

Gibraltar Merchant Shipping (Safety, etc.)

GIBRALTAR MERCHANT SHIPPING (SAFETY RULES AND STANDARDS FOR PASSENGER SHIPS ON DOMESTIC VOYAGES) REGULATIONS, 2003

1995-13

Repealed
Subsidiary
2003/030

Regulations made under s. 59, 62, 63 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993.

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Repealed by LN. 2011/146 as from 22.9.2011

(LN. 2003/030)

8.5.2003

Amending enactments	Relevant current provisions	Commencement date
LN. 2004/055	r.2(1)	1.7.2004
2006/021	rr. 2(1), 5(1A), 11A, 11B, and Sch.3	9.3.2006

EU Legislation/International Agreements involved:

Directive 98/18/EC
Directive 2002/25/EC
Directive 2002/84/EC
Directive 2003/24/EC
Directive 2003/75/EC

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In exercise of the powers conferred by sections 59, 62, 63 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other powers enabling, and for the purposes of transposing into the law of Gibraltar the Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships as amended by Commission Directive 2002/25/EC and by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships, the Government has made the following Regulations—

PART I: PRELIMINARY

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003 and come into operation on a date to be appointed by the Minister of Transport by notice in the Gazette.

Interpretation.

2.(1) In these Regulations—

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

“Administrative Instructions” means any instruction made and issued by the Maritime Administrator in exercise of powers conferred on him by section 3(5) of the Act and pursuant to regulation 5(1);

“age” means the age of the ship, expressed in the number of years after the date of its delivery;

“Annex I” means Annex I to the Directive and amendments or replacement thereto which are applicable at the time of reference;

“bow height” means the bow height defined in Regulation 39 of the 1966 International Convention on Load Lines as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side;

“Directive” means Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships as amended by

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Commission Directive 2002/25/EC of 5 March 2002 and by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships, and Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships; and Commission Directive 2003/75/EC of 29 July 2003 amending Annex I to Council Directive 98/18/EC on safety rules and standards for passenger ships;

“domestic voyage” means a voyage in sea areas from a port of a Member State or EEA State to the same or another port within that Member State or EEA State;

“existing ship” means a ship which is not a new ship;

“Gibraltar Waters” means the area of Waters contained within British Territorial Waters in Gibraltar;

“GMDSS” means the Global Maritime Distress and Safety System as laid down in Chapter IV of the 1974 Solas Convention, and amendments thereto in its up-to-date version as in force at the time of reference;

“High Speed Craft Code” means the “International Code for Safety of High Speed Craft” contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, and amendments thereto in its up-to-date version as in force at the time of reference;

“high speed passenger craft” means a high speed craft, as defined in Regulation 1 of Chapter X of the 1974 Solas Convention and amendments thereto which are applicable at the time of reference, 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 High Speed Craft Code, is less than 20 knots;

“host State” means a Member State to or from whose port a ship or craft, flying another flag than the flag of that Member State, is carrying

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out domestic voyages and in the case of Gibraltar, it shall mean the Gibraltar Administration as “host Administration”;

“International Conventions” means–

- (a) the 1974 (the 1974 Solas Convention) International Convention for the Safety of Life at Sea, and
- (b) the 1966 International Convention on Load Lines,

together with Protocols and amendments thereto in its up-to-date version as in force at the time of reference;

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

“international voyage” means a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;

“length of a ship” unless expressly provided otherwise, means 96% of the total length on a water line at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater and in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“Member State” means any State within the European Economic Area and for the purposes of these Regulations includes–

- (i) those non-EU Member States who through their EEA affiliation have agreed to comply with the Directive; and
- (ii) Gibraltar;

“mile” means 1,852 metres;

“new ship” means a ship the keel of which is laid or which is at a similar stage of construction on or after 1 July 1998;

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

“passenger ” means a person in the ship who is not–

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- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“persons with reduced mobility” means anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children;

“place of refuge” means any naturally or artificially sheltered area which may be used as a shelter by a ship or craft under conditions likely to endanger its safety;

“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 legislation;
- (b) all that area of land defined as being part of the Port in the Port Act; and
- (c) the area within Gibraltar territorial waters commonly known as the Eastern Anchorage, within the following co-ordinates:

Position	36° 09'.0 N	—	005° 19'.7 W
“	36° 09'.0 N	—	005° 17'.5 W
“	36° 07'.2 N	—	005° 17'.5 W
“	36° 06'.5 N	—	005° 19'.7 W

“port Waters” means the waters within the port;

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

“ro-ro passenger ship” means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in regulation II-2/A/2 contained in Annex I;

“sea area” means an area classified and updated pursuant to the provisions of regulation 5(1) and for the purposes of applying the provisions on radiocommunication, it includes those defined in Regulation 2, Chapter IV of the 1974 Solas Convention;

“ship with a full deck” means a ship that is provided with a complete deck, exposed to weather and sea, which has permanent means of closing all openings in the weatherpart thereof and below which all openings in the sides of the ship are fitted with permanent means of at least weathertight closing and the complete deck may be a watertight deck or equivalent structure consisting of a non-watertight deck completely covered by a weathertight structure of adequate strength to maintain the weathertight integrity and fitted with weathertight closing appliances;

“significant wave height” is the average height of the one third highest observed wave heights over a given period.

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less.

(2) For the purposes of regulations 8(1) and 10(1) below, those regulations for which the 1974 Solas Convention leaves the interpretation to the discretion of the Administration, it shall apply the interpretations as contained in Annex I.

Application of these Regulations.

3.(1) These Regulations apply to—

- (a) new passenger ships;
- (b) existing passenger ships of 24 metres or over in length, subject to regulation 10(7) below;
- (c) high speed passenger craft,

regardless of their flag, when engaged on domestic voyages.

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(2) These Regulations do not apply to—

- (a) passenger ships which are—
 - (i) ships of war and troopships,
 - (ii) naval auxiliaries;
 - (iii) ships not propelled by mechanical means;
 - (iv) vessels, constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36 (63)) or Dynamically Supported Craft (Resolution A.373 (X));
 - (v) wooden ships of primitive build;
 - (vi) original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials;
 - (vii) pleasure yachts unless they are or will be crewed and carrying more than 12 passengers for commercial purposes,
 - (viii) a vessel exclusively engaged in port Waters;
- (b) high speed passenger craft, which are:
 - (i) craft of war and troopcraft,
 - (ii) pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes, and
 - (iii) craft exclusively engaged in port waters.

PART II: CLASSES OF SHIPS AND SEA AREAS

Classification of passenger ships and categories of high speed craft.

4.(1) For the purposes of these Regulations, passenger ships engaged on domestic voyages shall be arranged in the following classes—

- (a) Class A;

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- (b) Class B;
- (c) Class C;
- (d) Class D;

(2) In these Regulations—

- (a) “Class A” means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D;
- (b) “Class B” means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height;
- (c) “Class C” means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2,5 m significant wave height is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height; and
- (d) “Class D” means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1,5m significant wave height is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

(3) The categories defined in Chapter 1 (1.4.10) and (1.4.11) of the High Speed Craft Code shall apply to high speed passenger crafts.

Classification of sea areas.

5.(1) The Maritime Administrator may, with the approval of the Minister, make and issue, in exercise of powers conferred on him by section 3(5) of the Act, from time to time, by notice in the Gazette, Administrative Instructions—

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- (a) classifying and updating the list of sea areas within Gibraltar Waters; and
- (b) delimiting the zones for all-year-round and, where appropriate, restricted periodical operation of the classes of ships specified in regulation 4.

(1A) The list of sea areas referred to in subregulation (1) shall be published in the database available on the internet website of the Government of Gibraltar, and the Maritime Administrator shall ensure that the Commission is duly notified of the location of such information, and when modifications are made to the list.

(2) The Administrative Instructions specified in Schedule 1 shall be deemed to have been made and issued by the Maritime Administrator pursuant to section 3(5) of the Act and this regulation.

(3) The Administrative Instructions referred to in subregulation (2) may be amended, replaced or revoked by the Maritime Administrator in the same way as a new Instruction is made and issued by him.

(4) The Maritime Administrator shall, for the purpose of Article 4 of the Directive, cause the Administrative Instructions issued under subregulation (1) to be provided to the Commission.

PART III: SAFETY REQUIREMENTS

Compliance of safety rules.

6.(1) No ship that is—

- (a) a new passenger ship,
- (b) an existing passenger ship, or
- (c) a high speed passenger craft,

shall be allowed to engage on domestic voyages unless it complies with the relevant safety rules referred to in regulations 7 to 11 .

(2) The Administration shall ensure that passenger ships and high speed passenger craft, flying the flag of a State which is not a Member State, fully comply with the requirements of these Regulations, before they may be engaged on domestic voyages.

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(3) The Administration shall not withhold from operation a passenger ship or a high speed passenger craft engaged on a domestic voyage for any reasons arising from these Regulations if it complies with the requirements of these Regulations, including any additional requirements imposed under regulation 12.

Safety requirements for new and existing passenger ships.

7.(1) Every new and existing passenger ship of Classes A, B, C and D shall comply with the construction and maintenance of hull, main and auxiliary machinery, electrical and automatic plants standards specified for classification by the rules of a recognised organisation, or equivalent rules used by an Administration in accordance with regulation 15 of the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations, 2002.

(2) Every new and existing passenger ship of Classes A, B, C and D shall comply with the provisions of Chapters IV, including the 1988 GMDSS amendments, V and VI of the 1974 Solas Convention and amendments thereto which are applicable at the time of reference.

(3) Every new and existing passenger ship of Classes A, B, C and D shall comply with the provisions for shipborne navigational equipment of Regulation 12, Chapter V of the 1974 Solas Convention and amendments thereto which are applicable at the time of reference.

(4) Shipborne navigational equipment, as specified in Annex A to MSN 1734 (M+F) in pursuance of regulation 5 of the Gibraltar Merchant Shipping (Marine Equipment) Regulations, 2002 and complying with the provisions of those Regulations, is considered to be in conformity with the type approval requirements of Solas regulation V/12(r).

General safety requirements for new passenger ships.

8.(1) Every new passenger ship of Class A shall comply entirely with the requirements of the 1974 Solas Convention and with the specific relevant requirements specified in these Regulations and Annex I.

(2) New passenger ships of Classes B, C and D shall comply with the specific relevant requirements specified in these Regulations and Annex I.

Load line requirements for new passenger ships.

9.(1) Every new passenger ship of 24 metres or over in length shall comply with the 1966 International Convention on Load Lines.

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(2) Criteria with a level of safety equivalent to those of the 1966 International Convention on Load Lines shall be applied in relation to length and Class, to new passenger ships of less than 24 metres in length.

(3) Notwithstanding Subregulations (1) and (2), new passenger ships of Class D are exempted from the minimum bow height requirement laid down in the 1966 International Convention on Load Lines.

(4) New passenger ships of Classes A, B, C and D shall have a full deck.

General requirements for existing passenger ships.

10.(1) Every existing passenger ship of Class A shall comply with the regulations for existing passenger ships defined in the 1974 Solas Convention and with the specific relevant requirements specified in these Regulations and Annex I.

(2) Existing passenger ships of Class B shall comply with the specific relevant requirements specified in these Regulations and Annex I.

(3) Existing passenger ships of Classes C and D shall comply with the specific relevant requirements of these Regulations and Chapter III of Annex I and in respect of matters not covered by such requirements with the rules of the Administration of the flag State and such rules shall provide an equivalent level of safety to that of Chapters II-1 and II-2 of Annex I, while taking into account the specific local operational conditions related to the sea areas in which ships of such classes may operate.

(4) No existing passenger ships of Classes C and D shall engage on regular domestic voyages in Gibraltar unless the Administration of the flag State obtains concurrence of the Gibraltar Administration on the rules of the Administration of the flag State as referred to in subregulation (3).

(5) Repairs, alterations and modifications of a major character and outfitting related to existing passenger ships shall be in compliance with the requirements for new ships as prescribed in regulation 8.

(6) Alterations made to an existing ship which are intended solely to achieve a higher survivability standard, shall not be regarded as modifications of a major character.

(7) The provisions of subregulation (1), unless earlier dates are specified in the 1974 Solas Convention and the provisions of subregulations (2), (3) and (4), unless earlier dates are specified in Annex I, shall not be applied in

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relation to a ship whose keel was laid or which was at a similar stage of construction—

- (a) before 1 January 1940: until 1 July 2006;
- (b) on or after 1 January 1940, but before 31 December 1962: until 1 July 2007;
- (c) on or after 1 January 1963, but before 31 December 1974: until 1 July 2008;
- (d) on or after 1 January 1975, but before 31 December 1984: until 1 July 2009;
- (e) on or after 1 January 1985, but before the date in Article 14(1): until 1 July 2010.

Safety requirements for high speed passenger craft.

11.(1) High speed passenger craft constructed or subjected to repairs, alterations or modifications of a major character, on or after 1 January 1996, shall comply with the requirements of Regulation X/3 of the 1974 Solas Convention, unless—

- (a) their keel was laid or was at a similar stage of construction not later than 1 July 1998;
- (b) delivery and commissioning took place not later than 1 January 1999; and
- (c) they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code) contained in IMO Assembly Resolution A.373(X) of 14 November 1977, as amended by Maritime Safety Committee Resolution MSC 37(63) of 19 May 1994.

(2) High speed passenger craft constructed before 1 January 1996 and not complying with the requirements of the High Speed Craft Code—

- (a) shall continue operation if certified under this Code;
- (b) may not be engaged on domestic voyages, unless they were already in operation on domestic voyages in Gibraltar at the date of entry into force of the Directive.

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(3) A craft referred to in regulation (2)(b) shall not be allowed to continue its operation unless it complies with the requirements of the Code referred to in regulation 1(c) above.

(4) The construction and maintenance of high speed passenger craft and its equipment shall comply with the rules for classification of high speed craft of a recognised organisation, or equivalent rules used by the Administration in accordance with regulation 15 of the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations, 2002.

Stability requirements and phasing-out of ro-ro passenger ships.

11A. The Maritime Administrator shall ensure that all ro-ro passenger ships—

- (a) of classes A, B, and C, the keels of which were laid or which were at a similar stage of construction on or after 1 October 2004 comply with regulations 6, 7, 8 and 9 of the Gibraltar Merchant Shipping (Stability Requirements for Ro-Ro Passenger Ships) Regulations 2005; and
- (b) of classes A and B, the keels of which were laid or which were at a similar stage of construction before 1 October 2004 comply with regulations 6, 7, 8 and 9 of the Gibraltar Merchant Shipping (Stability Requirements for Ro-Ro Passenger Ships) Regulations 2006 by 1 October 2010, unless they are phased out on that date or on a later date on which they reach the age of 30 years but in any case not later than 1 October 2015.

Safety requirements for persons with reduced mobility.

11B.(1) The Maritime Administrator shall ensure that appropriate measures are taken, based, where practicable, on the guidelines set out in Schedule 3, to enable persons with reduced mobility to have safe access to all passenger ships of classes A, B, C and D and to all high-speed passenger craft, used for public transport, the keels of which were laid or which are at a similar stage of construction on or after 1 October 2004.

(2) It shall be the duty of the Administration to cooperate with and consult organisations representing persons with reduced mobility on the implementation of the guidelines included in Schedule 3.

(3) The Administration shall, for the purpose of modification of passenger ships of Classes A, B, C and D and high-speed passenger craft, used for public transport, the keels of which were laid or which were at a similar

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stage of construction before 1 October 2004, apply the guidelines set out in Schedule 3 as far as reasonable and practicable in economic terms.

Additional safety requirements.

12.(1) Where, due to local circumstances, the Minister considers it necessary to improve safety requirements applicable to a particular class of ship or high speed passenger craft in certain situations, he may, subject to the procedure laid down in regulation 15, adopt measures to improve the safety requirements.

Alternative construction, equipment and machinery.

13.(1) Where these Regulations require that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or particular provision made, the Minister may, subject to the procedure laid down in regulation 15, approve the hull or machinery of the ship to be constructed in any other manner or any other equipment to be provided or other provision made, if he is satisfied by trial thereof or otherwise that the other construction or equipment or provision is, at least, as effective as that required by these Regulations and Annex I.

(2) For the purposes of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of other EEA States offering suitable and satisfactory guarantees of technical and provisional competence and independence shall be accepted.

Exemptions.

14. The Minister may, without reducing the level of safety, and in compliance with the procedure laid down in regulation 15 and subject to such conditions as he may specify, exempt classes of ships or an individual ship from specific provisions of these Regulations, and may alter or cancel any such exemption.

Procedure for steps under regulations 12, 13 and 14.

15. Where the Minister decides to take any step in pursuance of regulation 12, 13, or 14, he shall proceed as follows—

- (a) he shall cause the Commission to be notified of the measures which he intends to adopt, including particulars to the extent necessary to confirm that the level of safety is adequately maintained;
- (b) if, within a period of six months from the notification, it is decided, in accordance with the procedure mentioned in Article

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9 of the Directive, that the proposed measures are not justified, the Minister shall be required to amend or not to adopt the proposed measures;

- (c) the adopted measures shall be adopted by a notice in the Gazette and communicated to the Commission;
- (d) any of such measures shall be applied to all passenger ships of the same Class or to craft when operating under the same specified conditions, without discrimination with regard to their flag or to the nationality or place of establishment of their operator;
- (e) the measures specified in regulation 14 shall only apply as long as the ship or craft operates under the specified conditions.

Safeguards.

16.(1) Where the Minister considers that the operation on a domestic voyage of a ship or craft to which these Regulations apply creates a risk of serious danger to safety of life or property or to the environment, notwithstanding the fact that the ship complies with the requirements of these Regulations specified in relation to a ship of its Class, he may subject to the procedure laid down in subregulation (2)–

- (a) suspend the ship from operating on domestic voyages in the specified sea areas; or
- (b) impose additional safety conditions upon the continued operation of the ship in the specified sea areas,

until such time as he considers that the danger is removed.

(2) Where the Minister decides to act in pursuance of subregulation (1), he shall cause a statement of his decision, without delay, giving substantiated reasons therefor, to be provided to the Commission.

(3) The Minister shall withdraw the suspension or the additional conditions imposed under subregulation (1) if the Commission decides that the decision for suspension or the additional conditions imposed are not justified by reasons of serious danger to safety of life or property or to the environment.

(4) In this regulation, “specified” means specified by the Minister by notice in the Gazette.

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Surveys of new passenger ships, existing passenger ships and high speed passenger crafts.

17.(1) Every new passenger ship shall be subjected by the Administration to the following surveys–

- (a) a survey before the ship is put into service;
- (b) a periodical survey once every 12 months; and
- (c) additional surveys, as the occasion arises.

(2) Every existing passenger ship shall be subjected by the Administration to the following surveys–

- (a) an initial survey, before the ship is put into service on domestic voyages in any host State;
- (b) a periodical survey once every 12 months; and
- (c) additional surveys, as the occasion arises.

(3) Every high speed passenger craft which requires to comply, in accordance with regulation 11, with the requirements of–

- (a) the HSC Code, shall be subject by the Administration to the surveys required in the High Speed Craft Code;
- (b) the DSC Code, shall be subject by the Administration to the surveys required in the DSC Code.

(4) The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Assembly Resolution A.746(18) of 4 November 1993 on survey guidelines under the harmonised system of survey and certification, as they are at the time of reference or procedures designed to achieve the same goal, shall be followed.

(5) The surveys referred to in subregulation (1), (2) and (3) shall be carried out by–

- (a) the exclusive surveyors of the Administration itself;
- (b) the surveyors of a recognised organisation; or

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- (c) by the surveyors of any Member State authorised by the Gibraltar Administration to carry out surveys,

with the purpose of ensuring that all applicable requirements of these Regulations are complied with.

PART V: CERTIFICATES

Passenger Ship Safety Certificate.

18.(1) Every new and existing passenger ship shall be provided with a Passenger Ship Safety Certificate as set out in the Schedule 2.

(2) The Passenger Ship Safety Certificate shall be issued by the Administration, after an initial survey under regulation 17(2)(a) has been carried out, for a period not exceeding twelve months.

(3) Renewal of the Passenger Ship Safety Certificate shall be issued by the Administration after a periodical survey under regulations 16(1)(b) and (2)(b) has been carried out.

(4) The period of validity of the Passenger Ship Safety Certificate may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it and when an extension has been granted, the new period of validity of the certificate starts from the expiry date of the existing certificate before its extension.

(5) Exemptions granted to ships under and in accordance with the provisions of regulation 14 shall be noted on the ship's certificate.

High Speed Craft Safety Certificate and Permit to Operate High Speed Craft.

19.(1) For high speed passenger craft complying with the requirements of the High Speed Craft Code, a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft shall be issued by the Administration, in accordance with the provisions of the High Speed Craft Code.

(2) For high speed passenger craft complying with the requirements of the DSC Code as amended, a DSC Construction and Equipment Certificate and a DSC Permit to operate shall be issued by the Administration, in accordance with the provisions of the DSC Code.

(3) Before issuing the Permit to Operate for high speed passenger craft engaged on domestic voyages in a host State, the Administration shall

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concur with the host State on any operational conditions associated with operation of the craft in that State and any such conditions shall be shown by the Administration on the Permit to Operate.

(4) Exemptions granted to a craft under and in accordance with the provisions of regulation 14 shall be noted on the craft's certificate.

Recognition of High Speed Craft Safety Certificate and Permit to Operate.

20.(1) Where the Administration acts in its capacity as a host Administration, it shall recognise—

- (a) the High Speed Craft Safety Certificate and Permit to Operate issued by any Member State for high speed passenger craft, when engaged on domestic voyages, or
- (b) the Passenger Ship Safety Certificate referred to in regulation 18 issued by any Member State for passenger ships when engaged on domestic voyages

PART VI: MISCELLANEOUS

Inspection, audit and detention of ships.

21. The Administration may, acting in its capacity as a host Administration, inspect a passenger ship or a high speed passenger craft, when engaged on domestic voyages, and audit its documentation and in such cases, the relevant provisions of the Gibraltar Merchant Shipping (Port State Control) Regulations, 2003 shall have effect as if the relevant provisions of those Regulations have been incorporated as regulations to these Regulations.

Penalties.

22. Any owner or the master of a ship or craft to which these Regulations apply, who contravenes regulation 7, 8, 9, 10 or 11 is guilty of an offence and is liable, on summary conviction, to a fine at level 3 on the standard scale.

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SCHEDULE 1.

Regulation 5(2)

ADMINISTRATIVE INSTRUCTIONS

CLASSIFICATION OF SEA AREAS

1. Sea areas within Gibraltar Waters shall be divided into the following categories of waters-

Sheltered Waters

Sheltered Waters consist of-

Area "A"

- (i) the area of water contained within the Harbour break waters;
- (ii) the area of water falling east of the line drawn between the Northwest corner of the North Mole and the Western end of the airport runway; and
- (iii) the area bound by a line drawn due north from the West end of the airport runway to where it meets the extended line of frontier for British Waters.

Vessels operating within these three areas of sheltered Waters and crossing from one of the three areas to another (without any seaward deviation other than what is absolutely necessary for such crossing) shall be deemed to be operating in sheltered Waters. Such crossing shall only take place in favourable weather conditions and with the prior approval of the Port Authority (Control Tower).

Open Waters

Open Waters consist of all Gibraltar Waters other than the areas defined as sheltered Waters.

2. Other Waters shall be subdivided into the following categories:

Area "B"

This area includes the area of Gibraltar Waters within the Bay of Gibraltar to the North of the line joining Great Europa Point with Point Carnero.

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Area “C”

This area includes all Gibraltar Waters other than the Waters in Area “A” or “B”.

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SCHEDULE 2.

Regulation 18

PASSENGER SHIP SAFETY CERTIFICATE

(Official seal)

(State)

Issued under the provisions of the

.....
(name of the relevant measure(s) introduced by the Flag State)

and confirming compliance of the vessel named hereafter with the provisions of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003

under the authority of the Government of

.....

...

(full official designation of the Flag State) by

.....
(full official designation of the competent organisation recognised under the provisions of the Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations, 2003)

Name of the ship	Distinctive numbers or letters	Port of registry	Number of passengers

IMO number⁽¹⁾.....

Length.....

Date on which the keel was laid or ship was at a similar stage of construction:.....

Date of initial survey:.....

Class of ship in accordance with the sea area in which the ship

is certified to operate: A / B / C / D⁽²⁾

⁽¹⁾ IMO ship identification number in accordance with Resolution A.600(15), if any.

⁽²⁾ Delete as appropriate.

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Subject to following restrictions or additional requirements⁽³⁾

(Reverse of certificate)

Initial survey

This is to certify,

- (i) that the ship has been surveyed in accordance with regulation 17 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003;
- (ii) that the survey showed that the ship fully complies with the requirements of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003 and Annex I; and
- (iii) that the ship is, under the authority conferred by regulation 14 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003, exempted from the following requirements of the Regulations:
.....
Conditions, if any, on which the exemptions are granted;
.....
- (iv) that the following subdivision load lines have been assigned:

Subdivision load lines assigned and marked on the ship's side at amid-ships (Regulation II-1/B/11)	Freeboard (in mm)	Remarks with regard to alternative service conditions:
C.1 ⁽¹⁾		
C.2		
C.3		

⁽³⁾ Record of any restriction applicable by reason of either the route, area of operation or restricted period of operation or any additional requirement due to specific local circumstances.

⁽¹⁾ The Arabic numerals following the letter 'C' in the subdivision load line notations may be replaced by Roman numerals or letters if the Administration of the flag State considers this necessary to distinguish them from the international subdivision load line notations.

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This certificate is valid until (date of next renewal survey) in accordance with regulation 17 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003.

Issued aton 20.

(Place of issue of certificate)

(Date of issue)

.....

(Signature of official issuing the certificate)

and/or

(Seal of issuing authority)

If signed, the following paragraph is to be added:

The undersigned declares that he is duly authorised by the said Flag State to issue this Passenger Ship Safety Certificate.

(Signature)

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Periodical surveys

This is to certify that a periodical survey as required by regulation 17 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003 has been carried out and that the survey showed that the ship was found to comply with all the relevant requirements of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003 and Annex I.

Place Date
.....
(Signature and/or seal of issuing authority)

Place Date
.....
(Signature and/or seal of issuing authority)

Place Date
.....
(Signature and/or seal of issuing authority)

Place Date
.....
(Signature and/or seal of issuing authority)

Place Date
.....
(Signature and/or seal of issuing authority)

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SCHEDULE 3

Regulation 11B

GUIDELINES FOR SAFETY REQUIREMENTS FOR PASSENGER
SHIPS AND HIGH-SPEED PASSENGER CRAFT FOR PERSONS
WITH REDUCED MOBILITY

In applying the guidelines of this Schedule, the Administration shall follow IMO circular MSC/735 of 24 June 1996 entitled "Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs".

Access to the ship.

1. Ships should be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, and can be ensured access between decks, either unassisted or by means of ramps, elevators or lifts. Directions to such access should be posted at the other accesses to the ship and at other appropriate locations throughout the ship.

Signs.

2. Signs provided on a ship to aid passengers should be accessible and easy to read for persons with reduced mobility, (including persons with sensory disabilities), and be positioned at key points.

Means to communicate messages.

3. The operator should have the means onboard the vessel visually and verbally to provide announcements, such as those regarding delays, schedule changes and on-board services, to persons with various forms of reduced mobility.

Alarm.

4. The alarm system and alarm buttons must be designed so as to be accessible by and to alert all passengers with reduced mobility, including persons with sensory disabilities and persons with learning disabilities.

Additional requirements ensuring mobility inside the ship.

5. Handrails, corridors and passageways, doorways and doors shall accommodate the movement of a person in a wheelchair. Elevators, vehicle decks, passenger lounges, accommodation and washrooms shall be designed

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in order to be accessible in a reasonable and proportionate manner to persons with reduced mobility.

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