

2023-11 Admiralty Waters and Naval Base (Gibraltar)

Subsidiary Legislation made under s.15.

Admiralty Waters and Naval Base (Gibraltar) Regulations 2024

LN.2024/001

Commencement **15.1.2024**

ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred on the Minister by section 15 of the Admiralty Waters and Naval Base (Gibraltar) Act 2023, and with the consent of the Governor, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Admiralty Waters and Naval Base (Gibraltar) Regulations 2024.

Commencement.

2. These Regulations come into operation on the day of publication.

Interpretation.

3. In these Regulations-

“the Act” means the Admiralty Waters and Naval Base (Gibraltar) Act 2023;

“Collision Regulations” means the Gibraltar Merchant Shipping (Distress Signals and Prevention of Collisions at Sea) Regulations 2017;

“local notice to mariners” means communications described as such and issued pursuant to regulation 5(b) of the Gibraltar Port Authority (Safety of Navigation) Regulations 2020 regarding navigation within British Gibraltar Territorial Waters;

“permission” means permission granted by the King’s Harbour Master;

“recreational activity” means swimming, diving or the use of any vessel within Admiralty Waters for recreational or team building events;

“restricted visibility” means any condition in which visibility is restricted by fog, mist, heavy rainstorms, sandstorms or any other similar causes;

“VHF” in relation to radiotelephony equipment or radio channels, means very high frequency.

Anchoring, mooring and berthing.

4.(1) A merchant vessel or other private vessel must not, without permission berth, moor or anchor in Admiralty Waters.

(2) A vessel anchored within Admiralty Waters, must not be left without a person having command or charge of it.

(3) A vessel must not, without permission, anchor on the line of any under-sea cable or pipe laid down within Admiralty Waters when such a line is indicated by posts or other distinct marks on shore or, in accordance with directions made under section 8(1) of the Act by the King's Harbour Master.

(4) If at any time the anchor of any vessel hooks, fouls or snags any mooring, or any under-sea cable, or mooring of buoys, or any pipe within Admiralty Waters, the master of that vessel must notify the King's Harbour Master and must, if it is safe and practicable to do so, await the direction of the King's Harbour Master before proceeding to clear its anchor.

(5) A vessel, barge, hulk, raft, pontoon or other floating structure must not-

- (a) be moored or fastened to any mooring, buoy, mole, boom, jetty, pontoon or vessel in Admiralty Waters without permission;
- (b) except in an emergency, be moored adjacent to any Naval Base jetty without permission;
- (c) lie or be moored, anchored, grounded, deposited or run ashore so as to impede the free approach to any berth in the Naval Base; or
- (d) except in an emergency, drop anchor in Admiralty Waters without permission.

Fishing.

5.(1) A person must not, without permission, fish in Admiralty Waters or from jetties adjacent to Admiralty Waters.

(2) Permission under subregulation (1) is in addition to a permit under the Marine Protection Regulations 2014.

Recreational activity.

6.(1) Recreational activity must not take place in Admiralty Waters without permission.

(2) A person must not without permission take part in parascending or any other activity involving the towing of a kite or other thing, from land or water, in such a manner as to cause it to become airborne in any part of the Admiralty Waters.

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(3) A person permitted to swim or dive in Admiralty Waters must not do so within 50 metres of any berthed vessel.

Waste disposal.

7. A person must not dispose of or allow to fall into Admiralty Waters or within the Naval Base where the same may be able to be washed into Admiralty Waters by rain, wind, tide or otherwise, any ballast, stones, earth, clay, metal, refuse or any other substance or object which is or might become a hazard to navigation or a risk to the environment.

Reserved areas.

8.(1) The King's Harbour Master may direct that an area within the Admiralty Waters is reserved (a "reserved area") for one or more of the following purposes-

- (a) dredging operations or experiments;
- (b) an activity carried out by His Majesty's naval service which does not fall within paragraph (a); or
- (c) to ensure the safe navigation of vessels in the Admiralty Waters.

(2) A direction under subregulation (1) must be published as a local notice to mariners and will remain in force until the end of the year in which it was made unless it has been revoked beforehand.

(3) A person must not without permission-

- (a) enter or remain in a reserved area;
- (b) cause or permit a vessel to enter or remain in a reserved area; or
- (c) cause or permit any other object to enter or remain in a reserved area, unless compelled to do so by stress of weather or to avoid danger.

Firearms, weapons and explosives.

9.(1) Subject to subregulation (2) guns or explosives must not be carried on board any merchant or other private vessel within Admiralty Waters.

(2) Subregulation (1) does not apply where-

- (a) the King's Harbour Master has given permission in writing for the gun or explosive to be carried;
 - (b) the sole design of the gun or explosive is for the purpose of giving an internationally recognised signal of distress; or
 - (c) the sole purpose of the gun is to control water-based racing activities and only blank ammunition rounds are fired.
- (3) The master of a vessel must ensure that no gun or explosive is discharged from such vessel over Admiralty Waters except-
- (a) with the permission in writing of the King's Harbour Master;
 - (b) as a signal of distress; or
 - (c) as a signal in connection with the conduct of such racing activities.

Navigational marks.

10. A person must not trespass on, damage or without permission interfere with any radar head, light, beacon, sea-mark, boom, tide board, tide gauge, buoy, life buoy, ladder, sign or notice of any description in the Naval Base or Admiralty Waters.

Dredging.

11. A person must not, without permission in writing, dredge within Admiralty Waters with drags, hooks, nets or other apparatus.

Boarding.

12.(1) The King's Harbour Master may board any vessel in Admiralty Waters, whether underway or alongside, in the interests of safety, security or incident investigation.

(2) A person must not obstruct the King's Harbour Master from boarding a vessel in accordance with subregulation (1).

Fuelling.

13. A vessel within Admiralty Waters, must not be fuelled, whether by land or sea, except with the permission of the King's Harbour Master.

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Port radio telephone communication.

14.(1) Subject to any direction given by the King's Harbour Master, a vessel navigating or engaged in any type of movement or operation within Admiralty Waters, must carry fixed or portable VHF radiotelephony equipment and maintain a continuous watch on such frequencies or channels as directed by the King's Harbour Master.

(2) The King's Harbour Master may make directions specifying how the equipment in subregulation (1) is to be used.

Movement control.

15.(1) A vessels restricted in its ability to manoeuvre or constrained by its draught, within the meaning of the Collision Regulations, must inform the King's Harbour Master of its status when seeking permission to enter Admiralty Waters in accordance with section 7(1) of the Act.

(2) Any vessel of 20 metres or more in length must-

- (a) enter or leave Admiralty Waters only under the direction of the King's Harbour Master; and
- (b) obtain permission from the King's Harbour Master to sail or move within Admiralty Waters before leaving their mooring or berth or weighing anchor.

(3) A vessel must not without permission navigate within-

- (a) 50 metres of the walls, jetties and boundaries within Admiralty Waters
- (b) 50 metres of any of His Majesty's vessels, auxiliaries or foreign warships berthed or anchored within Admiralty Waters;
- (c) 100 meters where the vessel to which paragraph (b) refers is a submarine.

Exclusion zone.

16.(1) The King's Harbour Master may, when it is necessary to facilitate safe passage or safe operation whilst a vessel is underway or alongside, establish an exclusion zone around such a vessel or jetty.

(2) The King's Harbour Master must ensure that details of an exclusion zone are published as local notice to mariners and the Daily Harbour Movements email.

(3) A vessel or person must not enter an exclusion zone.

(4) A member of the Gibraltar Defence Police may remove a person who has entered an exclusion zone.

Temporary restrictions on movements within Admiralty Waters.

17.(1) The King's Harbour Master may give directions which are necessary to make arrangements for the safe passage of vessels.

(2) A direction made in accordance with subregulation (1) may provide for the closure of all or part of Admiralty Waters.

Speed of vessels navigating in Admiralty Waters.

18.(1) The King's Harbour Master may issue directions specifying the maximum speed at which a vessel may navigate within Admiralty Waters.

(2) A direction made under subregulation (1) must be published as a local notice to mariners.

(3) A vessel navigating in Admiralty Waters must not, without permission, exceed the speed limit specified in directions made under subregulation (1), except where taking action to avoid a collision in accordance with the Collision Regulations.

(4) The master of any vessel navigating Admiralty Waters must navigate the vessel with care and caution and in such a manner as will not cause annoyance to the occupants of any other vessel or cause damage or danger to any other vessel or to any moorings, pontoons or other property.

Movements of vessels in restricted visibility.

19.(1) The King's Harbour Master may issue directions to regulate the conduct of vessels in restricted visibility.

(2) The King's Harbour Master may suspend the movement of all vessels if it is necessary to do so in the interests of safety.

Offences.

20.(1) A person is guilty of an offence if that person-

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- (a) contravenes a restriction imposed by these Regulations;
 - (b) fails to comply with any direction given by the King's Harbour Master;
 - (c) does not have permission in circumstances where permission is required under these Regulations; or
 - (d) fails to comply the conditions attached to any permission given by the King's Harbour Master.
- (2) The master of a vessel is guilty of an offence if-
- (a) the vessel-
 - (i) contravenes a restriction imposed by these Regulations,
 - (ii) fails to comply with any direction given by the King's Harbour Master,
 - (iii) does not have permission in circumstances where permission is required under these Regulations, or
 - (iv) infringes the conditions attached to any permission; or
 - (b) the master fails to prevent a member of the vessel's crew or a passenger on the vessel committing an offence under subregulation (1).
- (3) A person who is guilty of an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.