

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4092 of 26 June, 2014

LEGAL NOTICE NO. 108 OF 2014.

GIBRALTAR MERCHANT SHIPPING (REGISTRATION) ACT 1997

GIBRALTAR MERCHANT SHIPPING (PLEASURE YACHTS) (AMENDMENT) REGULATIONS 2014

In the exercise of the powers conferred on it by section 86 of the Gibraltar Merchant Shipping (Registration) Act 1997, and all other enabling powers, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Pleasure Yachts) (Amendment) Regulations 2014 and come into operation on the day of publication.

Amendment to the Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997.

2. The Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997 (the principal Regulations) are amended in accordance with regulations 3 to 7.

Amendments to regulation 21.

3. Regulation 21 of the principal Regulations is amended –

- (a) by inserting “ or Schedule 9 in the case of a pleasure yacht under construction” after “in Schedule 5” in subregulation (1)(d); and
- (b) by inserting “ or Schedule 9 in the case of a pleasure yacht under construction” after “in Schedule 5” in subregulation (2).

Amendment to regulation 28.

4. Regulation 28 of the principal Regulations is amended by inserting “ or Schedule 9 in the case of a pleasure yacht under construction” after “in Schedule 6” in subregulation (2).

Amendment to regulation 29.

5. Regulation 29 of the principal Regulations is amended by inserting “or a yacht under construction” after “a pleasure yacht”.

Substitution of Schedule 4.

6. The principal Regulations are amended by substituting the following Schedule for Schedule 4–

“SCHEDULE 4

Regulation 3(12)

FEES AND CHARGES

The fees in this Schedule are payable according to the table below. If any fee is not paid, the Registrar will not provide any service under these regulations in respect of the fee payable for the yacht concerned. A registered ship or yacht agent who has not paid any outstanding fee will not receive any service under these regulations from the Registrar, irrespective of the ship or yacht concerned.

Table ‘A’ – Pleasure and Commercial Yachts (Under 24m)

YACHT REGISTRATION FEES	Fee £
Application for registration of a yacht	225.00
Application for provisional registration or registration of yacht under construction	175.00
Registration following provisional registration	100.00
Application for change of name of a yacht	50.00
Application for annual renewal of Certificate of Registry including filing of Annual Statement of Particulars	25.00
Late filing of Registration Renewal	25.00
Application for extension of provisional registration or yacht under construction	50.00
Application for transfer of registration from or to a registry in a relevant country	225.00
Issue of a Certificate of Deletion	25.00
Issue of a Duplicate Certificate	25.00

Transfer of ownership, including issue of new Certificate	75.00
Recording of a mortgage or related instrument and/or the Discharge thereof	75.00
Endorsement of a counterpart of a recorded mortgage or related instrument	25.00
Transfer of mortgage	75.00
Transcript of Register	25.00
Inspection of Register including Memorandum of Particulars	10.00
Registration of change of any registered particulars recorded in the Register (including new Certificate)	25.00
Registration of Foreign Maritime Entity	150.00
Signal letters when not submitted on first registration	25.00
Restoration of registration	50.00

Table 'B' – Pleasure Yachts (Over 24m)

YACHT REGISTRATION FEES	Fee £
Application for registration of a yacht (over 24m – up to 1599 GT)	400.00
Application for registration of a yacht (over 1600 GT)	600.00
Application for provisional registration	300.00
Registration following provisional registration (over 24m – up to 1599 GT)	200.00
Registration following provisional registration (over 1600 GT)	400.00
Application for change of name of a yacht	150.00
Application for annual renewal of Certificate of Registry including filing of Annual Statement of Particulars	70.00
Application for extension of provisional registration	110.00
Application for transfer of registration from or to a registry in a relevant country	400.00
Issue of a Certificate of Deletion	70.00
Issue of a Duplicate Certificate	70.00
Transfer of ownership, including issue of new Certificate	200.00
Recording of a mortgage or related instrument and/or the Discharge thereof	150.00
Endorsement of a counterpart of a recorded mortgage or related instrument	55.00
Transfer of mortgage	150.00
Transcript of Register	55.00

Registration of change of any registered particulars recorded in the Register (including new Certificate)	70.00
Signal letters when not submitted on first registration	70.00

Table 'C' – Commercial Yachts (Over 24m)

YACHT REGISTRATION FEES	Fee £
Application for registration of a yacht (over 24m – up to 1599 GT)	550.00
Application for registration of a yacht (over 1600 GT)	1,100.00
Application for provisional registration (over 24m) or yacht under construction (over 24m)	450.00
Registration following provisional registration (over 24m – up to 1599 GT)	350.00
Registration following provisional registration (over 1600 GT)	900.00
Application for change of name of a yacht (over 24m)	350.00
Application for annual renewal of Certificate of Registry including filing of Annual Statement of Particulars	110.00
Late filing of Registration Renewal	30.00
Application for extension of provisional registration or yacht under construction (over 24m)	200.00
Application for transfer of registration from or to a registry in a relevant country	550.00
Issue of a Certificate of Deletion	110.00
Issue of a Duplicate Certificate	110.00
Transfer of ownership, including issue of new Certificate	550.00
Recording of a mortgage or related instrument and/or the Discharge thereof	200.00
Endorsement of a counterpart of a recorded mortgage or related instrument	110.00
Transfer of mortgage	200.00
Transcript of Register	110.00
Inspection of Register including Memorandum of Particulars	50.00
Registration of change of any registered particulars recorded in the Register (including new Certificate)	110.00
Signal letters when not submitted on first registration	110.00
Restoration of registration	110.00

Insertion of new Schedule 9.

7. The principal Regulations are amended by inserting the following Schedule after Schedule 8-

“SCHEDULE 9

Regulation 21

REGISTRATION OF A YACHT UNDER CONSTRUCTION

Application for registration of a yacht under construction.

1.(1) An application for registration of a yacht under construction on the Register of Yachts under Construction shall be made to the Registrar and may be made in respect of any yacht which, on completion of construction, may be registered on the Register and may be made at any stage of construction.

(2) An application for a yacht under construction shall be made—

- (a) in the specified form;
- (b) accompanied by information supplied by the builder which shall include—
 - (i) the construction hull number of the yacht;
 - (ii) the intended length, breadth and depth of the yacht;
 - (iii) the intended capacity of the yacht;
 - (iv) the location of the construction;
 - (v) the name and registered address of the yacht builder;
 - (vi) If required by the Registrar, a statement issued by the intended Classification Society of the Class Notation of the yacht;
 - (viii) any yacht building contract, bill of sale, mortgage or related instrument to be recorded in respect of that yacht; and

(ix) the prescribed fee.

(3) An application for registration on the Register of Yachts under Construction and yachts registered on that register shall be in accordance with instructions made by the Registrar and to the extent required by those instructions there shall be added to the list of information contained herein such other information as is necessary to comply with those instructions:

(4) Provided that, where the owner of the yacht during the period of registration is the builder, mortgagee or other person temporarily holding an interest in the building contract, the requirement in respect of a declaration of ownership shall not apply in respect of the builder but in respect of the purchaser or ultimate owner.

(5) The provisions of regulation 20 in respect of—

- (a) the name of the yacht;
- (b) the marking of the yacht,

shall not apply to an application for registration of a yacht under construction:

Provided that where the owner wishes to register the name of the yacht on the Register of Yachts under Construction or wishes to reserve a name the provision in respect of names shall apply.

Registration of yacht under construction.

2.(1) Where—

- (a) the requirements preliminary to registration on the Register of Yachts under Construction contained in regulation 51 together with any specified by the Registrar have been satisfied; and
- (b) the prescribed fees have been received,

the Registrar shall enter on the Register of Yachts under Construction the following information—

- (c) the name and registered address of the owner or owners specifying whether the owner is the builder, the purchaser or another person therein specified;
- (d) where there are more owners than one, the percentage interest of each owner in the yacht or a share or part therein;
- (e) the name and registered address of the builder where he is not the owner;
- (f) the name and address of any registered agent in respect of the yacht;
- (g) any yacht building contract, bill of sale, mortgage or related instrument recorded in respect of the yacht;
- (h) such information in respect of the construction and measurements of the yacht as the Registrar shall deem appropriate;
- (j) the location in which the yacht is being constructed,

as prescribed in Schedule 6.

(2) Where a registration has been made under regulation 21, the Registrar shall issue to the person by whom the application for registration was made a Certificate of Registry of a Yacht under Construction which shall contain the particulars prescribed in Schedule 5.

Retention of documents on registration of a yacht under construction.

3. Where a yacht under construction is registered and a Certificate of Registry of a Yacht under Construction issued in accordance with regulation 28, the Registrar shall retain in his possession in respect of that yacht under construction, the documents required by this Schedule to accompany an application under regulation 21, together with the application.”.

Dated 26 June, 2014.

N F COSTA,
for the Government.

EXPLANATORY MEMORANDUM

These amendments provide a framework for the registration of pleasure yachts under construction, as well as a new fee structure for commercial yachts under 24m in length and commercial yachts over 24m in length.