

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4286 of 11 August, 2016

LEGAL NOTICE NO. 167 OF 2016.

GIBRALTAR MERCHANT SHIPPING (REGISTRATION) ACT 1993

**GIBRALTAR MERCHANT SHIPPING (PLEASURE YACHTS)
(AMENDMENT) REGULATIONS 2015**

In exercise of the powers conferred on it by sections 2 and 38 of the Gibraltar Merchant Shipping (Registration) Act 1997 and all other enabling powers, the Government has made the following Regulations—

Short title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Pleasure Yachts) (Amendment) Regulations 2016, and come into operation on the day of publication.

Amendments 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 and 4 below.

Amendment to regulation 2.

3. Regulation 2(1) of the Principal Regulations is amended by inserting the following definition after the definition of “representative person”—

““small ship” means a pleasure yacht which is—

- (a) a sailing or propelled craft of less than 24 metres in length;
- (b) not a fishing vessel or a rigid inflatable boat; and
- (c) used solely for sport or recreation;”.

Insertion of new regulations 79 to 85.

4. The Principal Regulations are amended by inserting the following regulations after regulation 78–

“Register of Small Ships.

79.(1) There shall be a Register of Small Ships in Gibraltar within the office of the Registrar of Pleasure Yachts.

(2) The Registrar of Pleasure Yachts shall be responsible for registering and maintaining a small ship register in Gibraltar.

Conditions for registration of small ships.

80.(1) No small ship shall be registered under these Regulations unless the applicant for registration–

- (a) is a qualified person within the meaning of sub-regulation (4);
- (b) is at least 18 years of age; and
- (c) ordinarily resident in Gibraltar.

(2) A small ship shall be entitled to be registered if it is owned by one or more persons not exceeding five who are–

- (a) ordinarily residents in Gibraltar; and
- (b) qualified to be the owner of a small ship within the meaning of sub-regulation (4).

(3) No small ship shall be registered under these Regulations unless the applicant for registration–

- (a) provides a copy of a Third Party Liability Insurance cover for the small ship; and
- (b) possesses an International Certificate of Competence (RYA or equivalent).

(4) For the purposes of sub-regulation (1)(a), “qualified person” means any of the following persons who are qualified to own a small ship–

- (a) British citizens;
- (b) British overseas territories citizens;
- (c) British overseas citizens;
- (d) persons who under the British Nationality Act 1981 are British subjects;
- (e) British nationals (overseas) (within the meaning of that Act);
- (f) British protected persons (within the meaning of that Act);
- (g) nationals of another member state of the European Union; or
- (h) nationals of another member State of the European Economic area.

Application and procedure for small ship registration.

81.(1) An application for registration of a small ship shall be in a form approved by the Minister and shall include–

- (a) a description of the ship;
- (b) the overall length of the ship;
- (c) the name of the ship;
- (d) the name and address of every owner of the ship; and
- (e) a declaration by every owner–
 - (i) that he is eligible to be owner of a small ship being a qualified person under regulation 80(4), and
 - (ii) that the ship is entitled to be registered under regulation 80(2).

(2) An application for registration of a small ship must be accompanied by a fee of £100.00.

(3) On receiving an application for registration and being satisfied that the ship may properly be registered and the name of the ship does not appear to him to be undesirable, the Registrar of Pleasure Yachts shall register the ship and shall record in the register the following details—

- (a) the registration number of the ship;
- (b) the date of registration;
- (c) the date of expiry of registration in accordance with regulation 82(2) ; and
- (d) the details specified in sub-regulation (1).

(4) Where the Registrar of Pleasure Yachts is not satisfied by the information provided to him on an application for registration of a small ship that the ship is eligible to be registered in the Register of Small Ships in accordance with sub-regulation (3), he may—

- (a) require such supplementary information or evidence as he considers appropriate for the purposes of satisfying himself that it is so eligible; or
- (b) refuse to register the ship.

(5) On registration of the small ship the Registrar of Pleasure Yachts shall issue a Certificate of Registry which shall contain the details recorded in accordance with sub-regulation (3) save for the address of any owner.

(6) A duplicate Certificate of Registry, a transcript of the Register of Small Ships or any entry thereof may be obtained from the Registrar of Pleasure Yachts—

- (a) by submitting a request in writing; and
- (b) on payment of a fee of £25.00.

Marking on small ships and period of registration.

82.(1) The person registered as owner of a small ship shall ensure that—

- (a) within one month of the date on which the registration of the ship takes effect there is clearly painted on or affixed to a visible external surface of the ship the number of its registration preceded by the letters SSR; and
- (b) such marking is effectively maintained and renewed when necessary during the period of the registration of the ship under sub-regulation (2).

(2) The registration of small ship under these Regulations shall, unless terminated under regulation 85, be valid for 1 year beginning with the date of registration specified in the Certificate of Registry and shall expire at the end of the that period unless it is renewed under regulation 83.

Renewal of registration of small ship.

83.(1) An application for renewal of registration of small ship may be made during the last 3 calendar months of the current registration period.

(2) An initial registration is valid for a period of one year and this may be extended upon renewal for a period not exceeding five years at any one time.

(3) An application for renewal shall be in writing and be accompanied by a fee of £25.00 per year, up to a maximum of five years, and a declaration as required by regulation 81(1)(e).

Notification of changes of ownership, etc.

84.(1) If at any time there occurs, in relation to a small ship registered under these Regulations—

- (a) any change affecting the eligibility of the ship to be registered as a Gibraltar ship;
- (b) any change in relation to the address of the registered owner of the ship; or
- (c) any details relating to the ship,

the registered owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar of Pleasure Yachts.

(2) Every notice under sub-regulation (1) shall be submitted in writing to the Registrar of Pleasure Yachts and be accompanied by a fee of £25.00.

Termination of registration of small ships.

85.(1) In the event of—

- (a) a small ship ceasing to be a ship to which regulations 79 to 84 apply; or
- (b) a change in the details recorded on the Certificate of Registry,

the registration of the small ship shall terminate.

(2) Where the registration of a small ship is terminated, the Certificate of Registry shall cease to have effect and shall, within one month, be surrendered to the Registrar of Pleasure Yachts by the person registered prior to the termination as the owner of the ship or, if he has died, by his legal personal representative.

(3) A Certificate of Deletion on termination may be obtained from the Registrar of Pleasure Yacht—

- (a) by request in writing; and
- (b) on payment of a fee of £25.00.”

Dated 11th August, 2016.

A J ISOLA,
Minister for Maritime Services.

EXPLANATORY MEMORANDUM

These Regulations amend the Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997 in order to provide for registration of small ships in Gibraltar.

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