

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

LEGAL NOTICE NO. 24 OF 2012.

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

**GIBRALTAR MERCHANT SHIPPING (COMMUNITY VESSEL
TRAFFIC MONITORING AND INFORMATION SYSTEM)
(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 in the laws of Gibraltar Article 24(2) 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, has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring) (Amendment) Regulations 2012 and come into operation on the day of publication.

Amendments to the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004.

2. The Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004 are amended—

(a) in regulation 2(1)—

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

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

- (ii) by inserting the following definitions after the definition of “LRIT”-
 - ““Maritime Administration” means the Maritime Administrator or any other qualified officer in his office;”;
 - “marine casualty” shall have the meaning assigned to it by regulation 2(1) of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012;”;
- (iii) in paragraph (a) of the definition of “relevant authority” by substituting “Maritime Administrator” for “port authority”;
- (b) in regulation 12(8)(b), by substituting “ request of another” for “request of the”;
- (c) in regulation for regulation 15–
 - (i) by inserting “Maritime” after “send to the” in subregulation (1);
 - (ii) by inserting “Maritime” after “Gibraltar, to the” in subregulation (6)(a)(i);
 - (iii) by inserting “Maritime” after “Gibraltar, to the” in subregulation (8)(a)(i);
- (d) in regulation 18(1)(a), by substituting “Maritime Administration in accordance with the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 and the” for “Administration and”; and
- (e) by substituting the following regulation for regulation 19–

“Marine casualty investigation.

19.(1) The company and the master of a ship involved in any marine casualty in BGTW or at sea after sailing from Gibraltar and prior to reaching a port of another EEA State shall notify the Maritime Administration in

Gibraltar as soon as possible of the nature and extent of the marine casualty, in accordance with the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.

- (2) An investigation into an accident shall be conducted in accordance with the provisions of the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012.”.

Dated 5th March, 2012.

N COSTA,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Gibraltar Merchant Shipping (Community Vessel Traffic Monitoring and Information System) Regulations 2004 so as to implement Article 24(2) 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.

