

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3916 of 5 March, 2012

LEGAL NOTICE NO. 27 OF 2012.

GIBRALTAR MERCHANT SHIPPING (SAFETY, etc.) ACT, 1993

**GIBRALTAR MERCHANT SHIPPING (RO-RO FERRY AND HIGH-
SPEED PASSENGER CRAFT ON REGULAR SERVICE)
(AMENDMENT) REGULATIONS 2012**

In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993, the Government, for the purposes of implementing Article 24(1) of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, and to further transpose into the law of Gibraltar Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on Port State Control, has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Ro-Ro Ferry And High-Speed Passenger Craft On Regular Service) (Amendment) Regulations 2012 and come into operation on the day of publication.

Amendments to the Gibraltar Merchant Shipping (Ro-Ro Ferry And High-Speed Passenger Craft On Regular Service) Regulations 2004.

2. The Gibraltar Merchant Shipping (Ro-Ro Ferry and High-Speed Passenger Craft on Regular Service) Regulations 2004 are amended –

(a) in regulation 2—

(i) by substituting the following definition for the definition of “accident”-

“accident” shall have the meaning assigned to it by regulation 2(1) of the Gibraltar Merchant

Shipping (Accident Reporting and Investigation)
Regulations 2012”;

- (ii) by inserting the following definition after the definition of “Administration”-

““BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;”;

- (iii) by inserting in the definition of “Directive” the words “and Directive 2009/18/EC” after the words “pollution from ships”;

- (iv) by deleting the definition of “Gibraltar waters”;

- (v) by substituting “BGTW” for “Gibraltar waters” in the definition of “lead investigating State”; and

- (vi) by substituting the following definition for the definition of “marine casualty”-

““marine casualty” shall have the meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012;”;

- (b) in regulation 3, by substituting “BGTW” for “Gibraltar waters”;

- (c) in regulation 6(a)(ii), by substituting “the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012” for “regulation 14”;

- (d) by substituting the following sub-regulation for sub-regulation (1) of regulation 13-

“(1) Ro-ro ferries and high-speed passenger craft that have undergone the specific surveys to the satisfaction of the competent authority shall be exempted from the expanded inspections referred to in regulation 15 of the Gibraltar Merchant Shipping (Port State Control) Regulations, 2011 and from expanded inspections where there are clear grounds that they belong to the category of passenger ships referred to in regulation 15(1) of those Regulations.” ; and

(e) by substituting the following regulation for regulation 14-

“Investigation of accidents.

14. An investigation into an accident involving a vessel to which these regulations apply shall be conducted in accordance with the provisions of of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.”;

Dated 5th March, 2012.

N COSTA,
For the Government.

EXPLANATORY MEMORANDUM

Save for regulation 2(d), these Regulations amend the Gibraltar Merchant Shipping (Ro-Ro Ferry And High-Speed Passenger Craft On Regular Service) Regulations 2004 for the purposes of implementing Article 24(1) of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council.

The amendment made by regulation 2(d) is in furtherance of the transposition of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on Port State Control.

GIBRALTAR GAZETTE, No 3916, Monday 5 March, 2012

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