

Regulations made under ss.98 and 118.

**THE GIBRALTAR MERCHANT SHIPPING (PHASING-IN  
OF DOUBLE HULL OIL TANKERS)  
REGULATIONS, 2003**

**Revoked by LN. 2004/057 as from 1.7.2004**

**(LN. 2003/002)**

**23.1.2003**

Amending enactments	Relevant current provisions	Commencement date
None		

**ARRANGEMENT OF REGULATIONS**

Regulations

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**Subsidiary  
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**Title.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Phasing-in of Double Hull Oil Tankers) Regulations, 2003.

**Interpretation.**

2.(1) In these Regulations—

“Article” means an Article of Regulation (EC) No 417/2002;

“Government ship” means a ship falling within Part VII of the Gibraltar Merchant Shipping (Registration) Ordinance 1993;

“Member State” means any State within the European Economic Area and includes Gibraltar;

“Maritime Administrator” means the person appointed under section 3 of the Gibraltar Merchant Shipping (Safety, etc.) Ordinance, 1993;

“Port” means—

- (a) that area of water and the foreshore adjacent thereto as is commonly known and recognised as the Port, roadstead and anchorage ground of Gibraltar including Admiralty and Port Waters as defined from time to time in any relevant Order in Council;
- (b) all that area of land defined as being part of the Port in the Port Ordinance; and
- (c) the area within Gibraltar territorial waters commonly known as the Eastern Anchorage, within the co-ordinates specified in the schedule;

“Regulation (EC) No. 417/2002” means Regulation (EC) No. 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) 2978/94.

(2) The words and expressions used in these Regulations but not defined in subregulation (1) shall have the same meaning as in Article 3.

**Application of Regulation (EC) No. 417/2002 to Gibraltar.**

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3.(1) The provisions of these Regulations and Regulation (EC) No 417/2002 shall apply to any oil tanker of 5000 tons deadweight and above—

- (a) that enters into the Port irrespective of its flag, or
- (b) flies the Gibraltar flag.

(2) These Regulations do not apply to—

- (a) war ships;
- (b) naval auxiliaries;
- (c) a vessel which is owned or operated by a Member State and used for non-commercial purposes;
- (d) a Gibraltar Government ship used for non-commercial purposes.

**Competent authority.**

4.(1) The Maritime Administrator is designated the competent authority for Gibraltar for the purposes of Regulation (EC) No 417/2002 and these Regulations.

(2) The Maritime Administrator shall ensure that no oil tanker is allowed to operate under the Gibraltar flag, nor any oil tanker, irrespective of its flag, is allowed to enter into the Port after the anniversary of the date of delivery of the ship in the year specified in Article 4.1 as set out in the Schedule, unless such tanker is a double hull oil tanker.

(3) The Maritime Administrator shall ensure that—

- (a) a Category (1) oil tanker of 25 years and over after the date of its delivery complies with the provisions of either paragraph (a) or (b) of Article 4.2 as set out in the Schedule; and
- (b) no oil tanker is allowed to enter into the Port beyond the anniversary of the date of delivery of the ship, in 2005 for Category (1) ships, and in 2010 for category (2) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

(4) The Maritime Administrator may allow an oil tanker flying the Gibraltar flag to continue operation beyond the anniversary of the date of delivery of the ship in 2005 for category (1) ships and in 2010 for category

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(2) ships, only after compliance with the Condition Assessment Scheme referred to in Article 6.

(5) The Maritime Administrator shall ensure full compliance with Article 7.

**Exemptions.**

5.(1) Notwithstanding Articles 4, 5 and 7, the Captain of the Port may allow an individual oil tanker to enter the Port in any of the exceptional circumstances specified in subregulation (2) when—

- (a) an oil tanker is in difficulty and in search of a port of repair; or
- (b) an unloaded oil tanker is proceeding to a port of repair.

(2) The exceptional circumstances referred to in subregulation (1) are as follows—

- (a) an act of war,
- (b) hostilities,
- (c) civil war,
- (d) insurrection, or
- (e) an exceptional, inevitable and irresistible natural phenomenon.

(3) The Maritime Administrator shall cause, as soon as possible, the Commission to be informed of the provisions of this regulation.

**Information to IMO.**

6. The Maritime Administrator shall cause the IMO to be informed—

- (a) of any decision to deny entry of an oil tanker, pursuant to Article 7, operating in accordance with the provisions of Paragraph 5 of revised Regulation 13G of Annex I of MARPOL 73/78 into the Port on the basis of paragraph 8(b) of revised Regulation 13G of Annex I of MARPOL 73/78; and
- (b) if he allows, suspends, withdraws or declines the operation of a Category (1) or a Category (2) oil tanker entitled to fly the Gibraltar flag, in accordance with Article 5, on the basis of paragraph 8(a) of revised Regulation 13G of Annex I of MARPOL 73/78.

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SCHEDULE**

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Regulation 4(2) & (3).

Article 4

**Compliance with the double hull or equivalent design requirements by single hull oil tankers.**

1. No oil tanker shall be allowed to operate under the flag of a Member State, nor shall any oil tanker, irrespective of its flag, be allowed to enter into ports or offshore terminals under the jurisdiction of a Member State after the anniversary of the date of delivery of the ship in the year specified hereafter, unless such tanker is a double hull oil tanker:

(a) for category (1) oil tankers:

- I. 2003 for ships delivered in 1973 or earlier,
- II. 2004 for ships delivered in 1974 and 1975,
- III. 2005 for ships delivered in 1976 and 1977,
- IV. 2006 for ships delivered in 1978, 1979 and 1980,
- V. 2007 for ships delivered in 1981 or later;

(b) for category (2) oil tankers:

- I. 2003 for ships delivered in 1973 or earlier,
- II. 2004 for ships delivered in 1974 and 1975,
- III. 2005 for ships delivered in 1976 and 1977,
- IV. 2006 for ships delivered in 1978 and 1979,
- V. 2007 for ships delivered in 1980 and 1981,
- VI. 2008 for ships delivered in 1982,
- VII. 2009 for ships delivered in 1983,
- VIII. 2010 for ships delivered in 1984,
- IX. 2011 for ships delivered in 1985,
- X. 2012 for ships delivered in 1986,
- XI. 2013 for ships delivered in 1987,
- XII. 2014 for ships delivered in 1988,
- XIII. 2015 for ships delivered in 1989 or later;

(c) for category (3) oil tankers:

- I. 2003 for ships delivered in 1973 or earlier,
- II. 2004 for ships delivered in 1974 and 1975,
- III. 2005 for ships delivered in 1976 and 1977,
- IV. 2006 for ships delivered in 1978 and 1979,
- V. 2007 for ships delivered in 1980 and 1981,
- VI. 2008 for ships delivered in 1982,

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- VII. 2009 for ships delivered in 1983,
- VIII. 2010 for ships delivered in 1984,
- IX. 2011 for ships delivered in 1985,
- X. 2012 for ships delivered in 1986,
- XI. 2013 for ships delivered in 1987,
- XII. 2014 for ships delivered in 1988,
- XIII. 2015 for ships delivered in 1989 or later.

2. A Category (1) oil tanker of 25 years and over after the date of its delivery shall comply with either of the following provisions:

- (a) it shall have wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of Regulation 13E(4) of Annex I of MARPOL 73/78, cover at least 30% of  $L_t$ , for the full depth of the ship on each side or at least 30% of the projected bottom shell area within  $L_t$  where  $L_t$  is as defined in Regulation 13E(2) of Annex I of MARPOL 73/78, or
- (b) it shall operate with hydrostatically balanced loading, taking into account the guidelines developed by the IMO Resolution MEPC 64(36).