under subregulation (8) for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate.

(10) A certificate issued to a ship engaged on short international voyages which has not been extended under this regulation may be extended by the Administration for a period of grace up to one month from the date of expiry stated on it.

(11) When the renewal survey has been completed, the new certificate shall be valid—

- (a) for a passenger ship, to a date not exceeding 12 months from the date of expiry of the existing certificate before the extension was granted; and
- (b) for a cargo ship, to a date not exceeding 5 years from the date of expiry of the existing certificate before the extension was granted.

(12) In special circumstances, as may be determined by the Administration, a new certificate, other than the International Ship Security Certificate, need not be dated from the date of expiry of the existing certificate as required by subregulations (5)(b), (8), (9) or (10) and in such special circumstances, the new certificate shall be valid—

- (a) for a passenger ship, to a date not exceeding 12 months from the date of completion of the renewal survey; and
- (b) for a cargo ship, to a date not exceeding 5 years from the date of completion of the renewal survey.

(13) Where an annual, intermediate or periodical survey has been completed before the period specified under these Regulations—

- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
- (b) the subsequent annual, intermediate or periodical survey required by the relevant provisions of these Regulations shall be completed at the intervals prescribed by these Regulations using the new anniversary date; and
- (c) the expiry date may remain unchanged if one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant provisions of these Regulations are not exceeded.

(14) A certificate issued under these Regulations shall cease to be valid in any of the following cases—

- (a) if the relevant surveys and inspections are not completed within the periods specified under regulations 8, 9, 10, 11 and 12;
- (b) if the certificate is not endorsed in accordance with these Regulations; or
- (c) upon transfer of the ship to the flag of another State.

(15) Where a certificate ceases to be valid under subregulation (14) above, a new certificate shall only be issued when the Administration is fully satisfied that the ship is in compliance with the requirements of regulation 16(1) and (2).

(16) In the case of a transfer of any Gibraltar ship to another Convention country, if requested within three months after the transfer has taken place, the Administration shall, as soon as possible, transmit to the Administration of that country copies of the certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports.

Forms of, and harmonisation of certificates, etc.

25.(1) The certificates and records of equipment shall be drawn up, as closely as possible, in the form corresponding to the models given in the appendix to the annex to the SOLAS Convention.

(2) The Administration may, if it deems convenient, harmonise the certificates issued to a cargo ship under—

- (a) these Regulations;

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- (b) the Gibraltar Merchant Shipping (Load Lines) Regulations, 2003; and
- (c) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78),

taking the Cargo Ship Safety Construction Certificate as the lead certificate.

Availability of certificates.

26. The owner and the master of the ship shall ensure that the certificates issued under these Regulations and applicable to a particular ship shall be readily available on board for examination at all times.

Acceptance of certificates.

27. Where certificates are issued under the authority of the Government of a Convention country such certificates shall—

- (a) be accepted by the Administration for all purposes if they are issued in accordance with the SOLAS Convention; and
- (b) be regarded by the Administration as having the same force as certificates issued by or on its behalf.

Qualification of certificates.

28.(1) If in the course of a particular voyage a ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with the provisions of these Regulations, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, an annex may be issued by the Administration or the recognised organisation acting on its behalf.

(2) The annex referred to in subregulation (1) shall—

- (a) state that in the circumstances there is no infringement of the provisions of these Regulations;
- (b) be annexed to the certificate together with the statement referred to in paragraph (a) above;

- (c) be substituted for the certificate in so far as the life-saving appliances are concerned; and
- (d) be valid only for the particular voyage for which it has been issued.

PART IV

**CONSTRUCTION OF SHIPS: STRUCTURE, SUBDIVISION AND STABILITY,
MACHINERY AND ELECTRICAL INSTALLATIONS.**

Application of chapter II-1.

29.(1) Chapter II-1 of the SOLAS Convention shall have effect in Gibraltar.

(2) In applying the provisions of Chapter II-1, the Administration shall ensure, unless expressly provided otherwise in the SOLAS Convention, that—

- (a) ships, the keels of which are laid or which are at a similar stage of construction on or after 1 July 1986, comply with the provisions of that chapter; and
- (b) the requirements which are applicable under chapter II-1 as amended by Resolution MSC. 1(XLV), are complied with for ships constructed before 1 July 1986.

(3) The provisions of paragraphs 3.1 and 3.2 of Regulation 1, Part A of chapter II-1 shall apply to all ships which undergo repairs, alterations, modifications and outfitting if constructed before 1 July 1986.

(4) Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of chapter II-1 unreasonable or unnecessary, the Administration may exempt from those requirements individual ships or classes of ships entitled to fly the flag of Gibraltar which in the course of their voyage do not proceed more than 20 miles from the nearest land.

Structural, mechanical and electrical requirements for ships.

30.(1) Every ship to which the SOLAS Convention applies shall be designed, constructed and maintained in compliance with-

- (a) the requirements contained in chapter II-1; and
- (b) in addition, the structural, mechanical and electrical requirements of a recognised organisation.

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(2) All equipment fitted or carried on board a Gibraltar ship under the provisions of these Regulations, shall comply with the applicable international standards as required by the Gibraltar Merchant Shipping (Marine Equipment) Regulations, 2002.

Subdivision and stability.

31. The Administration shall, in particular, ensure that—

- (a) the subdivisions of passenger ships into watertight compartments are such that after having assumed damage to its hull the ship will remain afloat and stable; and
- (b) ships comply with the requirements for—
 - (i) watertight integrity;
 - (ii) bilge pumping arrangements; and
 - (iii) stability information;

both for passenger ships and cargo ships as set out in Part B and Part B-1 of chapter II-1.

Machinery installations.

32.(1) The Administration shall, in particular, ensure that—

- (a) the machinery installations are such as to reduce to a minimum any danger to persons on board;
- (b) due regard is paid to moving parts, hot surfaces, and other hazards;
- (c) means have been provided whereby normal operation of propulsion machinery can be sustained or restored even though one of the essential auxiliaries becomes inoperative;
- (d) means have been provided to ensure that machinery can be brought into operation from a dead ship condition without external aid; and
- (e) provisions have been made to facilitate cleaning, inspection and maintenance of main propulsion and auxiliary machinery including boilers and pressure vessels.

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- (2) The Administration shall give special consideration to—
- (a) the reliability of single essential propulsion components and may require a separate source of propulsion power sufficient to give the ship a navigable speed, especially in the case of unconventional arrangements; and
 - (b) the malfunctioning of—
 - (i) a generating set which serves as a main source of electrical power;
 - (ii) the source of steam supply;
 - (iii) the boiler feedwater systems;
 - (iv) the fuel oil supply systems for boilers or engines;
 - (v) the sources of lubricating oil pressure;
 - (vi) the sources of water pressure;
 - (vii) a condensate pump and the arrangements to maintain vacuum in condensers;
 - (viii) the mechanical air supply for boilers;
 - (ix) an air compressor and receiver for starting or control purposes; and
 - (x) the hydraulic, pneumatic or electric means for control in main propulsion machinery including controllable pitch propellers.
- (3) The Administration shall ensure that—
- (a) the design, construction and installation of propulsion machinery systems are such that any mode of their vibrations shall not cause undue stresses in the machinery in the normal operating ranges;
 - (b) the operating and maintenance instructions and engineering drawings for ships machinery and equipment essential to the safe operation of the ship are written in a language understandable by those officers and crew members who are required to understand such information in the performance of their duties; and

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- (c) if the ship was constructed on or before 1 July 1998, the location and arrangement for vent pipes for fuel oil services, settling and lubrication oil tanks are such that in the event of a broken vent pipe, it will not directly lead to the risk of ingress of seawater splashes or rainwater.

(4) The Administration shall inspect as part of the surveys prescribed in regulation 13(1) of these Regulations all non-metallic expansion joints in piping systems, if located in a system which penetrates the ship's side and both the penetration and the non-metallic expansion joint are located below the deepest load water line and shall require immediate replacement if necessary or replacement at an interval recommended by the manufacturer.

Electrical installations.

33. The Administration shall ensure that—

- (a) all electrical auxiliary services necessary for maintaining the ship in normal operation and habitable conditions are operational without recourse to the emergency source of electrical power;
- (b) electrical services essential for safety are operational under emergency conditions; and
- (c) the safety of passengers, crew and ship from electrical hazards is ensured,

by putting the electrical installations in place in the ship in accordance with the SOLAS Convention.

Additional requirements for periodically unattended machinery spaces.

34. The Administration shall ensure that—

- (a) the arrangements provided for the safety of a ship in all sailing conditions, including manoeuvring, is equivalent to that of a ship having the machinery spaces manned;
- (b) measures are taken to ensure that the equipment is functioning in a reliable manner and that satisfactory arrangements are made for regular inspections and routine tests to ensure continuous reliable operation; and
- (c) every ship is provided with documentary evidence, to the satisfaction of the Administration, of the ship's fitness to operate with periodically unattended machinery spaces.

PART V
CONSTRUCTION OF SHIPS: FIRE PROTECTION, FIRE DETECTION AND FIRE
EXTINCTION.

Application of chapter II-2.

35.(1) Chapter II-2 of the SOLAS Convention shall have effect in Gibraltar.

(2) The Administration shall, unless expressly provided otherwise in the SOLAS Convention, ensure that—

- (a) ships constructed on or after 1 July 2002 comply with the provisions of chapter II-2;
- (b) in the case of ships constructed before 1 July 2002, there is compliance with—
 - (i) the requirements which are applicable under chapter II-2 as amended by Resolutions MSC.1 (XLV), MSC. 6(48), MSC.13 (57), MSC. 22(59), MSC. 24 (60), MSC. 27(61), MSC. 31 (63) and MSC. 57(67);
 - (ii) paragraphs 3, 6.5 and 6.7 of Regulation 1 of chapter II-2, as appropriate;
 - (iii) Regulations 13.3.4.2 to 13.3.4.5, 13.4.3 and Part E of Chapter II-2, except Regulations 16.3.2.2 and 16.3.3.3 thereof, as appropriate;
 - (iv) Regulations 10.4.1.3 and 10. 6.4 of chapter II-2 for new installations only; and
 - (v) Regulations 10.5.6, by not later than 1 October 2005 in the case of passenger ships of 2000 gross tonnage and above.

(2) The provisions of paragraphs 3.1 and 3.2 of Regulation 1, Part A of chapter II-2 shall apply to all ships which undergo repairs, alterations, modifications and outfitting related thereto.

(3) Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of chapter II-2 unreasonable or unnecessary, the Administration may exempt from those requirements individual ships or classes of ships entitled to fly the flag of Gibraltar which in the course of their voyage do not sail at distances of more than 20 miles from the nearest land.

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Fire safety requirements.

36.(1) In applying the provisions of chapter II-2, the Administration shall ensure the compliance of—

- (a) the relevant requirements of the FSS Code; and
- (b) in particular, the requirements with respect to the following—
 - (i) division of the ship into main vertical and horizontal zones by thermal and structural boundaries;
 - (ii) separation of accommodation spaces from the remainder of the ship by thermal and structural boundaries;
 - (iii) restricted use of combustible materials;
 - (iv) detection of any fire in the zone of origin;
 - (v) containment and extinction of any fire in the space of origin;
 - (vi) protection of means of escape and access for fire fighting;
 - (vii) ready availability of fire-extinguishing appliances; and
 - (viii) minimisation of possibility of ignition of flammable cargo vapour.

(2) For the purpose of preventing the ignition of combustible materials or flammable liquids in the ship, the Administration shall ensure that the following requirements are complied with—

- (a) means are provided to control leaks of flammable liquids;
- (b) means are provided to limit the accumulation of flammable vapours;
- (c) the ignitability of combustible materials is restricted;
- (d) ignition sources are restricted;
- (e) ignition sources are separated from combustible materials and flammable liquids;
and
- (f) the atmosphere in cargo tanks is maintained out of the explosive range.

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(3) In order to limit the fire growth potential in every space of the ship, the Administration shall ensure that the following requirements are complied with—

- (a) means of control for the air supply to the space are provided;
- (b) means of control for flammable liquids in the space are provided; and
- (c) the use of combustible materials is restricted.

(4) In order to detect a fire in the space of origin and to provide for alarm for safe escape and fire-fighting activity, the Administration shall ensure that the following requirements are complied with—

- (a) fixed fire detection and fire alarm system installations are suitable for the nature of the space, fire growth potential and potential generation of smoke and gases;
- (b) manually operated call points are located effectively and strategically to ensure a readily accessible means of notification;
- (c) fire patrols provide an effective means of detecting and locating fires and alerting the navigation bridge and fire teams;
- (d) means for controlling smoke in atriums, control stations, machinery spaces and concealed spaces are provided to control the spread of smoke; and
- (e) fixed fire-extinguishing systems are installed and fire-extinguishing appliances are readily available to suppress and swiftly extinguish a fire in the space of origin.

(5) The FSS Code shall have effect in Gibraltar and the Administration shall ensure the compliance of the requirements of the FSS Code for the fire safety systems of ships the keel of which are laid or which are at a similar stage of construction on or after 1 July 2002.

Additional requirements for means of control in periodically unattended machinery spaces.

37. In applying the provisions of chapter II-2, the Administration shall, for periodically unattended machinery spaces, give special consideration to—

- (a) the maintaining of fire integrity of machinery spaces;
- (b) the location and centralization of the fire-extinguishing system controls;

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- (c) the shutdown arrangements required for controlling the fire; and
- (d) the necessity of additional fire-extinguishing appliances and other fire-fighting equipment and breathing apparatus.

Additional safety measures for ships carrying dangerous goods.

38.(1) In applying the provisions of chapter II-2, the Administration shall ensure that a ship carrying dangerous goods—

- (a) is provided with fire protection systems to protect the ship from the added fire hazards associated with the carriage of dangerous goods;
- (b) is arranged in such a way that dangerous goods are separated from ignition sources; and
- (c) is provided with appropriate personnel protective equipment for the hazards associated with the carriage of dangerous goods.

(2) The Administration shall provide a ship with an appropriate document as evidence of construction and equipment if the ship complies with the requirements of Regulation 19 of chapter II-2.

**PART VI
LIFE-SAVING APPLIANCES AND ARRANGEMENTS.**

Application of chapter III and the LSA Code.

39.(1) Chapter III of the SOLAS Convention and the LSA Code shall have effect in Gibraltar.

(2) The Administration shall ensure that—

- (a) unless expressly provided otherwise in the SOLAS Convention, ships constructed on or after 1 July 1998 comply with the provisions of chapter III;
- (b) subject to the provisions of paragraph (c) below, ships constructed before 1 July 1998, comply with the requirements, which are applicable to new or existing ships, as prescribed by chapter III in force prior to 1 July 1998;
- (c) when life-saving appliances or arrangements on ships constructed before 1 July 1998 are replaced or such ships undergo repairs, alterations or modifications of a

major character which involve replacement of, or any addition to, their existing life-saving appliances or arrangements, such life-saving appliances or arrangements, in so far as is reasonable and practicable, shall comply with the requirements of chapter III.

(3) Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of chapter III unreasonable or unnecessary, the Administration may exempt from those requirements individual ships or classes of ships entitled to fly the flag of Gibraltar which in the course of their voyage do not proceed more than 20 miles from the nearest land.

Approval of life-saving appliances and arrangements.

40.(1) Except as provided in subregulations (4) and (5), no life-saving appliance or other arrangement as required by chapter III shall be used or put in place in the ship without approval by the Administration.

(2) The Administration shall not approve life-saving appliances and arrangements for a ship unless it ensures that such life-saving appliances and arrangements—

- (a) are tested, to confirm that they comply with the requirements of chapter III and the LSA Code, in accordance with the relevant recommendations of the IMO; or
- (b) have successfully undergone, to the satisfaction of the Administration, tests which are substantially equivalent to those specified in such recommendations.

(3) In giving approval to life-saving appliances and arrangements under subregulation (2), the Administration may include any condition whereby the approval will continue or will be withdrawn.

(4) The Administration shall not accept life-saving appliances and arrangements that have not been previously approved by the Administration unless it is satisfied that such life-saving appliances and arrangements comply with the requirements of chapter III and the LSA Code.

(5) Life-saving appliances required by chapter III for which detailed specifications are not included in the LSA Code, shall be to the satisfaction of the Administration.

(6) The Administration shall require life-saving appliances to be subjected to such production tests as are necessary to ensure that the life-saving appliances are manufactured to the same standards as the approved prototype.

Operational readiness, maintenance and inspections.

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41.(1) The owner and the master of the ship shall, before the ship leaves the port and at all times during the voyage, keep all life-saving appliances in working order and ready for immediate use.

(2) The owner and the master of the ship shall provide the ship with—

- (a) written instructions for on-board maintenance of life-saving appliances; or
- (b) subject to the approval of the Administration, a shipboard planned maintenance programme,

and shall maintain such instructions or shipboard planned maintenance programme in a format which is easily understood and illustrated wherever possible.

(3) The instructions or shipboard planned maintenance programme referred to in subregulation (2) shall include -

- (a) a checklist for use when carrying out the inspections under subregulation (5) below;
- (b) maintenance and repair instructions;
- (c) schedules of periodic maintenance;
- (d) diagrams of lubrication points with details of the recommended lubricants;
- (e) lists of replaceable parts;
- (f) lists of sources of spare parts; and
- (g) a log-book for records of inspections and maintenance.

(4) The owner and the master of the ship shall ensure that the tests and inspections under Regulation 20.6 of chapter III are carried out weekly on the ship.

(5) The owner or the master of the ship shall ensure that inspections of the life-saving appliances, including lifeboat equipment, are carried out monthly using the checklist referred to in subregulation (3) to ensure that they are complete and in good order and a report of the inspection shall be entered in the log-book referred to in subregulation 3(g).

PART VII

RADIOCOMMUNICATIONS.

Application of chapter IV.

42.(1) Chapter IV of the SOLAS Convention shall have effect in Gibraltar.

(2) The Administration shall ensure that every ship constructed on or after 1 February 1995 complies with all the applicable requirements of chapter IV.

Functional requirements for radiocommunications.

43.(1) The Administration shall ensure that every ship, while at sea, is capable of—

- (a) except as provided in Regulations 8.1.1 and 10.1.4.3 of chapter IV, transmitting ship-to-ship distress alerts by at least two separate and independent means, each using a different radiocommunication service;
- (b) receiving shore-to-ship distress alerts;
- (c) transmitting and receiving ship-to-ship distress alerts;
- (d) transmitting and receiving search and rescue coordinating communications;
- (e) transmitting and receiving on-scene communications;
- (f) transmitting and receiving signals for locating;
- (g) transmitting and receiving maritime safety information;
- (h) transmitting and receiving general radiocommunications to and from shore-based radio systems or networks subject to subregulations (2) and (3) below; and
- (i) transmitting and receiving bridge-to-bridge communications.

(2) The owner of the ship shall take all reasonable steps to maintain the equipment in efficient working order to ensure compliance with all the requirements specified in subregulation (1).

(3) If the ship is capable of performing all distress and safety functions, malfunction of the equipment for providing the general radiocommunications required by subregulation (1)(h) above, shall not be considered as making a ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available.

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Radio records.

44. The master of the ship shall ensure that a record is kept, to the satisfaction of the Administration and as required by Radio Regulations, of all incidents connected with the radiocommunication service which appear to be of importance to safety of life at sea.

**PART VIII
SAFETY OF NAVIGATION.**

Application of chapter V.

45.(1) Chapter V of the SOLAS Convention shall have effect in Gibraltar.

(2) The Administration shall determine to what extent the provisions of Regulations 15 to 28 of chapter V shall not apply to the following categories of ships—

- (a) ships below 150 gross tonnage engaged on any voyage;
- (b) ships below 500 gross tonnage not engaged on international voyages; and
- (c) fishing vessels.

(3) The Administration may grant general exemptions from the requirements of Regulations 15, 17, 18, 19 (except 19.2.1.7), 20, 22, 24, 25, 26, 27 and 28 of chapter V to ships without mechanical means of propulsion.

(4) The Administration may, without prejudice to regulation 6 of these Regulations, grant to individual ships exemptions or equivalents of a partial or conditional nature, after taking into account the effect such exemptions and equivalents may have upon the safety of other ships, when any ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of chapter V unreasonable or unnecessary.

(5) The Administration shall, as soon as possible after 1 January in each year, cause that a report summarising all new exemptions and equivalents granted under subregulation (4) and regulation 6 of these Regulations during the previous calendar year and giving the reasons for granting such exemptions and equivalents, is submitted to the IMO.

Maintenance of equipment.

46.(1) The Administration shall be satisfied that adequate arrangements are in place and all reasonable steps are taken to ensure that the performance of the equipment required under chapter V is maintained.

(2) Notwithstanding the provision of subregulation (1), if any suitable arrangement is made by the master to take any inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place, malfunction of that equipment shall not be considered as making the ship unseaworthy or as a reason for delaying the ship in ports, except as provided in regulations 8(3), 9 and 10 of these Regulations, where repair facilities are not readily available.

Nautical and other publications to be carried on board.

47. In the case of a Gibraltar ship, the owner and the master shall ensure that the ship carries on board the following nautical and other publications–

- (a) charts required for the intended voyage;
- (b) sailing directions (pilot books);
- (c) tide tables;
- (d) Tidal Stream Atlases;
- (e) IMO ships' routing;
- (f) list of lights;
- (g) list of Radio Signals;
- (h) nautical almanac;
- (i) navigational tables;
- (j) notices to mariners;
- (k) annual notices to mariners;
- (l) mariner's handbook;
- (m) international Code of Signals;

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- (n) MSN and MGN (published by UK-MCA) relevant to Gibraltar ships;
- (o) operating and maintenance instructions for navigational aids fitted/carried by the ship;
- (p) SOLAS-74 with Protocols, amendments and Codes relevant to the ship;
- (q) MARPOL-73/78 with Protocols, Annexes and amendments in force;
- (r) International Convention for the Control and Management of Ships' Ballast Water and Sediment;
- (s) International (IMO, ILO, WHO) Medical Guide;
- (t) Volume III of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
- (u) Gibraltar Merchant Shipping legislation and administrative instructions issued by the Maritime Administrator on safe operation and protection of the environment, including training of seafarers.

Automatic Identification system.

48.(1) The Administration shall ensure that all ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50,000 gross tonnage, are fitted with an automatic identification system (AIS) in accordance with the specification approved by the IMO not later than the first safety equipment survey pursuant to regulation 9 of these Regulations after 1 July 2004 or by 31 December 2004, whichever occurs earlier.

(2) Except in cases where international agreements, rules or standards provide for the protection of navigational information, the Administration shall ensure that every ship is fitted with an automatic identification system (AIS) pursuant to subregulation (1) and maintains that AIS at all times in operation in accordance with the guidelines developed by the IMO in order to—

- (a) provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information;
- (b) receive automatically such information from similarly fitted ships;
- (c) monitor and track ships; and

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- (d) exchange data with shore-based facilities.

Voyage data recorders.

49.(1) The Administration shall, in order to assist in casualty investigations, ensure that all ships, subject to the provisions of regulation 45(2) above, when engaged on international voyages, are fitted with a voyage data recorder (VDR) as follows-

- (a) passenger ships constructed on or after 1 July 2002;
- (b) ro-ro passenger ships constructed before 1 July 2002, not later than the first survey on or after 1 July 2002;
- (c) passenger ships, other than ro-ro passenger ships, constructed before 1 July 2002, not later than 1 January 2004; and
- (d) ships, other than passenger ships, of 3,000 gross tonnage and upwards constructed on or after 1 July 2002,

(2) The Administration may exempt ships, other than ro-ro passenger ships, constructed before 1 July 2002 from being fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

(3) The Administration shall ensure that-

- (a) the voyage data recorder system, including all sensors, are subject to an annual performance test; and
- (b) such tests and other inspections are conducted by an approved testing or servicing facility to-
 - (i) verify the accuracy, duration and recoverability of the recorded data; and
 - (ii) determine the serviceability of all protective enclosures and devices fitted to aid location; and
- (c) a copy of the certificate of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards, is retained on board the ship.

Danger and distress messages.

CARRIAGE OF CARGOES AND DANGEROUS GOODS.

Application of chapter VI.

51.(1) Chapter VI of the SOLAS Convention shall have effect in Gibraltar.

(2) Chapter VI applies to the carriage of cargoes subject to the provisions of Regulation 1 of that chapter.

(3) In applying the provisions of this chapter, the Administration shall, in appropriate cases, ensure the compliance of the precautionary requirements contained in—

- (a) the Code of Safe Practice for Cargo Stowage and Securing adopted by the IMO by Resolution A.714(17), as amended;
- (b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes adopted by the IMO by Resolution A.715(17), as amended;
- (c) MSC/Circ. 525, as amended;
- (d) MSC/Circ. 548, as amended; and
- (e) the International Maritime Solid Bulk Cargoes Code (IMSBC Code), adopted by the IMO by Resolution MSC.268(85), as amended from time to time.

Cargo information.

52.(1) The shipper shall provide the master or his representative with appropriate information, including the information required under Regulation 2.2 of chapter VI, on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

(2) The information required under subregulation (1) shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

(3) The shipper shall, prior to loading cargo units on board ships, ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.

Bulk cargoes.

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53.(1) The master of the ship shall be in possession, prior to loading a bulk cargo, of comprehensive information on the ship's stability and on the distribution of cargo for the standard loading conditions.

(2) The Administration shall determine the method of providing the information required under subregulation (1).

(3) The owner of the ship shall provide the ship with a booklet, to enable the master to prevent excessive stresses in the ship's structure.

(4) The booklet referred to in subregulation (3) shall—

- (a) be written in a language with which the ship's officers responsible for cargo operations are familiar;
- (b) if that language is not English, be also written in the English language; and
- (c) as a minimum, include—
 - (i) stability data, as required by Regulation 22 of chapter II-1;
 - (ii) ballast and deballasting rates and capacities;
 - (iii) maximum allowable load per unit surface area of the tank top plating;
 - (iv) maximum allowable load per hold;
 - (v) general loading and unloading instructions with regard to the strength of the ship's structure including any limitations on the most adverse operating conditions during loading, unloading, ballasting operations and the voyage;
 - (vi) any special restrictions such as limitations on the most adverse operating conditions imposed by the Administration or the recognised organization authorized by it, if applicable; and
 - (vii) where strength calculations are required, maximum permissible forces and moments on the ship's hull during loading, unloading and the voyage.

Carriage of grain.

54.(1) No ship shall carry grain unless it complies with the requirements of the International Grain Code and holds a document of authorization as required by that Code.

(2) No ship shall load grain without a document of authorization required by the International Grain Code until the master of the ship satisfies the Administration or the port authority on behalf of the Administration, that the ship will comply with the requirements of the International Grain Code in its proposed loaded condition.

(3) In this regulation—

- (a) “grain” includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof whose behaviour is similar to that of grain in its natural state;
- (b) “International Grain Code” means the International Code for the Safe Carriage of Grain in Bulk adopted by the Maritime Safety Committee of the IMO by resolution MSC.23 (59), including any amendment or replacement thereto as is internationally applicable at the time of reference.

Application of chapter VII.

55.(1) Chapter VII of the SOLAS Convention shall have effect in Gibraltar subject to the provisions of Regulation 1 of that chapter.

(2) No dangerous goods shall be carried in a ship except in accordance with the provisions of Part A of chapter VII and the IMDG Code.

(3) No dangerous liquid chemicals in bulk shall be carried except in accordance with the provisions of Part B of chapter VII and the IBC Code.

(4) No liquefied gases in bulk shall be carried except in accordance with the provisions of Part C of chapter VII and the IGC Code.

(5) No packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes shall be carried in a ship except in accordance with the provisions of Part D of chapter VII and the INF Code.

(6) In applying the provisions of chapter VII, the Administration shall, in appropriate cases, ensure the compliance of the requirements contained in—

- (a) Resolution A. 851(20), adopted by the IMO, as amended;
- (b) MSC/Circ. 559, as amended;

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- (c) MSC/Circ. 385, as amended;
- (d) MSC/Circ. 745, as amended; and
- (e) Section 9 of the International Maritime Solid Bulk Cargoes Code (IMSBC Code), adopted by the IMO by Resolution MSC.268(85), as amended from time to time.

Requirements for chemical tankers.

56.(1) The Administration shall ensure that a chemical tanker complies with the requirements of—

- (a) the IBC Code;
- (b) regulations 10 and 11 of these Regulations for the purposes of survey and certification as provided for in that Code

(2) A chemical tanker holding a certificate issued pursuant to subregulation (1) shall be subject to the control established by regulation 82 of these Regulations and for the purpose of subregulation (1)(b) that certificate shall be treated as a certificate issued pursuant to regulation 18 or 22 of these Regulations.

Requirements for gas carriers.

57.(1) The Administration shall ensure that a gas carrier complies with the requirements of—

- (a) the IGC Code;
- (b) regulations 9, 10 and 11 of these Regulations for the purposes of survey and certification as provided for in that Code.

(2) A gas carrier holding a certificate issued pursuant to subregulation (1) shall be subject to the control established by regulation 82 of these Regulations and for the purpose of subregulation (1)(b) that certificate shall be treated as a certificate issued under regulation 18 or 22 of these Regulations.

Requirements for ships carrying INF cargo.

58.(1) The Administration shall ensure that a ship carrying INF cargo complies with the requirements of the INF Code and any other requirements for the purposes of survey and certification as provided for in the INF Code.

(2) A ship holding a certificate issued pursuant to subregulation (1) shall be subject to the control established by regulation 82 of these Regulations and for the purpose of subregulation (1)(b) of regulation 82 that certificate shall be treated as a certificate issued under regulation 18 or 22 of these Regulations.

PART X

SPECIAL MEASURES TO ENHANCE MARITIME SAFETY AND SECURITY.

Ship identification number and marking of ships.

59.(1) The company shall ensure that the ship is provided with an identification number that conforms to the ship identification number scheme adopted by the IMO.

(2) The Administration shall ensure that the ship's identification number—

- (a) is inserted on the certificates and certified copies thereof which are issued in accordance with the relevant provisions of PART III of these Regulations; and
- (b) is permanently marked in a visible place either on the ship's hull or superstructure as required by paragraphs 4 to 5.3 of Regulation 3 of chapter XI-1.

(3) In every Gibraltar ship—

- (a) the name of the ship shall be conspicuously marked on each bow; and
- (b) the name of the ship with Port of Registry (Gibraltar) shall be conspicuously marked on the stern or on both sides of the stern.

(4) The official or IMO number of every Gibraltar ship shall be—

- (a) marked on the stern or on either side (amidships) of the ship above the deepest assigned load line or superstructure (on the front or on the port and starboard side) in a clearly visible manner and in the case of a passenger ship on a horizontal surface visible from the air; and
- (b) permanently marked on the beam or a hatchway or on one of the end transverse bulkheads of the machinery space or one of the transverse bulkheads of the ro-ro spaces or in the pump-room of a tanker.

Continuous synopsis record.

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60.(1) The Administration shall issue to every Gibraltar ship a continuous synopsis record for the purpose of providing an on board record of the history of the ship with respect to the information recorded therein.

- (2) The continuous synopsis record shall, at least, contain the following information—
- (a) the name of the flag State;
 - (b) the date on which the ship was registered with the flag State;
 - (c) the ship's identification number provided to that ship pursuant to regulation 59;
 - (d) the name of the ship;
 - (e) the port at which the ship is registered;
 - (f) the name of the registered owner and his registered address;
 - (g) the name of the registered bareboat charterer and his registered address, if applicable;
 - (h) the name of the company, its registered address and the address from where it carries out safety management activities;
 - (i) the name of all classification societies with which the ship is classed;
 - (j) the name of the Administration, the Convention country or the recognised organisation which has issued the Document of Compliance or the Interim Document of Compliance to the company operating the ship and the name of the body which has carried out the audit on the basis of which that document was issued, if other than that issuing the document;
 - (k) the name of the Administration, the Convention country or the recognised organisation which has issued the Safety Management Certificate or the Interim Safety Management Certificate to the ship and the name of the body which has carried out the audit on the basis of which that certificate was issued, if other than that issuing the certificate;
 - (l) the name of the Administration, the Convention country or the recognised organisation which has issued the International Ship Security Certificate to the ship and the name of the body which has carried out the audit on the basis of which that certificate was issued, if other than that issuing the certificate; and

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- (m) the date on which the ship ceased to be registered with the flag State.
- (3) For ships constructed before 1 July 2004 the continuous synopsis record shall, at least, provide the history of the ship as from 1 July 2004.
- (4) In case of any changes relating to the entries referred to in paragraphs (d) to (m) of subregulation (2) above—
- (a) such changes shall be recorded in the continuous synopsis record so as to provide updated and current information together with the history of the changes; and
 - (b) the Administration shall, as soon as is practically possible, issue to the ship either a revised and updated version of the continuous synopsis record or appropriate amendments thereto.
- (5) The continuous synopsis record shall be—
- (a) in the English language;
 - (b) in the format developed by the IMO;
 - (c) maintained in accordance with the guidelines developed by the IMO; and
 - (d) left on board if—
 - (i) the ownership or the flag of the ship is changed; or
 - (ii) another company assumes the responsibility for the operation of the ship.
- (6) When the flag of the ship is transferred—
- (a) the company shall advise the Administration of the name of the State under whose flag the ship is to fly so as to enable the Administration to forward to the relevant Administration of that State a copy of the continuous synopsis record covering the period during which the ship was under its jurisdiction;
 - (b) the Administration shall, if the ship is transferred to a Convention country, transmit to the relevant Administration of that country as soon as possible after the transfer takes place a copy of the relevant continuous synopsis record covering the period during which the ship was under its jurisdiction together with any continuous synopsis record previously issued to the ship by another State, if available; and

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- (c) the Administration shall append any former continuous synopsis record to the continuous synopsis record to be issued to the ship so as to provide it with the record of the continuous history intended by this regulation.

(7) The company shall ensure that—

- (a) the continuous synopsis record is kept on board the ship and is available for inspection at all times; and
- (b) the master has available on board, at all times, updated documented information through which the officers duly authorised by the Administration can determine—
 - (i) who appoints the members of the crew or other persons employed or engaged on board the ship in any capacity on the business of that ship;
 - (ii) who decides the employment of the ship; and
 - (iii) if the ship is employed under the terms of a charterparty, who signs the charterparty on behalf of the owner.

Application of chapter XI-2 and the ISPS Code.

61.(1) Chapter XI-2 shall have effect in Gibraltar and shall be subject to EC Regulation 725/2004 which provides for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security adopted by the Diplomatic Conference of the IMO on 12 December 2002 amending the SOLAS Convention and establishing the ISPS Code.

(2) Chapter XI-2 applies to—

- (a) the following types of ships engaged on international voyages—
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft of 500 gross tonnage and upwards; and
 - (iii) mobile offshore drilling Units; and
- (b) port facilities serving such ships engaged on international voyages.

(3) Chapter XI-2 and EC Regulation do not apply to—

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- (a) ships of war and troopships;
- (b) cargo ships of less than 500 gross tonnage;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) fishing vessels; or
- (f) vessels not engaged in commercial activities.

(4) The ISPS Code shall have effect in Gibraltar and shall be subject to the Community measures for its implementation, aimed at enhancing the security of ships used in international trade and domestic shipping and associated port facilities in the face of threats of intentional unlawful acts, introduced by the EC Regulation.

Designations.

62.(1) For the purposes of the EC Regulation the Government shall be the “competent authority for maritime security” except with regard to certificate verification, for which the Maritime Administrator shall be the competent authority.

(2) For the purposes of Chapter XI-2 of the SOLAS Convention and the ISPS Code which are made directly applicable by Article 3 of the EC Regulation, the Civil Contingency Committee of the Government shall be the “designated authority”.

Requirements for ships to enhance maritime security.

63.(1) Every ship to which Chapter XI-2 and the ISPS Code apply and the company under which that ship operates shall comply with the relevant requirements as specified in chapter XI-2 and Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code.

(2) Every ship may, before arriving at the port, request a statement from the port security authority of the security level which applies at the port.

(3) The master and the owner of every ship to which Chapter XI-2 and the ISPS Code apply shall, prior to entry into the port, provide the following information to the port security officer—

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- (a) that the ship possesses a valid International Ship Security Certificate or a valid Interim International Ship Security Certificate and the name of its issuing authority;
 - (b) the security level at which the ship is currently operating;
 - (c) the security level at which the ship operated in any previous port where it has conducted a ship/port interface during the period not exceeding the last 10 calls at port facilities;
 - (d) any special or additional security measures that were taken by the ship in any previous port where it has conducted a ship/port interface during the period not exceeding the last 10 calls at port facilities;
 - (e) that the appropriate ship security procedures were maintained during any ship to ship activity during the period not exceeding the last 10 calls at port facilities;
 - (f) other practical security related information (but not details of the ship security plan), taking into account the guidance given in Part B of the ISPS Code.
- (4) The information referred to in subregulation (3) shall be provided—
- (a) at least 24 hours in advance;
 - (b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours; or
 - (c) if the port of call is not known or if it is changed during the voyage, as soon as the port of call becomes known.
- (5) If a ship does not comply with the requirements of the security level set by the Government, the master of the ship shall, prior to conducting any ship-port interface or entry into the port, whichever occurs earlier, notify the port authority and the Administration.
- (6) The Captain of the Port may enforce such security measures to a ship to which the ISPS Code does not apply as he deems necessary in order to reduce the risk of infection while the ship is interacting with the port or other ships to which the ISPS Code applies.
- (7) The Captain of the Port may carry out security checks on any ship to which the ISPS Code does not apply which intends to enter or berth within the controlled or restricted areas of the port.

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Steps to be taken under the EC Regulation.

63A.(1) If, after receiving the information under regulation 63(3), the port security officer has clear grounds for believing that the ship is in non-compliance with the requirements of Chapter XI-2 or part A of the ISPS Code, that officer must attempt to establish communication with and between the ship and the Administration in order to rectify the non-compliance.

(2) Where any communication under subregulation (1) does not result in rectification, or if the port security officer has clear grounds otherwise for believing that the ship is in non-compliance with the requirements of Chapter XI-2 or part A of the ISPS Code, he may deny the entry of the ship into the port.

(3) Where the master of the ship withdraws his intention to enter into the port, this regulation shall not apply.

(4) In this regulation “port security officer” means the officer appointed under rule 11 of the Port (Enhancing Security) Rules 2008.

Requirements for port facilities to enhance maritime security.

64.(1) The port authority shall ensure that the port of Gibraltar—

- (a) complies with the relevant requirements as specified in Part A of the ISPS Code, taking into account the guidance given in Part B of the ISPS Code;
- (b) acts upon the security levels set by the Government; and
- (c) develops and maintains an appropriate port facility security plan adequate for the ship or port interface.

(2) The Captain of the Port shall ensure that—

- (a) port facility security assessments are carried out in accordance with the provisions of Part A of the ISPS Code;
- (b) port facility security plans are developed, implemented and reviewed in accordance with the provisions of Part A of that Code and at the latest five years after the assessments were carried out or that reviewed; and
- (c) port facility security arrangements are developed, implemented and reviewed governing the interface in the port between vessels to which the ISPS Code does not apply and vessels to which the ISPS Code applies.

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(3) The Government shall, after considering the degree to which the threat information is credible, corroborated and specific or imminent, and the potential consequences of such a security incident, set security levels and provide guidance for protection from security incidents to ships prior to entering the port or if it considers it necessary, to ships in passage through Gibraltar waters.

(4) Security levels referred to in subregulation (3) above shall be set as Security level 1, Security level 2 and Security 3 in which the higher security levels indicate greater likelihood of occurrence of a security incident.

(5) When the Government sets security level 3, it shall issue, as necessary, appropriate instructions and shall provide security-related information to the ships and port facilities that may be affected.

(6) In addition to any test, assessment or evaluation by the owner of the ship or the company, the Government shall, to the extent it considers appropriate, test the effectiveness of the ship security plan or the port facility security plans, or of amendments to such plans that it has approved.

(7) The Government shall—

- (a) determine when a Declaration of Security is required by assessing the risk the ship/port interface or ship-to-ship activity poses to persons, property or the environment; and
- (b) specify, the minimum period for which Declarations of Security shall be kept by the port facility in Gibraltar.

(8) The Administration shall specify the minimum period for which Declarations of Security shall be kept by Gibraltar ships.

(9) The Government may delegate any of the powers specified in this regulation to the Captain of the Port or the Administration.

Declaration of Security.

65. (1) The Declaration of Security shall be completed by—

- (a) the master or the ship security officer on behalf of the ship; and

- (b) the Port Facility Security Officer or another officer authorised by the Captain of the Port on behalf of the port facility.

(2) The Declaration of Security shall—

- (a) address the security requirements that could be shared between a port facility and a ship or between ships; and
- (b) state the responsibility for each.

Unauthorised presence in a restricted area of a ship or a port facility.

66.(1) A person shall not—

- (a) go, onto or into any part of a restricted area of a ship or a port facility except with the permission of the master, the ship security officer or the port facility security officer or a person acting on their behalf, and in accordance with any conditions subject to which that permission is for the time being granted; or
- (b) remain in any part of such a restricted area after being requested to leave by the master, the ship security officer or the port facility security officer or a person acting on their behalf.

(2) Subregulation (1)(a) above does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes subregulation (1) above without lawful authority or reasonable excuse is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A police officer, the master, the ship security officer or the port facility security officer, or a person acting on their behalf, may use such force as is reasonable in the circumstances to remove from a restricted area a person remaining in it in contravention of subregulation (1)(b) above.

Ship security and ship security plan.

67.(1) Every Gibraltar ship shall carry on board a ship security plan approved by the Administration.

(2) The ship security plan shall—

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- (a) make provisions for the three security levels as defined in Part A of the ISPS Code;
 - (b) be developed taking into account the guidance given in Part B of that Code;
 - (c) be written in the working language of the ship and if English is not the working language, include a translation into English; and
 - (d) address, at least, the items referred to in paragraph 9.4 of Part A of the ISPS Code.
- (3) The company shall ensure that—
- (a) a ship's security plan contains a clear statement that the master has the overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request the assistance of the company or of the Administration as may be necessary; and
 - (b) the company security officer, the master and the ship security officer are given the necessary support to fulfil their duties and responsibilities in accordance with chapter XI-2 and the ISPS Code.

Application of chapter XII.

68.(1) Chapter XII of the SOLAS Convention shall have effect in Gibraltar with regard to additional safety measures for bulk carriers.

(2) The Administration shall ensure that bulk carriers comply with the requirements of chapter XII and any other applicable requirements specified in the SOLAS Convention.

Survey of the cargo hold structure of bulk carriers.

69.(1) No bulk carrier of 150 m in length and upwards of single side skin construction, of 10 years of age and over, shall carry solid bulk cargoes having a density of 1,780 kg/m³ and above unless it has satisfactorily undergone—

- (a) a periodical survey in accordance with the enhanced programme of inspections pursuant to regulation 14 of these Regulations; or
 - (b) a survey of all cargo holds to the same extent as required for periodical surveys in that enhanced programme of inspections.
- (2) This regulation applies to bulk carriers constructed before 1 July 1999.

**PART XI
NUCLEAR SHIPS.**

Application of chapter VIII.

70.(1) Chapter VIII of the SOLAS Convention shall have effect in Gibraltar with regard to all nuclear ships except ships of war.

(2) Subject to the provisions of chapter VIII, the provisions of other chapters of the SOLAS Convention shall apply to nuclear ships.

Radiation safety.

71.(1) The owner and the master of a nuclear ship shall ensure that a safety assessment of the ship is prepared, subject to the approval of the Administration, to permit evaluation of the nuclear power plant and safety of the ship.

(2) The Administration shall take measures for every nuclear ship and evaluate them under subregulation (1) to ensure that there are no unreasonable radiation or other nuclear hazards, at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources.

(3) A safety assessment prepared under subregulation (1) shall always be kept up to date and made available sufficiently in advance to the Governments of the Convention countries which a nuclear ship intends to visit so that they may evaluate the safety of the ship.

Operating manual.

72.(1) The owner and the master of the ship shall ensure that a fully detailed operating manual for the information and guidance of the operating personnel in their duties on all matters relating to the operation of the nuclear plant and having an important bearing on the safety of the nuclear ship is prepared, subject to the approval of the Administration.

(2) An operating manual prepared under subregulation (1) shall be kept on board and shall be up to date.

Casualties of nuclear ships.

73.(1) The master of every nuclear ship shall, in the event of any accident likely to lead to an environmental hazard immediately inform the Administration and the competent

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governmental authority of the country in whose waters the ship may be, or whose waters the ship approaches in a damaged condition.

(2) In the case of any accident to a nuclear ship, the provisions of regulations 16(3) and (4) and 17 of these Regulations shall also apply.

**PART XII
MANAGEMENT FOR THE SAFE OPERATION OF SHIPS.**

Application of the ISM Code.

74.(1) The ISM Code shall have effect in Gibraltar with regard to management for the safe operation of ships.

(2) The company and the ship shall comply with the requirements of the ISM Code.

(3) No ship shall be operated by a company unless it holds a Document of Compliance.

Functional requirements for the safety management system.

75. Every company shall develop, implement and maintain a safety management system which includes the following functional requirements-

- (a) a safety and environmental-protection policy;
- (b) instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international conventions and flag state legislation;
- (c) defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- (d) procedures for reporting accidents and non-conformities with the provisions of the ISM Code;
- (e) procedures to prepare for and respond to emergency situations; and
- (f) procedures for internal audits and management reviews.

Safety, environmental-protection Policy and master's responsibility.

76. The company shall-

- (a) establish a safety and environmental-protection policy which describes how the objectives given in paragraph 1.2 of the ISM Code will be achieved;
- (b) ensure that the policy referred to in paragraph (a) above is implemented and maintained at all levels of the organization, both ship-based and shore-based;
- (c) define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention;
- (d) designate a person or persons ashore having direct access to the highest level of management to provide a link between the company and those on board;
- (e) ensure that adequate resources and shore-based support are provided to enable the designated person or persons to carry out their functions;
- (f) clearly define and document the master's responsibility with regard to—
 - (i) implementing the safety and environmental protection policy of the company;
 - (ii) motivating the crew in the observation of that policy;
 - (iii) issuing appropriate orders and instructions in a clear and simple manner;
 - (iv) verifying that specified requirements are observed; and
 - (v) reviewing the safety management system and reporting its deficiencies to the shore-based management; and
- (g) ensure that the safety management system contains a clear statement emphasizing the master's authority including that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the company's assistance as may be necessary.

Personnel and plans for shipboard operations, emergency preparedness and maintenance of the ship, equipment and documentation.

77.(1) The company shall—

- (a) ensure that the master is—

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- (i) properly qualified for command;
 - (ii) fully conversant with the company's safety management system; and
 - (iii) given the necessary support so that the master's duties can be safely performed;
- (b) ensure that each ship is manned with qualified, certificated and medically fit seafarers in accordance with all applicable legislation;
- (c) establish procedures to provide new personnel and personnel transferred to new assignments related to safety and protection of the environment with proper familiarization with their duties;
- (d) ensure that all persons involved in the safety management system have an adequate understanding of the rules, regulations and guidelines;
- (e) establish and maintain procedures for identifying any training which may be required in support of the safety management system and ensure that such training is provided for all personnel concerned;
- (f) establish procedures by which the ship's personnel receive relevant information on the safety management system in the English language and if English is not the working language of the ship, in the language understood by them;
- (g) ensure that the ship's personnel are able to communicate effectively in the execution of their duties related to the safety management system; and
- (h) establish procedures for the preparation of plans and instructions, including checklists as appropriate, for key shipboard operations concerning the safety of the ship and the prevention of pollution.
- (2) The company shall—
- (a) establish procedures to identify, describe and respond to potential emergency shipboard situations;
 - (b) establish programmes for drills and exercises to prepare for emergency actions; and

- (c) establish procedures in its safety management system to provide for measures ensuring that the company's organization can respond at any time to hazards, accidents and emergency situations involving its ships;
 - (d) ensure that its safety management system includes procedures ensuring that non-conformities, accidents and hazardous situations are reported to the company investigated and analysed with the objective of improving safety and pollution prevention; and
 - (e) establish procedures for the implementation of corrective action.
- (3) The company shall—
- (a) establish procedures to ensure that the ship is maintained in conformity with the provisions of the relevant legislation and with any additional requirements which may be established by the company;
 - (b) ensure that—
 - (i) inspections are held at appropriate intervals;
 - (ii) any non-conformity is reported, with its possible cause, if known;
 - (iii) appropriate corrective action is taken;
 - (iv) records of these activities are maintained;
 - (c) establish procedures in its safety management system to identify equipment and technical systems the sudden operational failure of which may result in hazardous situations;
 - (d) integrate the inspections referred to in paragraph (b)(i) above and the measures referred to in paragraph 10.3 of the ISM Code into the ship's operational maintenance routine;
 - (e) establish and maintain procedures to control all documents and data which are relevant to the safety management system; and
 - (f) ensure that—
 - (i) valid documents are available at all relevant locations;

(3) The company shall ensure that the craft is provided with adequate information and guidance in the form of a technical manual to enable the craft to be operated and maintained safely.

(4) The technical manual shall consist of a route operational manual, craft operating manual, training manual, maintenance manual and servicing schedule as provided for in paragraphs 18.2. 1 to 18.2.4 of the HSC Code.

Manning of survival craft and supervision.

81. The company and the master shall ensure that—

- (a) a sufficient number of trained persons are on board for mustering and assisting untrained persons;
- (b) a sufficient number of crew members, who may be deck officers or certificated persons, are on board for operating the survival craft, rescue boats and launching arrangements required for abandoning ship by the total number of persons on board;
- (c) a deck officer or certificated person is placed in charge of each survival craft to be used, subject to paragraph 18.4.3 of the HSC Code;
- (d) the person in charge of a survival craft has a list of the survival craft crew and sees that those crew members are acquainted with their duties;
- (e) every rescue boat and lifeboat has a person assigned who is capable of operating the engine and carrying out minor adjustments; and
- (f) the persons referred to in paragraphs (a) to (c) above are equitably distributed among the craft's survival craft.

Emergency instructions and drills.

82. (1) The company shall ensure that the emergency instructions and drills referred to in paragraphs 18.5.1 to 18.5.10 of the HSC Code are implemented.

(2) The master of the craft shall be responsible for the enforcement, on board, of the instructions and drills referred to in subregulation (1).

Type rating training.

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83. The company shall ensure that—

- (a) the type rating training provided in paragraph 18.3 of the HSC Code is implemented;
- (b) for all crew members in a passenger craft, the type rating covers the control and evacuation of passengers; and
- (c) for all crew members in a cargo craft, the type rating covers the knowledge of cargo and vehicles storage area securement systems.

PART XIV
ENFORCEMENT AND CONTROL OF SHIPS.

Inspection and control of ships.

84.(1) When a ship to which the provisions of these Regulations, the ISPS Code or the SOLAS Convention apply, is in Gibraltar waters, the Maritime Administrator may direct a surveyor or an inspector to inspect the ship to—

- (a) verify that the certificates issued under these Regulations, the ISPS Code or the SOLAS Convention are valid;
- (b) determine whether the condition of the ship or its equipment corresponds substantially with the particulars of its certificate;
- (c) determine whether the condition of the ship or its equipment is such that the ship is fit to proceed to sea without danger to the ship or persons on board;
- (d) verify the proper functioning of the ship's safety management system;
- (e) if it is a nuclear ship before entering the port verify that there is on board a valid Nuclear Ship Safety Certificate and that there are no unreasonable radiation or other hazards at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources; and
- (f) check, in particular, whether the master or crew of the ship are familiar with the essential shipboard procedures relating to the safety of the ship.

(2) Where an inspection carried out pursuant to subregulation (1) reveals that—

- (a) a certificate has expired or ceased to be valid;

- (b) the condition of the ship or its equipment does not correspond substantially with the particulars of any of the certificates;
- (c) the ship or its equipment are not in compliance with the provisions of regulation 16(1) and (2); or
- (d) the ship does not conform to the requirements of these Regulations and accordingly it is not fit to proceed to sea without danger to the ship or persons on board,

the Administration shall detain the ship by order and prevent the ship from proceeding to sea or leaving the port until the ship can proceed to sea or leave the port for the purpose of proceeding to an appropriate repair yard without danger to the ship or persons on board.

(2A) If, after carrying out a verification under subregulation (1)(a) or an inspection under subregulation (2), the Administration has clear grounds to believe that the ship poses an immediate threat to the security or safety of persons, or of ships or other property and there are no other appropriate means for removing that threat, the Administration shall advise the port security authority—

- (a) to expel the ship from the port; or
- (b) to restrict the operation of the ship in such way that would reduce or eliminate such immediate threat to the security or safety of persons, or of ships or other property.

(3) In the case of acting under this regulation, the Administration shall—

- (a) prepare a report addressed to the Government of the State in which the ship is registered;
- (b) take all possible efforts to avoid a ship being unduly delayed or detained; and
- (c) fully guarantee the completeness and efficiency of the inspection and survey.

(4) Where a ship has been detained from proceeding to sea under subregulation (2), the Administration shall immediately notify in writing—

- (a) the Gibraltar Port Authority;
- (b) Gibraltar Government's Immigration authority and the Customs Department;
- (c) the master, the owner or operator of the ship;

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- (d) the Administration of the flag State or the State where the ship is registered or its diplomatic representative in Gibraltar or the United Kingdom; and
 - (e) the surveyor or recognized organization responsible for the issue of the certificates.
- (5) The notification referred to in subregulation (4) shall contain—
- (a) the result of the inspection with a list of deficiencies;
 - (b) any decision taken by the inspector or the surveyor;
 - (c) information on the right of appeal against the order for detention.
- (6) In the event of control under this regulation giving rise to the detention of a ship, the Administration shall, in addition to the steps taken under subregulation (4)—
- (a) cause the facts concerning the detention of the ship to be reported to the IMO; and
 - (b) notify all relevant information about the ship to the authorities of the next port of call.

Rectification of deficiencies.

85.(1) Where deficiencies noted are not rectified within the time limit set by the Surveyor or the Administration or no corrective action is taken in accordance with the directions given by the Administration and the ship is a Gibraltar ship, the Administration shall—

- (a) withdraw the relevant certificate or the document;
 - (b) delete the ship from the register; and
 - (c) notify the relevant mortgage company, if any, for the ship.
- (2) If the deficiencies revealed cannot be rectified or repaired in Gibraltar, or where the work can be done in Gibraltar but it will take too long and the ship is safe to proceed to the nearest repair yard where the work can be done as chosen by the master and the responsible parties, the Administration may allow the ship to proceed to this repair yard.
- (3) The Administration shall not allow a ship to leave Gibraltar waters in pursuance of subregulation (2), unless the conditions determined by the Government of the flag State and agreed by the Administration are complied with.

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(4) The conditions referred to in subregulation (3) shall ensure that the ship can proceed without risk to the health and safety of persons on board.

Cancellation of a certificate.

86.(1) The Administration may, by notice in writing suspend or cancel a certificate issued to a Gibraltar ship where—

- (a) it has reason to believe that a certificate or document was issued on false or erroneous information;
- (b) it appears that since the audit or any survey carried out under these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient; or
- (c) it is observed that during the life of the certificate or the document the ship no longer complies with the requirements against which that certificate or the document was issued.

(2) A notice referred to in subregulation (1) shall—

- (a) contain the grounds for the suspension or cancellation of the certificate; and
- (b) not be given when the holder has been given the opportunity to make representations except where the Administration considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

(3) The Administration may require that the master or the owner surrenders a certificate issued to a Gibraltar ship which has expired or has been cancelled, as directed.

(4) No person shall—

- (a) intentionally alter a certificate or a document issued pursuant to these Regulations;
- (b) intentionally make a false certificate or document similar to a certificate or a document issued pursuant to these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;

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- (d) use, lend, or allow to be used by another, with the intention of deception, a certificate or document issued pursuant to these Regulations; or
- (e) fail to surrender a certificate required to be surrendered under subregulation (3) above.

Prohibition on proceeding to sea without the appropriate documentation.

87.(1) No Gibraltar ship shall proceed or attempt to proceed to sea unless—

- (a) it has been surveyed; and
- (b) there are in force all the certificates and documents issued,

in accordance with the applicable provisions of Part III of these Regulations.

(2) No ship registered in a Convention country shall proceed to sea from the port of Gibraltar unless there are in force such Convention certificates as would be required if the ship were a Gibraltar ship and subregulations (8), (9) and (10) of regulation 24 shall apply to such certificates as if the ship were a Gibraltar ship and the “Administration” were to be substituted by the “Government of the country in which the ship is registered”.

(3) No ship, registered in a country to which the SOLAS Convention does not apply, shall proceed to sea from the port of Gibraltar unless the ship is in possession of documentation which shows that it has been surveyed for compliance with the relevant provisions of these Regulations as though it were a Gibraltar ship.

(4) Where a certificate is issued subject to conditions, or where a ship is certified to operate only in specified sea areas, the owner and the master of the ship shall ensure that all conditions are complied with, or, as the case may be, that the ship only operates in the specified sea areas.

(5) The master of every ship shall produce to the port, customs or any other appropriate authority the relevant certificates or documentation required by this regulation if a clearance for the ship is required for an international voyage.

Limit on the number of passengers on passenger ships.

88. The owner and the master of a passenger ship shall ensure that there is not on board a greater number of passengers than that stated on the ship’s Passenger Ship Safety Certificate or Passenger Certificate.

Security checks for the purposes of the EC Regulation.

89.(1) For the purpose of enabling the Maritime Administrator to verify that ships and port facilities are in compliance with the requirements of the EC Regulation, the Maritime Administrator or an authorised officer shall have the power to inspect—

- (a) any Gibraltar ship;
- (b) any other ship while in a port facility;
- (c) any port facility in Gibraltar.

(2) The Maritime Administrator or the authorised officer inspecting a ship or a port facility shall have power—

- (a) to subject any property found by him on the ship, or any apparatus or equipment installed on the ship which is required by or approved in the relevant ship security plan to such tests as may be considered necessary;
- (b) to subject any part of the port facility or any property found by him in the port facility, or any apparatus or equipment installed in the port facility which is required by or approved in the relevant port facility security plan to such tests as may be considered necessary;
- (c) to take such steps—
 - (i) to ascertain what practices or procedures are being followed in relation to security;
 - (ii) to test the effectiveness of any practice or procedure relating to security; or
 - (iii) to require the company, or the company security officer, or the ship security officer or the master of the ship or the port facility security officer or a person acting on behalf of any of them to furnish to him such information,

as the Maritime Administrator or the authorised officer may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subregulation (4), the Maritime Administrator or the authorised officer may, for the purpose of exercising any power conferred on him by subregulation (1) or (2) in relation to a ship or in relation to a port facility, may—

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- (a) for the purpose of inspecting a ship, go on board and take all such steps as are necessary to ensure that it is not moved; or
- (b) for the purpose of inspecting a port facility, to enter any building or works in the port facility or enter upon any land in the port facility.

(4) The powers conferred by subregulation (3) shall not include power for the Maritime Administrator or the authorised officer to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who—

- (a) without reasonable excuse, fails to comply with a requirement imposed on him under subregulation (2)(c); or
- (b) in furnishing any information so required makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence.

(6) A person guilty of an offence under subregulation (5) is liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(7) In this regulation, “authorised officer” means a surveyor or an inspector authorised in writing by the Maritime Administrator to carry out a function under this Part.

90. *Deleted.*

Appeals.

91.(1) In the case of any dispute or complaint with regard to any decision made by the Administration in carrying out its duties under these Regulations, the owner or operator of a ship or his representative in Gibraltar or the company may, within 7 days, make an appeal to the Minister with responsibility for shipping and the Minister shall dispose of the appeal as soon as possible in writing by giving reasons for his decision.

(2) On an appeal under subregulation (1), the Minister shall either—

- (a) confirm the decision made by the Administration or confirm it with such modifications as he thinks fit; or
- (b) cancel it.

(3) A second appeal may be made to the Supreme Court and only on a point of law.

(4) An appeal under subregulation (3) shall be made within 21 days from the decision made under subregulation (1) and the Court shall give an expedited hearing to that appeal.

(5) An appeal to the Minister or to the Court shall not suspend the operation of a notice of detention of a ship.

Offences and penalties.

92.(1) Where a ship, to which regulation 4 applies, fails to comply with any of the requirements of subregulation (1) or (2) of that regulation, the Administration may withdraw, suspend or cancel any certificate or document issued to that ship and in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(2) Where a ship, to which regulation 5 applies, fails to comply with any of the requirements of subregulation (1) or (2) of that regulation, the Administration may withdraw, suspend or cancel any certificate or document issued to that ship and in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(3) Where a ship, to which these Regulations apply, fails to comply with any of the requirements of the applicable provisions of regulations 8 to 15, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both.

(4) Where a ship, to which these Regulations apply, fails to comply with any of the requirements of subregulation (1), (2) or (3) of regulation 16, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 1 year or to both.

(5) Where a ship, to which these Regulations apply, fails to report to the Administration and the appropriate authorities as required by subregulation (4) or (5) of regulation 16 or

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subregulations (1) or (2) of regulation 17, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 2 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 3 months, or to both.

(6) Where a ship proceeds or attempts to proceed to sea without having any relevant certificate, permit or document in force as may be issued pursuant to regulations 18 to 23 of these Regulations, the owner and master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both.

(7) Where the Administration is of the view that a ship has failed to comply with any of the requirements of PART IV to PART XIII of these Regulations, it may withdraw or cancel any certificate, permit or document, and in addition, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(8) Where a ship, to which these Regulations apply, is not fitted with an automatic identification system (AIS) as required by regulation 48 or with a voyage data recorder (VDR) as required by regulation 49, the owner of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(9) Where there has been a contravention of—

- (a) regulation 26, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;
- (b) regulation 40(1), regulation 41, regulation 43(2) or (3) or regulation 47, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (c) regulation 44 or subregulation (1), (2), (3) or (5) of regulation 50, the master of the ship shall be guilty of an offence and liable, on summary conviction, to a fine at level 3 on the standard scale;
- (d) subregulation (1) or (3) of regulation 52, the shipper shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;

- (e) subregulation (1) or (3) of regulation 53, the owner of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;
- (f) subregulation (1) or (2) of regulation 54, the owner and the master shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;
- (g) subregulation (2), (3), (4) or (5) of regulation 55, the owner and the master shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale or on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to both;
- (h) regulation 59(1) or regulation 60(7), the company shall be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale;
- (i) subregulation (1), (3), (4) or (5) of regulation 63, the owner and the master shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both;
- (j) regulation 67, the company shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (k) regulation 69(1), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (l) regulation 71(1) or 72(1) or (2), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (m) regulation 71(6) or 74(2) or (3), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both;
- (n) regulation 75, regulation 76 or subregulation (1), (2), (3) or (4) of regulation 77, the company shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;

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- (o) subregulation (1) or (2) of regulation 80, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both;
 - (p) regulation 80(3), 81, 82(1) or 83, the company shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale;
 - (q) regulation 73(1) or 82(2), the master of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale;
 - (r) regulation 86(4), the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 5 on the standard scale;
 - (s) subregulation (1), (2), (3) or (4) of regulation 87, the owner and the master shall each be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding 2 years, or to both;
 - (t) regulation 87(5), the master of the ship shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale; and
 - (u) regulation 88, the owner and the master of the ship shall each be guilty of an offence and liable, on summary conviction, to a fine at level 4 on the standard scale.
- (10) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.