

Subsidiary Legislation made under ss.6, 7 and 8.

Consular Relations (Merchant Shipping and Civil Aviation) (German Federal Republic) Order

LN.1977/077

Commencement **2.6.1977**

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Consular Relations (Merchant Shipping and Civil Aviation) (German Federal Republic) Order

Title.

1. This Order may be cited as the Consular Relations (Merchant Shipping and Civil Aviation) (German Federal Republic) Order.

German ships and aircraft.

2.(1) For the purposes of paragraphs 3 and 4 of this Order and for the purposes of section 8 of the Consular Relations Act as applied by virtue of paragraph 5 of this Order a ship shall be treated as belonging to the German Federal Republic if it is registered in the German Federal Republic in accordance with the laws and regulations of the German Federal Republic.

(2) For the purposes of this Order an aircraft shall be treated as belonging to the German Federal Republic if it is registered in the German Democratic Republic.

(3) Nothing in this Order shall apply to any ship of war or military aircraft.

(4) In this Order, references to the German Federal Republic shall be deemed to include references to a unified Berlin.

Contracts of service, etc.

3. Proceedings relating to the remuneration or any contract of service of the master or commander or a member of the crew of any ship or aircraft belonging to the German Federal Republic shall not be entertained by any court in Gibraltar unless a consular officer of the German Federal Republic has been notified of the intention to invoke the jurisdiction of that court and has not objected within a period of two weeks from the date of such notification and a statement to that effect is included among the details on which the claim is based at the time when the proceedings are commenced.

Offences.

4. Where an offence is alleged to have been committed on board any ship belonging to the German Federal Republic by the master or a member of the crew, proceedings for the offence instituted otherwise than at the request or with the consent of a consular officer of the German Federal Republic shall not be entertained by any court in Gibraltar unless— .

(a) the offence is alleged to have been committed—

- (i) by or against a person who is a British citizen, a British Overseas Territories citizen, a British Overseas citizen, a British subject or a British protected person within the meaning of the British Nationality Act 1981; or

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- (ii) against a person other than the master or a member of the crew; or
- (b) the offence is one involving the tranquility or safety of the territory or territorial waters of Gibraltar, or the law relating to safety of life at sea, public health, oil pollution, wireless telegraphy, immigration or customs; or
- (c) the offence is one in respect of which the master of a ship belonging to the German Federal Republic has given his consent to the institution of proceedings; or
- (d) the offence is one punishable (on a first conviction) with imprisonment for a term that may extend to five years or with a more severe sentence.

Designation.

5. The German Federal Republic is designated for the purposes of section 8 of the Consular Relations Act (which relates to detention on board ship for disciplinary offences).