

Gibraltar Merchant Shipping (Safety, etc.)  
**GIBRALTAR MERCHANT SHIPPING (ACCIDENT REPORTING  
AND INVESTIGATION) REGULATIONS 2006**

**1995-13**  
**Repealed**  
**Subsidiary**  
**2006/108**

Subsidiary Legislation made under ss. 56(2) and (4) and 118.

**GIBRALTAR MERCHANT SHIPPING (ACCIDENT  
REPORTING AND INVESTIGATION)  
REGULATIONS 2006**

**Repealed by LN. 2012/023 as from 5.3.2012**

**(LN. 2006/108)**

**9.11.2006 [LN. 2006/124]**

Amending enactments	Relevant current provisions	Commencement date
None		

**EU Legislation/International Agreements involved:**

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**ARRANGEMENT OF REGULATIONS**

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# Gibraltar Merchant Shipping (Safety, etc.)

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*In exercise of the powers conferred on it by sections 56(2) and (4) and 118 of the Gibraltar Merchant Shipping (Safety, etc) Act 1993, the Government has made the following Regulations:*

### **Title and commencement.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2006 and come into operation on such day as the Minister with responsibility for the Port and Shipping shall appoint by notice in the Gazette.

### **Interpretation.**

2.(1) In these Regulations—

“access” means the process of embarking on or disembarking from a ship, by whatever means employed;

“accident” has the meaning given in regulation 3;

“Gibraltar ship” means a ship registered in Gibraltar or a ship that is not registered under the law of any State but is eligible for registration in Gibraltar under the Gibraltar Merchant Shipping (Registration) Act, 1993;

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

“hazardous incident” means any event, other than an accident, associated with the operation of a ship which involves circumstances indicating that an accident nearly occurred;

“IMO” means the International Maritime Organization;

“incapacity” means inability to undertake the full range of activities normally undertaken;

“inspector” means an inspector of marine accidents appointed under section 56 of the Act and in the context of the investigation of a particular accident includes any person appointed to investigate that accident under regulation 10(2);

“major injury” means—

- (a) any fracture, other than to a finger, thumb or toe;

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- (b) any loss of a limb or part of a limb;
- (c) dislocation of the shoulder, hip, knee or spine;
- (d) loss of sight, whether temporary or permanent;
- (e) penetrating injury to the eye; or
- (f) any other injury—
  - (i) leading to hypothermia or to unconsciousness,
  - (ii) requiring resuscitation, or
  - (iii) requiring admittance to a hospital or other medical facility as an in-patient for more than 24 hours;

“Minister” means the Minister with responsibility for the Port and Shipping;

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

“pleasure vessel” means—

- (a) any vessel which is—
  - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
  - (ii) owned by a body corporate and used only for the sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage or excursion which is one for which the owner is not paid for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, or

- (b) any vessel which is wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

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and no payments other than those referred to above are made by or on behalf of the users of the vessel, other than by the owner, and in this definition, “immediate family” means, in relation to an individual, the husband, wife or civil partner of the individual, and a brother, sister, ancestor or lineal descendant of that individual or of that individual’s husband or wife;

“preliminary examination” means the initial part of an investigation which may be held to establish the causes and circumstances of an accident with a view to deciding whether any further investigation is warranted;

“senior surviving officer” means the senior surviving officer in the deck department and if there is no surviving officer in the deck department, the senior surviving engineer officer;

“serious injury” means any injury, other than a major injury, to a person employed or carried in a ship which occurs on board or during access which results in incapacity for more than three consecutive days excluding the day of the accident, or as a result of which the person concerned is put ashore and the ship sails without that person, unless the incapacity is known or advised to be of three consecutive days or less, excluding the day of the accident;

“ship’s boat” includes a life raft, painting punt and any boat normally carried by a ship;

“voyage data recorder” means the electronic or mechanical equipment which may be installed on a ship to record key navigational and control information.

(2) Where a ship is managed by a person other than her owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

### Meaning of “accident”.

3.(1) For the purpose of these Regulations and of section 91 of the Act, “accident” means any occurrence on board a ship or involving a ship whereby—

- (a) there is loss of life or major injury to any person on board, or any person is lost or falls overboard from the ship or one of its

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boats; or

- (b) the ship—
  - (i) causes any loss of life, major injury or material damage,
  - (ii) is lost or is presumed to be lost,
  - (iii) is abandoned,
  - (iv) is materially damaged by fire, explosion, weather or other cause,
  - (v) grounds,
  - (vi) is in collision,
  - (vii) is disabled, or
  - (viii) causes significant harm to the environment; or
- (c) any of the following occur—
  - (i) a collapse or bursting of any pressure vessel, pipeline or valve,
  - (ii) a collapse or failure of any lifting equipment, access equipment, hatch-cover, staging or boatswain's chair or any associated load-bearing parts,
  - (iii) a collapse of cargo, unintended movement of cargo or ballast sufficient to cause a list, or loss of cargo overboard,
  - (iv) a contact by a person with loose asbestos fibre except when full protective clothing is worn, or
  - (v) an escape of any harmful substance or agent, if the occurrence might have caused serious injury or damage to the health of any person.

(2) In this regulation—

“disabled” means not under command for a period of more than 12 hours, or for any lesser period if, as a result, the vessel needs assistance to reach port; and

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“grounds” means making involuntary contact with the ground, except for touching briefly so that no damage is caused.

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### Application of these Regulations.

4.(1) These Regulations shall apply to accidents involving or occurring on board—

- (a) any Gibraltar ship, except that regulation 6 shall not apply in relation to—
  - (i) a pleasure vessel,
  - (ii) a recreational craft which is hired on a bareboat basis, or
  - (iii) any other craft or boat, other than one carrying passengers, which is in commercial use in a harbour or on an inland waterway and is less than 8 metres overall in length,

unless, in the case of a craft or boat referred to in subparagraph (ii) or (iii), the accident involves any of the following—

- (aa) explosion,
  - (bb) fire,
  - (cc) death,
  - (dd) major injury,
  - (ee) capsize of a power-driven craft or boat, or
  - (ff) pollution causing significant harm to the environment; or
- (b) any other ship within Gibraltar waters, except that regulations 6 and 9(1) to (3) shall only apply in relation to such a ship if—
    - (i) the ship is employed in carrying passengers to or from the port of Gibraltar; or
    - (ii) an inspector, or other person acting on behalf of the Maritime Administrator, requires that any of the evidence referred to in regulation 9(1) or (2) be preserved.

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(2) These Regulations shall apply to serious injuries and hazardous incidents in the same way that they apply to accidents, except that—

- (a) regulation 6 (with the exception of sub-regulation (5)) and regulation 9 shall not apply to serious injuries; and
- (b) regulations 6 and 9 shall not apply to hazardous incidents.

(3) An investigation may also be held under regulation 7 into an accident involving or occurring on board a ship which is not a Gibraltar ship and which at the time of the accident was not within Gibraltar or Gibraltar waters, if the Minister so determines.

(4) For the purpose of this regulation, “hired on a bareboat basis” means hired without a professional master, skipper or crew.

#### **Objective of investigation.**

5.(1) The sole objective of the investigation of an accident under these Regulations shall be the prevention of future accidents through the ascertainment of its causes and circumstances.

(2) It shall not be the purpose of an investigation to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

#### **Duty to report accidents and serious injuries.**

6.(1) When an accident occurs the following persons associated with the ship shall send a report to the Maritime Administrator as soon as is practicable following the accident and by the quickest means available—

- (a) the master or, if he has not survived, the senior surviving officer; and
- (b) the ship’s owner, unless he has ascertained to his satisfaction that the master or senior surviving officer has reported the accident in accordance with paragraph (a).

(2) In addition to any report made under sub-regulation (1), the following persons shall report to the Maritime Administrator as soon as is practicable and by the quickest means available any accident of which they are aware—

- (a) in the case of an accident within or adjacent to the limits of any port, the port authority for that port; or



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- (b) an official of the port of Gibraltar in respect of an accident within the port or Gibraltar waters.

(3) A person making a report pursuant to sub-regulation (1) or (2) shall, in so far as is practicable, include the following information—

- (a) name of ship and IMO, official or fishing vessel number;
- (b) name and address of owner;
- (c) name of the master, skipper or person in charge;
- (d) date and time of the accident;
- (e) where from and where bound;
- (f) latitude and longitude or geographical position in which the accident occurred;
- (g) part of ship where accident occurred if on board;
- (h) weather conditions;
- (i) name and port of registry of any other ship involved;
- (j) number of people killed or injured, together with their names, addresses and gender;
- (k) brief details of the accident, including, where known, the sequence of events leading to the accident, extent of damage and whether the accident caused pollution or a hazard to navigation;
- (l) if the ship is fitted with a voyage data recorder, the make and model of the recorder.

(4) In addition to making a report under this regulation, the persons specified in sub-regulation (1) shall, so far as is reasonably practicable, ensure that the circumstances of every accident are examined and that a report giving the findings of such examination, stating any measures taken or proposed to prevent a recurrence, shall be provided to the Maritime Administrator as soon as is practicable.

(5) The master and ship's owner shall, so far as is reasonably practicable, ensure that the circumstances of every serious injury are examined and one of them shall, within 14 days, provide the Maritime Administrator with a

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report giving the findings of such examination and stating any measures taken or proposed to prevent a recurrence.

- (6) This regulation shall not apply—
- (a) to an accident when the person killed or injured is a stevedore or shore-based worker and the accident occurs in the port of Gibraltar; or
  - (b) to an accident which occurs in a shipyard in Gibraltar.

#### **Ordering of investigation.**

7.(1) The Maritime Administrator may cause any accident to be investigated.

(2) Where a report has been received under sub-regulation (1), (2), (4) or (5) of regulation 6, the Maritime Administrator shall decide whether or not an investigation, including any preliminary examination, should be carried out and shall notify the parties to the accident of his decision within 28 days following receipt by him of the report.

(3) Before deciding whether an investigation should be carried out and if so, what form it should take, the Maritime Administrator may cause to be obtained such information as he considers necessary concerning the accident and any remedial action taken as a result, and any person referred to in regulation 6(1) or (2), as well as any other person who is in possession of it and has been requested to do so by an inspector, shall provide such information to the best of his ability and knowledge.

(4) In the case of an accident to which regulation 3(a) applies, the Maritime Administrator may decide not to carry out an investigation if he is satisfied, or it is otherwise established to his satisfaction, that—

- (a) any loss of life resulted from suicide or natural causes, or
- (b) any major injury resulted from attempted suicide,

and in such circumstances he may discontinue any investigation which has already been commenced.

(5) Public notice that an investigation has been commenced may be given in such manner as the Maritime Administrator may think fit, and may invite any persons who so desire to present relevant evidence to the Inspector in such a manner and within such a time as is specified in the notice.

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(6) The Minister may require the Maritime Administrator to investigate any accident or to expand the scope of an investigation to include any further consequences of an accident, including—

- (a) salvage and pollution aspects; or
- (b) the conduct of search and rescue operations,

and in such circumstances the Maritime Administrator may conduct an investigation into the further consequences of an accident which may be separate and distinct from the investigation into the initial accident.

### **Subsequent or reopened investigations.**

8.(1) Notwithstanding a decision by the Maritime Administrator under regulation 7(2) not to investigate, he may at any subsequent time cause an investigation to be carried out if he is then satisfied there is good reason in the interests of future safety to do so.

(2) The Maritime Administrator may cause any investigation to be reopened if, following its completion, in his opinion new and important evidence is discovered which could have a material effect on any safety recommendations made.

(3) Any investigation may be re-opened either in whole or as to any part of it and a re-opened investigation shall be subject to and conducted in accordance with the provisions of these Regulations.

### **Preservation of evidence.**

9.(1) Following an accident involving a Gibraltar ship which is reportable under regulation 6, the persons referred to in sub-regulation (3) shall so far as is practicable ensure that all—

- (a) charts;
- (b) log books;
- (c) electronic and magnetic recording and video tapes, including information from a voyage data recorder or recording system relating to the period preceding, during and after the accident; and
- (d) all documents or other records which might reasonably be considered pertinent to the accident,

are kept and that no alteration is made to any recordings or entries in them.

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(2) In the case of an accident involving a Gibraltar ship, the persons referred to in sub-regulation (3) shall also ensure that—

- (a) all information from a voyage data recorder or recording system relating to the circumstances of an accident is saved and preserved, in particular by taking steps, where necessary, to prevent such information from being overwritten; and
- (b) any other equipment which might reasonably be considered pertinent to the investigation of the accident is so far as practicable left undisturbed.

(3) The persons referred to in sub-regulations (1) and (2) are—

- (a) the master or, if he has not survived, the senior surviving officer; and
- (b) the ship's owner, unless he has ascertained to his satisfaction that the master or senior surviving officer has taken the action in question.

(4) The duty under sub-regulation (1) to ensure that documents, information or records are kept and not altered and to ensure under sub-regulation (2) that information is saved and preserved, or that equipment is left undisturbed, shall continue until—

- (a) notification is received from the Maritime Administrator that no investigation is to take place or that the investigation has been completed;
- (b) 28 days have passed since the Maritime Administrator received the report referred to in regulation 6(1) and no notice has been sent by the Maritime Administrator that he has decided to investigate the matter; or
- (c) the Maritime Administrator or an inspector carrying out the investigation gives written notification that he no longer requires them.

(5) Following an accident in Gibraltar waters involving a ship which is not a Gibraltar ship, the persons referred to in sub-regulation (3) shall comply with the requirements of sub-regulations (1) and (2) if requested to do so by or on behalf of the Maritime Administrator.

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(6) An inspector may, pending investigation, prohibit persons from gaining access to, or interfering with, any ship, ship's boat or other equipment involved in an accident.

(7) Following an accident in Gibraltar waters, the Maritime Administrator may, if he considers it reasonably necessary for the collection or preservation of evidence in connection with any investigation, including preliminary examination, relating to the accident, require any of the master or, if he has not survived, the senior surviving officer and the ship's owner to ensure that a ship is accessible within Gibraltar waters to any inspector engaged in the investigation of such accident, until the process of collecting or preserving the evidence has been completed to the inspector's satisfaction.

(8) The Maritime Administrator shall not require a ship to remain in Gibraltar waters any longer than is necessary for the collection or preservation, as the case may be, of the evidence referred to in sub-regulation (7) and shall take all reasonable steps to ensure that such evidence is collected or preserved expeditiously.

(9) No requirement under sub-regulation (7) shall be made unless the Maritime Administrator has reasonable grounds for concern that if the ship leaves Gibraltar waters, access to it, to any member of the crew, or to any evidence on board relating to the investigation may subsequently be denied to him or any inspector conducting such investigation.

#### **Conduct of investigations.**

10.(1) If the Maritime Administrator decides pursuant to regulation 7(1) that an investigation shall be carried out, it shall be undertaken by one or more inspectors at such times and places and in such manner as appear to them most conducive to achieving the objective set out in regulation 5.

(2) The Maritime Administrator may also appoint one or more persons who are not inspectors appointed under the Act for the purpose of carrying out an investigation in circumstances where inspectors appointed under the Act are not conveniently available or where the persons appointed have special qualifications or experience, and such persons shall have the powers conferred on an inspector by section 91(3) of the Act.

(3) An investigation may extend to cover all events and circumstances preceding the accident together with subsequent events and circumstances which in the opinion of an inspector may have been relevant to its cause or outcome.

(4) Every person required to attend before an inspector shall be allowed the reasonable expenses of attending, payable by the Government.

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(5) Any person, not being a solicitor or other professional legal adviser acting solely on behalf of the person required to attend, who—

- (a) has been allowed by an inspector to be present; or
- (b) has been nominated to be present by a person required to attend at an oral examination before an inspector, may at any time be excluded from being present by the inspector with the agreement of the Maritime Administrator, if—
  - (i) both the inspector and Maritime Administrator have substantial reason to believe that his presence would hamper the investigation with the result that the objective in regulation 5 is likely to be hindered and future safety thereby endangered; and
  - (ii) the Maritime Administrator is satisfied, having regard to all the circumstances, that it is proper to exclude that person.

(6) Where a person nominated to be present has been excluded in accordance with sub-regulation (5), the person required to attend shall be entitled to nominate another person to be present at the oral examination in place of the excluded person and sub-regulation (5) shall then apply to that other person.

(7) Any document, record or information referred to in regulation 9, properly required by an inspector to be produced for the purposes of an investigation (whether on board the ship involved or otherwise), may be retained by him until the investigation is completed.

(8) In relation to any investigation—

- (a) where a preliminary examination has been conducted the Maritime Administrator shall decide, having regard to the objective set out in regulation 5, whether it is appropriate in all the circumstances to conduct further investigation leading to publication of a report; and
- (b) the Maritime Administrator may subsequently decide to discontinue the investigation at any time and shall make his reasons for doing so publicly available.

**Co-operation with other States.**

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11.(1) Where an investigation conducted under these Regulations involves a ro-ro ferry or high-speed passenger craft to which the Gibraltar Merchant Shipping (Ro-Ro Ferry and High-speed Passenger Craft on Regular Service) Regulations 2005 applies, the Maritime Administrator shall enable a substantially interested State which is an EEA State to participate or co-operate in the investigation in accordance with the IMO Code.

(2) In paragraph (1)–

“EEA State” means a Member State of the European Communities, Norway, Iceland or Liechtenstein;

“IMO Code” means the Code for the Investigation of Marine Casualties and Incidents adopted by the International Maritime Organization by means of Assembly Resolution A.849(20) of 27th November 1997;

“ro-ro ferry” and “high-speed passenger craft” have the meanings given to them by the Gibraltar Merchant Shipping (Ro-Ro Ferry and High-speed Passenger Craft on Regular Service) Regulations 2005; and

“substantially interested State” has the meaning given by the Gibraltar Merchant Shipping (Ro-Ro Ferry and High-speed Passenger Craft on Regular Service) Regulations 2005.

### **Disclosure of records.**

12.(1) Subject to sub-regulations (2) to (7), the names, addresses or any other details of anyone who has given evidence to an inspector shall not be disclosed.

(2) The following documents or records shall not be made available for purposes other than the investigation, unless a court orders otherwise–

- (a) subject to sub-regulation (3), all declarations or statements taken from persons by an inspector or supplied to him in the course of his investigation, together with any notes or voice recordings of interviews;
- (b) medical or confidential information regarding persons involved in an accident;
- (c) any report made under regulation 6(4) or (5);
- (d) copies of the report other than the final report except as referred to in regulation 13(4)(a), (5), or (9).

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(3) A person who has given a declaration or statement to an inspector in the course of an investigation may make available a copy of his declaration or statement to another person as he sees fit.

(4) Any independent technical analysis commissioned by the Maritime Administrator and opinions expressed in such analysis may be made publicly available if he considers it appropriate to do so.

(5) Subject to sub-regulation (6), no order shall be made under sub-regulation (2) unless the court is satisfied, having regard to the views of the Maritime Administrator, that the interests of justice in disclosure outweigh any prejudice, or likely prejudice, to—

- (a) the investigation into the accident to which the document or record relates;
- (b) any future accident investigation undertaken in Gibraltar; or
- (c) relations between Gibraltar and any other State or territory or international organisation.

(6) The provisions of this regulation shall be without prejudice to any rule of law which authorises or requires the withholding of any document or record or part thereof on the ground that disclosure of it would be injurious to the public interest.

(7) Copies of information obtained from a voyage data recorder or from other recording systems, pertinent to the accident, including voice recordings (other than any recordings referred to in sub-regulation (2)(a)), video recordings and other electronic or magnetic recordings and any transcripts made from such information or recordings, may be provided at the discretion of the Maritime Administrator to the police or other official authorities.

#### **Reports of investigations.**

13.(1) Subject to sub-regulation (3), the Maritime Administrator shall cause a report of an investigation into an accident conducted pursuant to regulation 10(8)(a), to be submitted to the Minister.

(2) The report shall set out—

- (a) conclusions relating to the facts of the accident;
- (b) where the facts cannot be clearly established, analysis and professional judgement to determine the probable facts; and



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(c) recommendations for future safety.

(3) The Minister may make the report publicly available in such a manner as he thinks fit.

(4) The Minister shall not make the report publicly available until he has—

(a) served a notice under this regulation upon any person who, or organisation which, could be adversely affected by the report or, if that person is deceased, upon such person or persons as appear to the Minister, at the time he proposes to serve notice pursuant to this sub-regulation, as best to represent the interests and reputation of the deceased in the matter, and

(b) considered the representations relating to the facts or analysis contained in the report which may be made to him in accordance with sub-regulation (6) by or on behalf of the persons served with such notice, and amend the report in such manner as he thinks fit.

(5) The notice referred to in sub-regulation (4)(a) shall be accompanied by a draft copy of the report.

(6) The representations referred to in sub-regulation (4)(b) shall be in writing and shall be served on the Minister within 28 days of service of the notice referred to in sub-regulation (4)(a) or within such further period as may be allowed under regulation 16.

(7) Subject to any Court order under regulation 12, no person shall disclose any information—

(a) which has been furnished to him pursuant to sub-regulation (5); or

(b) which has otherwise been furnished to him by or on behalf of the Minister in advance of the publication of a report and whose confidentiality is protected by regulation 12, or permit such information to be disclosed, save with the prior consent in writing of the Minister, to any other person, except to such advisers as are necessary in order to make representations to the Minister referred to in sub-regulation (4)(b), and those advisers shall similarly be subject to the duty not to disclose the information or permit it to be disclosed.

(8) A copy of the report when made publicly available shall be given by the Minister to—

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- (a) any person who has been served with a notice pursuant to sub-regulation (4)(a);
- (b) those persons or bodies to whom recommendations have been addressed in that report;
- (c) the IMO;
- (d) where regulation 11(1) applies to the investigation, to the European Commission; and
- (e) any person or organisation whom the Minister considers may find the report useful or of interest.

(9) Where an inquest or fatal accident inquiry is to be held following an accident which has been subject to investigation, a draft report may be made available in confidence to the coroner by the Maritime Administrator.

(10) If any part of the report or analysis therein is based on information obtained pursuant to an inspector's powers under section 91(3) of the Act, the report shall be inadmissible in any judicial proceedings whose purpose or one of whose purposes is to attribute or apportion liability or blame unless a court or tribunal, having regard to the factors referred to in regulation 12(5)(b) or (c), determines otherwise.

(11) In this regulation, "judicial proceedings" includes any civil or criminal proceedings before any court, tribunal or person having by law the power to hear, receive and examine evidence on oath.

#### **Publications other than reports of investigations.**

14.(1) The Maritime Administrator may, at his discretion and to promulgate any lessons learned, from time to time publish collective short reports of accidents which have not been the subject of a report published under regulation 13(1).

(2) The Maritime Administrator may, at his discretion, submit a report to the Minister on any matter arising from his analysis of marine accident investigations.

#### **Recommendations.**

15.(1) The Maritime Administrator may as a result of one or more investigations, whether or not completed, at any time make recommendations as to how future accidents may be prevented.

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(2) The actions recommended shall be addressed to those persons or bodies who, in the opinion of the Maritime Administrator, are most fitted to implement them.

(3) Recommendations shall be made publicly available if the Maritime Administrator considers that to do so is in the interests of safety or preventing pollution.

(4) Any person to whom a recommendation is addressed pursuant to sub-regulation (2) shall, without delay—

- (a) take that recommendation into consideration;
- (b) send to the Maritime Administrator—
  - (i) details of the measures, if any, he has taken or proposes to take to implement the recommendation and, in a case where he proposes to implement measures, the timetable for securing that implementation, or
  - (ii) an explanation as to why the recommendation is not to be the subject of measures to be taken to implement it,

and any details or timetable pursuant to sub-paragraph (i) or explanation pursuant to sub-paragraph (ii) shall be provided to the Maritime Administrator within 28 days following receipt of the recommendation; and

- (c) give notice to the Maritime Administrator if at any time any information provided to the Maritime Administrator in pursuance of sub-regulation (4)(b)(i) concerning the measures he proposes to take or the timetable for securing their implementation is rendered inaccurate by any change of circumstances.

(5) Subject to paragraphs (6) and (7) the Maritime Administrator shall, annually or at such other intervals as he sees fit, make information publicly available in respect of the matters, including any explanation, referred to in paragraphs (b) and (c) of sub-regulation (4) which have been communicated to him and shall inform the Minister of those matters.

(6) The Maritime Administrator shall not publish information under sub-regulation (5) unless he has first notified any person referred to in the information and considered any representations relating to the information which may be made to him in accordance with sub-regulation (7) by or on behalf of any person so notified, and amended the information in such manner as he thinks fit.

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(7) Any representations made pursuant to sub-regulation (6) shall be in writing and shall be served on the Maritime Administrator within 28 days of receipt of the notification referred to in that sub-regulation or within such further period as may be allowed under regulation 16.

#### **Extension of time.**

16.(1) The Minister shall have the power to extend the period of 28 days prescribed in regulation 13(6), but he shall do so only if he considers that there are good reasons warranting such an extension having regard to the requirement in regulation 13(1) for a report of an investigation to be made available in the shortest time possible.

(2) The Maritime Administrator shall have the power to extend the period of 28 days prescribed in regulation 15(4)(b) where he considers it appropriate to do so.

(3) The powers under this regulation may be exercised notwithstanding that the prescribed period has expired.

#### **Service of documents.**

17. Any notice or other document required or authorised by any provision of these Regulations to be served on or given to any person may be served or given—

- (a) by delivering it to that person;
- (b) by leaving it at his usual or last-known residence or place of business, whether in Gibraltar or elsewhere;
- (c) by sending it to him by post at that address; or
- (d) by sending it to him at the address by telex, facsimile, or other means which produces a document containing a text of the communication, or by electronic mail in which event the document shall be regarded as having been served when it is sent.

#### **Penalties.**

18.(1) A person shall be guilty of an offence if—

- (a) being a person referred to in regulation 6(1), (2)(a) or (b), he fails without reasonable cause to report an accident as required by regulation 6;

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- (b) being a master or ship's owner, he fails without reasonable cause to comply with regulation 6(5);
- (c) being a person referred to in paragraph (a), he fails without reasonable cause to provide information as required by regulation 7(3); or
- (d) he falsely claims to have any additional information or new evidence pertaining to any accident or serious injury,

and such a person shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) If any person fails without reasonable cause to comply with any requirement, duty or prohibition in regulation 9(1), (2) or (5) to (7), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and on conviction on indictment to a fine.

(3) If any person without reasonable cause discloses or permits to be disclosed any information in contravention of regulation 12(1) or 13(7), or makes available any documents or records in contravention of regulation 12(2), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.