

Gibraltar Merchant Shipping (Safety, etc.)

GIBRALTAR MERCHANT SHIPPING (REPORTING FORMALITIES FOR SHIPS) REGULATIONS 2006

1995-13

Repealed
Subsidiary
2006/109

Subsidiary Legislation made under s. 118.

GIBRALTAR MERCHANT SHIPPING (REPORTING FORMALITIES FOR SHIPS) REGULATIONS 2006

Repealed by LN. 2012/096 as from 5.7.2012

(LN. 2006/109)

12.10.2006

Amending enactments	Relevant current provisions	Commencement date
None		

EU Legislation/International Agreements involved:
Directive 2002/6/EC

ARRANGEMENT OF REGULATIONS

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FORMALITIES FOR SHIPS) REGULATIONS 2006**

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In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993, and all other enabling powers, the Government has made, for the purposes of transposing into the law of Gibraltar, Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and departing from ports of Member States of the Community, the following Regulations—

Title.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Reporting Formalities for Ships) Regulations 2006.

Interpretation.

2.(1) In these Regulations—

“crew’s effects” means clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship;

“crew member” means any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list;

“Captain of the port” has the meaning assigned to it in the Port Act;

“Directive” means Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in, and departing from ports of Member States of the Community;

“IMO FAL Convention” means the International Maritime Organisation’s Convention on Facilitation of International Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965, in its up-to-date version as in force at the time of reference;

“IMO FAL forms” means A4 size standardised IMO model facilitation forms provided for under the IMO FAL Convention;

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

“port” has the meaning assigned to it by section 2(1) of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003;

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“reporting formality” means the information that, when required by the Captain of the port, shall be provided for administrative and procedural purposes when a ship arrives in or departs from the port;

“ship” means a seagoing vessel of any type operating in the marine environment;

“ship’s stores” means goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship’s equipment and spare parts;

“ship’s equipment” means articles other than ship’s spare parts which are on board a ship for use thereon and are removable but not of a consumable nature, including accessories, such as lifeboats, life-saving devices, furniture, ship’s apparel and similar items;

“ship’s spare parts” means articles of a repair or replacement nature for incorporation into the ship in which they are carried.

Purpose of these Regulations.

3. The purpose of these Regulations is to facilitate marine transport by providing for standardisation of reporting formalities.

Application of these Regulations.

4. These Regulations shall apply to the reporting formalities on arrival in or departure from the port, as set out in Schedule 1, Part A, relating to a ship, its stores, its crew’s effects, its crew list and, in the case of a ship certified to carry 12 passengers or fewer, its passenger list.

Master’s responsibilities in connection with reporting formalities.

5. The master of every ship which arrives in or departs from the port, shall report by—

- (a) making the declarations and submitting the crew list and passenger list in accordance with Part A of Schedule 1; and
- (b) following the models set out in Schedule 2,

to the Captain of the port, after arrival in or departing from the port.

Acceptance of forms.

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6. The Captain of the port shall accept that the reporting formalities referred to in regulation 4 are satisfied when the information submitted is in accordance with—

- (a) the respective specifications set out in Schedule 1, Parts B and C; and
- (b) the corresponding model forms set out in Schedule 2 with their categories of data.

Enforcement.

7. Where the master of a ship, to which these Regulations apply, fails to comply with the requirements of regulation 5, the ship shall be detained by the Captain of the port or the Maritime Administrator until those requirements are complied with.

SCHEDULE 1

Regulations 4, 5 and 6.

PART A

List of reporting formalities referred to in regulation 5 in respect of ships arriving in or departing from the port.

1. IMO FAL form 1, general declaration.

The general declaration shall be the basic document on arrival and departure providing information required by the Captain of the port relating to the ship.

2. IMO FAL form 3, ship's stores declaration.

The ship's stores declaration shall be the basic document on arrival and departure providing information required by the Captain of the port relating to a ship's stores.

3. IMO FAL form 4, crew's effects declaration.

The crew's effects declaration shall be the basic document providing information required by the Captain of the port relating to the crew's effects. It shall not be required on departure.

4. IMO FAL form 5, crew list.

The crew list shall be the basic document providing the Captain of the port with the information relating to the number and composition of the crew on the arrival and departure of a ship. Where the Captain of the port requires information about the crew of a ship on its departure, a copy of the crew list, presented on arrival, shall be accepted on departure if signed again and endorsed to indicate any change in the number or composition of the crew or to indicate that no such change has occurred.

5. IMO FAL form 6, passenger list.

For ships certified to carry 12 passengers or fewer, the passenger list shall be the basic document providing the Captain of the port with information relating to passengers on the arrival and departure of a ship.

PART B

Signatories.

1. IMO FAL form 1, general declaration.

The Captain of the port shall accept a general declaration either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

2. IMO FAL form 3, ship's stores declaration.

The Captain of the port shall accept a ship's stores declaration either dated and signed by the master or by some other ship's officer duly authorised by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the authority concerned.

3. IMO FAL form 4, crew's effects declaration.

The Captain of the port shall accept a crew's effects declaration either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned. The Captain of the port may also require each crew member to place his signature, or, if he is unable to do so, his mark, against the declaration relating to his effects.

4. IMO FAL form 5, crew list.

The Captain of the port shall accept a crew list either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

5. IMO FAL form 6, passenger list.

For ships certified to carry 12 passengers or fewer, the Captain of the port shall accept a passenger list either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

PART C

Technical specifications.

1. The formats of the IMO FAL forms shall follow the proportions of the models shown in Schedule 2 as closely as technically possible. They shall be printed on separate A4 size paper sheets (210 mm x 297 mm) with portrait orientation. At least one third of the verso side of the forms shall be reserved for official use by the Captain of the port.

For the purposes of the recognition of IMO FAL forms, the formats and layouts of the standardised facilitation forms recommended and reproduced

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by the IMO based on the IMO FAL Convention as in force on 1 May 1997 shall be considered equivalent to the formats reproduced in Schedule 2.

2. The Captain of the port shall accept information conveyed by any legible and understandable medium, including forms filled in ink or indelible pencil or produced by automatic data processing techniques.

3. Without prejudice to methods of transmitting data by electronic means, when the Captain of the port accepts the provision of ship's reporting information in electronic form, it shall accept the transmission of that information when produced by electronic data processing or interchange techniques that conform with international standards, provided it is in legible and understandable form and contains the required information.

The Captain of the port may subsequently process the acquired data in any format they consider appropriate.

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Regulation 5 and 6(b).

IMO GENERAL DECLARATION

<input type="checkbox"/> Arrival <input type="checkbox"/> Departure		
1. Name and description of ship	2. Port of arrival/departure	3. Date – time of arrival/departure
4. Nationality of ship	5. Name of master	6. Port arrived from/port of destination
7. Certificate of registry (port; date; number)		8. Name and address of ship's agent
9. Gross tonnage	10. Net tonnage	
11. Position of the ship in the port (berth or station)		
12. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)		
13. Brief description of the cargo		
14. Number of crew (incl. Master)	15. Number of passengers	16. Remarks
Attached documents (indicate number of copies)		
17. Cargo declaration	18. Ship's stores declaration	
19. Crew list	20. Passenger list	21. Date and signature by master, authorised agent or officer
22. Crew's effects declaration (*)	23. Maritime declaration of health (*)	

For official use
IMO FAL
Form 1

* Only on arrival

