

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3774 of 29 March, 2010

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LEGAL NOTICE NO. 58 OF 2010.

**GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC) ACT, 1993**

**GIBRALTAR MERCHANT SHIPPING (MARINE EQUIPMENT)  
(AMENDMENT) REGULATIONS 2010**

In exercise of the powers conferred upon it by sections 59 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, the Government, for the purpose of updating the transposition into the law of Gibraltar of Council Directive 96/98/EC on marine equipment, has made the following Regulations—

**Title.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Marine Equipment) (Amendment) Regulations 2010.

**Amendment to the Gibraltar Merchant Shipping (Marine Equipment) Regulations, 2002.**

2. The Gibraltar Merchant Shipping (Marine Equipment) Regulations, 2002 are amended as follows—

- (a) in the enabling provisions, by replacing the words “by Commission Directive 98/85/EC and Commission Directive 2001/53/EC,” with the words “from time to time;”;
- (b) in regulation 2(1), by replacing the definition of the term “Directive” with the following definition “means Council Directive 96/98/EC of 20 December 1996 on marine equipment as amended from time to time;”;
- (c) in regulation 5, by substituting the following for subregulation (3)—
  - “(3) Notwithstanding subregulation (1), equipment may be—

- (a) supplied for use or exposed or offered for supply in Gibraltar; and
  - (b) placed on board a ship, the relevant safety certificate of which was issued by or on behalf of a Member State in accordance with the relevant international convention,
- if the equipment meets the relevant transitional conditions as specified in MSN 1734 (M+F).
- (4) For the purposes of subregulation (3), transitional conditions specified by MSN 1734 (M+F) shall only be relevant if they arise from or in connection with the Directive.”;
- (d) in regulations 6(4), 23 and 24(1), by substituting “Maritime Administrator” for “Gibraltar Registry of Ships”; and
  - (e) in Schedule 1, by substituting the following for paragraph (k)–
- “(k) ‘Community ship’ shall mean a ship for which safety certificates are issued by or on behalf of Member States under international conventions. This definition shall not include a Member State administration’s issuing a certificate for a ship at the request of a third country’s administration;
  - (l) ‘new ship’ shall mean a ship the keel of which is laid or which is at a similar stage of construction on or after the date of the entry into force of this Directive. For the purposes of this definition, ‘a similar stage of construction’ shall mean the stage at which–
- (i) construction identifiable with a specific ship begins, and
  - (ii) assembly of that ship has commenced, comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;”.

Dated 29th March, 2010.

J J HOLLIDAY,  
Minister for Port and Shipping.

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**EXPLANATORY MEMORANDUM**

These Regulations update the transposition into the law of Gibraltar of Council Directive 96/98/EC on marine equipment. Council Directive 96/98/EC is transposed in the Merchant Shipping (Marine Equipment) Regulations, 2002. The amendments made by these Regulations to the 2002 Regulations ensure that the 2002 Regulations are automatically up to date with any amendments made to Council Directive 96/98/EC, notably, by European Commission directives updating the testing standards set out in annexes thereto. Thus, as a result of the amendments made, at the time of publication of these Regulations, the 2002 Regulations will be up to date with Council Directive 96/98/EC as amended by Commission Directive 2008/67/EC of 30 June 2008. As from 6 April 2010, the 2002 Regulations will be up to date with Council Directive 96/98/EC as amended by Commission Directive 2009/26/EC of 6 April 2009, and so forth. These regulations also correct a typographical error in the Schedule to the 2002 Regulations.