

Subsidiary Legislation made under ss. 59, 62, 63 and 118.

**GIBRALTAR MERCHANT SHIPPING (SAFETY RULES
AND STANDARDS FOR PASSENGER SHIPS ON
DOMESTIC VOYAGES REGULATIONS 2011**

(LN. 2011/146)

Commencement **22.9.2011**

Transposing:

Directive 2009/45/EC

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In exercise of the powers conferred on it by sections 59, 62, 63 and 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, and for the purpose of transposing into the law of Gibraltar the Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships, the Government has made the following Regulations—

**PART 1
PRELIMINARY**

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011 and come into operation on the day of publication.

Interpretation.

2.(1) In these Regulations—

“Act” means the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993;

“Administration” means the Maritime Administrator;

“Administrative Instructions” means any instruction made and issued by the Administration in exercise of the powers conferred by section 3(5) of the Act and pursuant to regulation 5(1);

“age” means the age of the ship, expressed in the number of years after the date of its delivery;

“Annex I” means Annex I to the Directive as amended from time to time;

“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;

“bow height” means the bow height defined in Regulation 39 of the 1966 International Convention on Load Lines as the vertical distance at

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the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side;

“Commission” means the European Commission;

“Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships, as amended from time to time;

“domestic voyage”, unless otherwise specified, means a voyage in sea areas from a port in Gibraltar to the same or another port within Gibraltar ;

“Dynamically Supported Craft Code” or “DSC Code” means the Code of Safety for Dynamically Supported Craft (DSC Code) contained in IMO Assembly Resolution A.373(X) of 14 November 1977, as amended by Maritime Safety Committee Resolution MSC 37(63) of 19 May 1994;

“existing ship” means a ship which is not a new ship;

“GMDSS” means the Global Maritime Distress and Safety System as laid down in Chapter IV of the SOLAS Convention, and amendments thereto in its up-to-date version as in force at the time of reference;

“High Speed Craft Code” or “HSC Code” means the “International Code for Safety of High Speed Craft” contained in IMO Resolution MSC 36 (63) of 20 May 1994, or the International Code for Safety of High-Speed Craft, 2000 (2000 HSC Code), contained in IMO Resolution MSC.97(73) of December 2000, and amendments thereto in their up-to-date version as in force at the time of reference;

“high speed passenger craft” means a high speed craft, as defined in Regulation 1 of Chapter X/1 of the SOLAS Convention and amendments thereto which are applicable at the time of reference, which carries more than 12 passengers but passenger ships engaged on domestic voyages in sea areas of Class B or C shall not be considered as high speed passenger craft when–

- (a) their displacement corresponding to the design waterline is less than 500 m³, and

- (b) their maximum speed, as defined in Regulation 1.4.30 of the 1994 High Speed Craft Code and Regulation 1.4.37 of the 2000 High Speed Craft Code, is less than 20 knots;

“host State” means a Member State to or from whose port a ship or craft, flying a flag other than the flag of that Member State, is carrying out domestic voyages and for these purposes Gibraltar shall be considered the host State where such domestic voyages are being carried out by such a ship or craft in BGTW ;

“International Conventions” means the–

- (a) SOLAS Convention, and
- (b) 1966 International Convention on Load Lines,

together with Protocols and amendments thereto in their up-to-date version as in force at the time of reference;

“Intact Stability Code” or “ISC Code” means the “Code on Intact Stability for all types of ships covered by IMO Instruments” contained in IMO Assembly Resolution A.749 (18) of 4 November 1993, and amendments thereto in its up-to-date version as in force at the time of reference;

“international voyage” means, in the case of Gibraltar, a voyage by sea from a port in Gibraltar to a port outside Gibraltar, or conversely, and in all other cases, a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;

“length of a ship” unless expressly provided otherwise, means 96% of the total length on a water line at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater and in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“Member State” includes EEA States that have agreed to comply with the Directive;

“ mile” means 1,852 metres;

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“new ship” means a ship the keel of which is laid or which is at a similar stage of construction on or after 1 July 1998;

“passenger ” means a person in a ship who is not–

- (a) the master or the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“persons with reduced mobility” means anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children;

“place of refuge” means any naturally or artificially sheltered area which may be used as a shelter by a ship or craft under conditions likely to endanger its safety;

“Port” shall have the meaning assigned to it by section 2 of the Gibraltar Port Authority Act 2005;

“port waters” means the waters within the Port;

“recognised organisation” means an organisation recognised in accordance with Regulation (EC) 391/2001 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspections and survey organisations, as amended from time to time;

“ro-ro passenger ship” means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in Regulation II-2/A/2 contained in Annex I;

“sea area” means an area classified and updated pursuant to the provisions of regulation 5(1), save that for the purposes of applying the provisions on radio-communication, the definitions of sea areas are those defined in Regulation 2, Chapter IV of the SOLAS Convention;

“ship with a full deck” means a ship that is provided with a complete deck, exposed to weather and sea, which has permanent means of closing all openings in the weatherpart thereof and below which all openings in the sides of the ship are fitted with permanent means of at least weathertight closing and the complete deck may be a watertight deck or equivalent structure consisting of a non-watertight deck completely covered by a weathertight structure of adequate strength to maintain the weathertight integrity and fitted with weathertight closing appliances;

“significant wave height” is the average height of the highest third of wave heights observed over a given period;

“similar stage of construction” means the stage at which–

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended or modified by its Protocols of 1978 and 1988, in its up-to date version as in force at the time of reference.

(2) For the purposes of regulations 8(1) and 10(1) below, those SOLAS Convention regulations for which that Convention leaves the interpretation to the discretion of the administration, the Administration shall apply the interpretations as contained in Annex I.

Application of these Regulations.

3.(1) These Regulations apply to–

- (a) new passenger ships;
- (b) existing passenger ships of 24 metres or over in length;
- (c) high speed passenger craft,

regardless of their flag, when engaged on a domestic voyage.

(2) These Regulations do not apply to—

- (a) passenger ships which are—
 - (i) ships of war and troopships,
 - (ii) naval auxiliaries;
 - (iii) ships not propelled by mechanical means;
 - (iv) vessels, constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36 (63)) or MSC.97 (73)) or Dynamically Supported Craft (Resolution A.373 (X));
 - (v) wooden ships of primitive build;
 - (vi) original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials; and
 - (vii) pleasure yachts unless they are or will be crewed and carrying more than 12 passengers for commercial purposes.
- (b) high speed passenger craft, which are—
 - (i) craft of war and troopcraft, and
 - (ii) pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes.

PART 2

CLASSES OF SHIPS AND SEA AREAS

Classification of passenger ships and categories of high speed craft.

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4.(1) For the purposes of these Regulations, passenger ships engaged on domestic voyages shall be arranged in the following classes according to the sea area in which they operate—

- (a) Class A;
- (b) Class B;
- (c) Class C;
- (d) Class D;

(2) In these Regulations—

- (a) “Class A” means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D;
- (b) “Class B” means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height;
- (c) “Class C” means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2,5 m significant wave height is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height; and
- (d) “Class D” means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1,5m significant wave height is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

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(3) The categories defined in Chapter 1 (1.4.10) and (1.4.11) of the High Speed Craft Code 1994, or Chapter 1 (1.4.12) and (1.4.13) of the High Speed Craft Code 2000 shall apply to high speed passenger crafts.

Classification of sea areas.

5.(1) The Administration shall, with the prior approval of the Minister, make and issue, in exercise of powers conferred by section 3(5) of the Act, from time to time, by notice in the Gazette, Administrative Instructions–

- (a) classifying and updating the list of sea areas within BGTW; and
- (b) delimiting the zones for all-year-round operation and, where appropriate, restricted periodical operation of the classes of ships specified in regulation 4.

(2) The list of sea areas referred to in subregulation (1) shall be published in the database available on the Government's internet website, and the Government shall ensure that the Commission is duly notified of the location of such information, and when modifications are made to the list.

(3) The Administrative Instructions specified in Schedule 1 shall be deemed to have been made and issued by the Administration pursuant to section 3(5) of the Act and this regulation.

(4) The Administrative Instructions referred to in subregulation (3) may be amended, replaced or revoked by the Administration in the same way as a new Instruction is made and issued pursuant to section 3(5) of the Act.

(5) The Government shall, for the purpose of Article 4 of the Directive, cause the Administrative Instructions issued under subregulation (1) to be provided to the Commission.

**PART 3
SAFETY REQUIREMENTS****Compliance of safety rules.**

6.(1) No ship that is–

- (a) a new passenger ship,

- (b) an existing passenger ship, or
- (c) a high speed passenger craft,

shall be allowed to engage on domestic voyages unless it complies with the relevant safety rules referred to in regulations 7 to 11 .

(2) When Gibraltar acts as host State, the Administration shall ensure that passenger ships and high speed passenger craft flying the flag of a State which is not a Member State, fully comply with the requirements of these Regulations, before they may be engaged on domestic voyages.

(3) The Administration shall not withhold from operation a passenger ship or a high speed passenger craft engaged on a domestic voyage for any reasons arising from these Regulations if the ship or craft complies with the requirements of these Regulations, including any additional requirements imposed under regulation 14.

Safety requirements for new and existing passenger ships.

7.(1) Every new and existing passenger ship of Classes A, B, C and D shall comply with the construction and maintenance of hull, main and auxiliary machinery, electrical and automatic plants standards specified for classification by the rules of a recognised organisation in accordance with regulation 10 of the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations 2011.

(2) Every new and existing passenger ship of Classes A, B, C and D shall comply with the provisions of Chapters IV, including the 1988 GMDSS amendments, V and VI of the SOLAS Convention.

(3) Every new and existing passenger ship of Classes A, B, C and D shall comply with the provisions for shipborne navigational equipment of Regulations 17, 18, 19, 20 and 21, Chapter V of the SOLAS Convention.

(4) The shipborne navigational equipment, as listed in Annex A.1 to Directive 96/98/EC and complying with the provisions of the Gibraltar Merchant Shipping (Marine Equipment) Regulations 2002, is considered to be in conformity with these Regulations, whether or not Annex I requires equipment to be approved and subjected to tests to the satisfaction of the Administration.

General safety requirements for new passenger ships.

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8.(1) Every new passenger ship of Class A shall comply entirely with the requirements of the SOLAS Convention and with the specific relevant requirements specified in these Regulations.

(2) For those SOLAS Convention regulations for which that Convention leaves the interpretation to the discretion of the administration, the Administration shall apply the interpretations as contained in Annex I or an interpretation which results in an equivalent level of safety.

(3) New passenger ships of Classes B, C and D shall comply with the specific relevant requirements specified in these Regulations.

Load line requirements for new passenger ships.

9.(1) Every new passenger ship of 24 metres or over in length shall comply with the 1966 International Convention on Load Lines.

(2) Criteria with a level of safety equivalent to those of the 1966 International Convention on Load Lines shall be applied in relation to length and Class, to new passenger ships of less than 24 metres in length.

(3) Notwithstanding subregulations (1) and (2), new passenger ships of Class D are exempted from the minimum bow height requirement laid down in the 1966 International Convention on Load Lines.

(4) New passenger ships of Classes A, B, C and D shall have a full deck.

General requirements for existing passenger ships.

10.(1) Every existing passenger ship of Class A shall comply with the regulations for existing passenger ships defined in the SOLAS Convention and with the specific relevant requirements specified in these Regulations.

(2) For those SOLAS Convention regulations for which that Convention leaves the interpretation to the discretion of the administration, the Administration shall apply the interpretations as contained in Annex I or an interpretation which results in an equivalent level of safety.

(3) Existing passenger ships of Class B shall comply with the specific relevant requirements specified in these Regulations.

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(4) Existing passenger ships of Classes C and D shall comply with the specific relevant requirements of these Regulations and in respect of matters not covered by such requirements with the rules of the administration of the flag State and such rules shall provide an equivalent level of safety to that of Chapters II-1 and II-2 of Annex I, while taking into account the specific local operational conditions related to the sea areas in which ships of such classes may operate.

(5) No existing passenger ships of Classes C and D shall engage on regular domestic voyages in BGTW unless the administration of the flag State obtains concurrence of the Administration on the rules of the administration of the flag State as referred to in subregulation (4).

(6) Repairs, alterations and modifications of a major character and outfitting related to existing passenger ships shall be in compliance with the requirements for new ships as prescribed in regulation 8.

(7) Alterations made to an existing ship which are intended solely to achieve a higher survivability standard, shall not be regarded as modifications of a major character.

(8) The provisions of subregulation (1), unless earlier dates are specified in the SOLAS Convention, and the provisions of subregulations (3), (4) and (5), unless earlier dates are specified in Annex I, shall not be applied in relation to a ship whose keel was laid or which was at a similar stage of construction—

- (a) before 1 January 1940: until 1 July 2006;
- (b) on or after 1 January 1940, but before 31 December 1962: until 1 July 2007;
- (c) on or after 1 January 1963, but before 31 December 1974: until 1 July 2008;
- (d) on or after 1 January 1975, but before 31 December 1984: until 1 July 2009;
- (e) on or after 1 January 1985, but before the date until 1 July 2010.

Safety requirements for high speed passenger craft.

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11.(1) High speed passenger craft constructed or subjected to repairs, alterations or modifications of a major character, on or after 1 January 1996, shall comply with the requirements of Regulation X/2 and X/3 of the SOLAS Convention, unless—

- (a) their keel was laid, or they were at a similar stage of construction, not later than June 1998;
- (b) delivery and commissioning took place not later than December 1998; and
- (c) they fully comply with the requirements of the Dynamically Supported Craft Code (DSC Code).

(2) High speed passenger craft constructed before 1 January 1996 and complying with the requirements of the High Speed Craft Code shall continue operation if certified under that Code.

(3) High speed passenger craft constructed before 1 January 1996 and not complying with the requirements of the High Speed Craft Code may not be engaged on domestic voyages, unless they were already in operation on domestic voyages in Gibraltar on 4 June 1998.

(4) A craft referred to in subregulation (3) shall not be allowed to continue its operation unless it complies with the requirements of the Code referred to in regulation 1(c) above.

(5) The construction and maintenance of high speed passenger craft and its equipment shall comply with the rules for classification of high speed craft of a recognised organisation, or equivalent rules used by the Administration in accordance with regulation 10 of the Gibraltar Merchant Shipping (Organisations for Inspection, Survey and Certification of Ships) Regulations 2011.

Stability requirements and phasing-out of ro-ro passenger ships.

12. The Administration shall ensure that all ro-ro passenger ships—

- (a) of classes A, B, and C, the keels of which were laid, or which were at a similar stage of construction, on or after 1 October 2004 comply with regulations 6, 7, 8 and 9 of the Gibraltar Merchant Shipping (Stability Requirements for Ro-Ro Passenger Ships) Regulations 2005; and

- (b) of classes A and B, the keels of which were laid, or which were at a similar stage of construction, before 1 October 2004 comply with regulations 6, 7, 8 and 9 of the Gibraltar Merchant Shipping (Stability Requirements for Ro-Ro Passenger Ships) Regulations 2006.

Safety requirements for persons with reduced mobility.

13.(1) The Administration shall ensure that appropriate measures are taken, based, where practicable, on the guidelines set out in Schedule 3, to enable persons with reduced mobility to have safe access to all passenger ships of classes A, B, C and D and to all high-speed passenger craft, used for public transport, the keels of which were laid, or which are at a similar stage of construction, on or after 1 October 2004.

(2) It shall be the duty of the Administration to cooperate with, and consult, organisations representing persons with reduced mobility on the implementation of the guidelines included in Schedule 3.

(3) The Administration shall, for the purpose of modification of passenger ships of Classes A, B, C and D and high-speed passenger craft used for public transport, the keels of which were laid, or which were at a similar stage of construction, before 1 October 2004, apply the guidelines set out in Schedule 3 as far as reasonable and practicable in economic terms.

Additional safety requirements.

14. Where, due to local circumstances, the Minister considers it necessary to improve safety requirements applicable to a particular class of ship or high speed passenger craft in certain situations, he may, subject to the procedure laid down in regulation 17, adopt measures to improve the safety requirements.

Alternative construction, equipment and machinery.

15.(1) Where these Regulations require that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or particular provision made, the Minister may, subject to the procedure laid down in regulation 17, approve the hull or machinery of the ship to be constructed in any other manner or any other equipment to be provided or other provision made, if he is satisfied by trial thereof or

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otherwise that the other construction or equipment or provision is, at least, as effective as that required by these Regulations and Annex I.

(2) For the purposes of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of other EEA States offering suitable and satisfactory guarantees of technical and provisional competence and independence shall be accepted.

Exemptions.

16. The Minister may, without reducing the level of safety, and in compliance with the procedure laid down in regulation 17 and subject to such conditions as he may specify, exempt classes of ships or an individual ship from specific provisions of these Regulations, and may alter or cancel any such exemption.

Procedure for steps under regulations 14, 15 and 16.

17. Where the Minister decides to take any step in pursuance of regulation 14, 15, or 16, he shall proceed as follows—

- (a) he shall cause the Commission is notified of the measures which he intends to adopt, including particulars to the extent necessary to confirm that the level of safety is adequately maintained;
- (b) if, within a period of six months from the notification, it is decided, in accordance with the procedure mentioned in Article 11 (2) of the Directive, that the proposed measures are not justified, the Minister shall be required to amend or not to adopt the proposed measures;
- (c) the adopted measures shall be published in a notice in the Gazette and communicated to the Commission;
- (d) any of such measures shall be applied to all passenger ships of the same Class or to craft when operating under the same specified conditions, without discrimination with regard to their flag or to the nationality or place of establishment of their operator;
- (e) the measures specified in regulation 16 shall only apply as long as the ship or craft operates under the specified conditions.

Safeguards.

18.(1) Where the Minister considers that the operation on a domestic voyage of a ship or craft to which these Regulations apply creates a risk of serious danger to safety of life or property or to the environment, notwithstanding the fact that the ship complies with the requirements of these Regulations specified in relation to a ship of its Class, he may, subject to the procedure laid down in subregulations (2) and (3)–

- (a) suspend the ship from operating on domestic voyages in BGTW; or
- (b) impose additional safety conditions upon the continued operation of the ship in BGTW,

until such time as he considers that the danger is removed.

(2) Where the Minister decides to act in pursuance of subregulation (1), he shall cause a statement of his decision, without delay, giving substantiated reasons therefor, to be provided to the Commission.

(3) The Minister shall withdraw the suspension or the additional conditions imposed under subregulation (1) if the Commission decides that the decision for suspension or the additional conditions imposed are not justified by reasons of serious danger to safety of life or property or to the environment.

**PART 4
SURVEYS**

Surveys of new passenger ships, existing passenger ships and high speed passenger crafts.

19.(1) Every new passenger ship flying the flag of Gibraltar shall be subjected by the Administration to the following surveys–

- (a) a survey before the ship is put into service;
- (b) a periodical survey once every 12 months; and
- (c) additional surveys, as the occasion arises.

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(2) Every existing passenger ship flying the flag of Gibraltar shall be subjected by the Administration to the following surveys–

- (a) an initial survey, before the ship is put into service on domestic voyages in a host State;
- (b) a periodical survey once every 12 months; and
- (c) additional surveys, as the occasion arises.

(3) Every high speed passenger craft flying the flag of Gibraltar which, in accordance with regulation 11, must comply with the requirements of–

- (a) the High-Speed Craft Code, shall be subject by the Administration to the surveys required by that Code;
- (b) Code of Safety for Dynamically Supported Craft (DSC Code), shall be subject by the Administration to the surveys required by that Code.

(4) The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Resolution A.997(25), as amended, on “Survey guidelines under the harmonised system of survey and certification 2007”, or procedures designed to achieve the same goal, shall be followed.

(5) The surveys referred to in subregulations (1), (2) and (3) shall be carried out exclusively by the surveyors of–

- (a) the Administration itself;
- (b) a recognised organisation; or
- (c) by the surveyors of any Member State authorised by the Administration to carry out surveys,

with the purpose of ensuring that all applicable requirements of these Regulations are complied with.

**PART 5
CERTIFICATES****Passenger Ship Safety Certificate.**

20.(1) Every new and existing passenger ship shall be provided with a Passenger Ship Safety Certificate as set out in the Schedule 2.

(2) The Passenger Ship Safety Certificate for every new and existing passenger ship flying the flag of Gibraltar shall be issued by the Administration, after an initial survey under regulation 19(1)(a) and (2)(a) has been carried out, for a period not exceeding twelve months.

(3) Renewal of the Passenger Ship Safety Certificate shall be issued by the Administration after a periodical survey under regulations 19(1)(b) and (2)(b) has been carried out.

(4) The period of validity of the Passenger Ship Safety Certificate may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it and when an extension has been granted, the new period of validity of the certificate starts from the expiry date of the existing certificate before its extension.

(5) Exemptions granted to ships under and in accordance with the provisions of regulation 16 shall be noted on the ship's certificate.

High Speed Craft Safety Certificate and Permit to Operate High Speed Craft.

21.(1) For high speed passenger craft flying the flag of Gibraltar and which comply with the requirements of the High Speed Craft Code, a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft shall be issued by the Administration, in accordance with the provisions of the High Speed Craft Code.

(2) For high speed passenger craft flying the flag of Gibraltar and which comply with the requirements of the DSC Code, a DSC Construction and Equipment Certificate and a DSC Permit to operate shall be issued by the Administration, in accordance with the provisions of the DSC Code.

(3) Before issuing the Permit to Operate for high speed passenger craft flying the flag of Gibraltar which are engaged on domestic voyages in a host State, the Administration shall concur with the host State on any operational conditions associated with operation of the craft in that State and any such conditions shall be shown by the Administration on the Permit to Operate.

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(4) Exemptions granted to a craft under and in accordance with the provisions of regulation 16 shall be noted on the craft's certificate.

Recognition of High Speed Craft Safety Certificate and Permit to Operate.

22. Where Gibraltar acts as host State, the Administration shall recognise–

- (a) the High Speed Craft Safety Certificate and Permit to Operate issued by a Member State for high speed passenger craft, when engaged on domestic voyages, or
- (b) the Passenger Ship Safety Certificate referred to in regulation 20 issued by a Member State for passenger ships when engaged on domestic voyages.

PART VI: MISCELLANEOUS**Inspection, audit and detention of ships.**

23. Where Gibraltar acts as host State, the Administration may inspect a passenger ship or a high speed passenger craft, when engaged on domestic voyages, and audit its documentation and in such cases, the relevant provisions of the Gibraltar Merchant Shipping (Port State Control) Regulations, 2011 shall have effect as if the relevant provisions of those Regulations have been incorporated as regulations to these Regulations.

Penalties.

24. Any owner or the master of a ship or High Speed Passenger Craft to which these Regulations apply, who contravenes regulation 7, 8, 9, 10 or 11 is guilty of an offence and is liable, on summary conviction, to a fine at level 3 on the standard scale.

Repeal.

25. The Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations, 2003 are repealed.

Saving and transitional provisions.

26.(1) In this regulation a reference to the “repealed Regulations” shall be construed as a reference to the Regulations repealed by regulation 25.

(2) Any proceedings which have been instituted under the repealed Regulations (including any appeal) which have not been concluded at the time of the coming into operation of these Regulations shall be continued as though the repealed Regulations had not been repealed.

(3) Where proceedings for an offence committed under the repealed Regulations have not been commenced at the commencement of these Regulations—

- (a) if there is an equivalent offence under these Regulations- proceedings must be brought under these Regulations;
- (b) if there is no equivalent offence- proceedings cannot be brought.

(4) Any order, instruction direction, exemption, notice, permit, complaint or other non-legislative instrument made or issued by any person or body under the repealed Regulations which could be made or issued by an equivalent person or body under these Regulations continues to have effect as if made or issued by that person or body under these Regulations until it expires, it is varied or revoked under these Regulations.

SCHEDULE 1

Regulation 5(3)

ADMINISTRATIVE INSTRUCTIONS

CLASSIFICATION OF SEA AREAS

1. Sea areas within BGTW shall be divided into the following categories of waters—

Sheltered Waters

Sheltered Waters consist of—

Area “A”

- (i) the area of water contained within the Harbour break waters;
- (ii) the area of water falling east of the line drawn between the Northwest corner of the North Mole and the Western end of the airport runway; and
- (iii) the area bound by a line drawn due north from the West end of the airport runway to where it meets the extended line of frontier for BGTW.

Vessels operating within these three areas of sheltered Waters and crossing from one of the three areas to another (without any seaward deviation other than what is absolutely necessary for such crossing) shall be deemed to be operating in sheltered Waters. Such crossing shall only take place in favourable weather conditions and with the prior approval of the Port Authority (Control Tower).

Open Waters

Open Waters consist of all BGTW other than the areas defined as Sheltered Waters.

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2. Other Waters shall be subdivided into the following categories:

Area “B” This area includes the area of BGTW within the Bay of Gibraltar to the North of the line joining Great Europa Point with Point Carnero.

Area “C” This area includes all BGTW other than the Waters in Area “A” or “B”.

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SCHEDULE 2

Regulation 20(1)

PASSENGER SHIP SAFETY CERTIFICATE

(This Certificate shall be supplemented by a Record of Equipment)

(Official seal)

(State)

Issued under the provisions of the

.....

(Name of the relevant measure(s) introduced by the Flag State)

and confirming compliancy of the vessel hereafter with the provisions of the
Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger
Ships on Domestic Voyages) Regulations 2011

under the authority of the Government of

.....

(Full official designation of the Flag State)

by

.....

(Full official designation of the competent organisation recognised under the
provision of Council Directive 94/57/EC.

Particulars of ship	
Name of ship:	
Port of registry:	
Distinctive number or letters:	

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IMO number ¹	
Length	
Number of passengers:	
Gross tonnage:	
Date on which the keel was laid or the ship was at a similar stage of construction:	
Date of initial survey:	
Sea Areas in which the ship is certified to operate (SOLAS Regulation IV/2)	A1 / A2 / A3/ A4 ²
Class of ship in accordance with the sea area in which the ship is certified to operate, subject to following restrictions or additional requirements ³ :	A / B / C / D ²

Initial² / Periodical² survey

This is to certify,

- (a) that the ship has been surveyed in accordance with regulation 19 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011;

¹ IMO ship identification number in accordance with resolution A.600(15), if any.

² Delete as appropriate.

³ Record any restriction applicable by reason of either the route, area of operation or restricted period of operation or any additional requirement due to specific local circumstances.

² Delete as appropriate.

² Delete as appropriate.

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- (b) that the survey showed that the ship fully complies with the requirements of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011; and
- (c) that the ship is, under the authority conferred by regulation 16 of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011, exempted from the following requirements of those Regulations:

.....

 Conditions, if any, on which the exemption is granted:.....

- (d) that the following subdivision load lines have been assigned:

Subdivision load lines assigned and marked on the ship's side at: amidships (Regulation II-1/B/11)	Freeboard (in mm)	Remarks with regard to alternative service conditions
C.1 ⁽¹⁾		
C.2		
C.3		

This certificate is valid until in accordance with regulation 19 of
 (Date of the next periodical survey)

the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011

⁽¹⁾ The Arabic numerals following the letter 'C' in the subdivision load line notations may be replaced by Roman numerals or letters if the Administration of the Flag State consider this necessary to distinguish them from the international subdivision load line notation.

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PlaceDate

(Signature and / or seal of issuing authority)
If signed the following paragraph to be added:

The undersigned declares that he is duly authorised by the said Flag State to issue this Passenger Ship Safety Certificate.

.....
(Signature)

Endorsement to extend the validity of the certificate one month in accordance with regulation 20 (4)

This certificate shall in accordance with regulation 20(2) & (4) of the Gibraltar Merchant Shipping (Safety Rules and Standards for Passenger Ships on Domestic Voyages) Regulations 2011 be accepted as valid until.....

Place.....Date.....

.....
(Signature and / or seal of issuing authority)

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**RECORD OF EQUIPMENT FOR THE PASSENGER SHIP SAFETY
CERTIFICATE**

This Record shall be permanently attached to the Passenger Ship Safety
Certificate

RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE
PROVISIONS OF THE GIBRALTAR MERCHANT SHIPPING (SAFETY
RULES AND STANDARDS FOR PASSENGER SHIPS ON DOMESTIC
VOYAGES REGULATIONS 2011

Particulars of ship

Name of ship:	
Distinctive number or letters:	
Number of passengers for which certified:	
Minimum number of persons with required qualifications to operate the radio installations:	

Details of life-saving appliances

1	Total number of persons for which life-saving appliances are provided		
2	Lifeboats and rescue boats	Port side	Starboard side
2.1	Total number of lifeboats		
2.2	Total number of persons accommodated by them		
2.3	Total number of lifeboats LSA 4.5		

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2.4	Total number of lifeboats LSA 4.6		
2.5	Total number of lifeboats LSA 4.7		
2.6	Number of motor lifeboats included in the total lifeboats shown above		
2.7	Number of life boats fitted with search lights		
2.8	Number of rescue boats		
2.9	Number of boats which are included in the total lifeboats shown above		
3	Life rafts	Port side	Starboard side
3.1	Total number of number of liferafts		
3.2	Number of persons accommodated by them		
3.3	Number of liferafts for which approved launching appliances are required		
3.4	Number of liferafts for which approved launching appliances are not required		

Details of life-saving appliances

4	Personal life saving appliances	
4.1	Number of lifebuoys	

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4.2	Number of adult lifejackets	
4.3	Number of child life jackets	
4.4	Number of immersion suits	
4.5	Number of immersion suits complying with the requirements for lifejackets	
4.6	Number of thermal protective aids(1)	
5	Pyrotechnics	
5.1	Line throwing appliance	
5.2	Distress flares	
6	Radio life-saving appliances	
6.1	Number of radar transponders	
6.2	Number of two-way VHF radio telephone apparatus	
(1) Excluding those that are included in the lifeboat, liferaft, and rescue boat equipment in order to comply with the LSA Code.		

Details of radio facilities

1	Primary systems	
1.1	VHF radio installation	
1.1.1	DSC encoder	
1.1.2	DSC watch receiver	
1.1.3	Radio telephony	
1.2	MF radio installation	

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1.2.1		
1.2.1	DSC encoder	
1.2.2	DSC watch receiver	
1.2.3	Radiotelephony	
1.3	MF/HF radio installation	
1.3.1	DSC encoder	
1.3.2	DSC watch receiver	
1.3.3	Radiotelephony	
1.3.4	Direct printing radio telegraphy	
1.4	INMARSAT ships earth station	
2	Secondary means of alerting	
3	Facilities for reception of maritime safety information	
3.1	NAVTEX receiver	
3.2	EGC receiver	
3.3	HF direct-printing radiotelegraph receiver	
4	Satellite EPIRB	
4.1	COSPAS-SARSAT	
4.2	(INMARSAT)	
5	VHF EPIRB	
6	Ship's radar transponder	

*Methods used to ensure availability of radio facilities**(Regulations IV/15.6 and 15.7)*

7.1	Duplication of equipment	
7.2	Shore based maintenance	
7.3	At-sea maintenance capability	

Details of navigational systems and equipment

1.1	Standard magnetic compass (3)	
1.2	Spare magnetic compass (3)	
1.3	Gyro compass (3)	
1.4	Gyro-compass heading repeater (3)	
1.5	Gyro-compass bearing repeater (3)	
1.6	Heading or track control system (3)	
1.7	Pelorus or compass bearing device (3)	
1.8	Means of correcting headings and bearings (3)	
1.9	Transmitting heading device (3)	
2.1	Nautical charts/electronic chart display and information system (ECDIS)	
2.2	Back-up arrangements for ECDIS	
2.3	Nautical publications	
3.1	Receiver for a global navigation satellite system/terrestrial radio navigation	

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	system (2) (3)	
3.2	9 GHz radar (3)	
3.3	Second radar (3 GHz / 9GHz) (2) (3)	
3.4	Automatic radar plotting aid (ARPA) (3)	
3.5	Automatic tracking aid (3)	
3.6	Second automatic tracking aid (3)	
3.7	Electronic plotting aid (3)	
4	Automatic identification system (AIS)	
5	Voyage data recorder / Simplified voyage Data Recorder (VDR / S-VDR)	
6.1	Speed and distance measuring device (through the water) (3)	
6.2	Speed and distance measuring device (over the ground in the forward and the athwartship direction) (3)	
7	Echo-sounding device (3)	
8.1	Rudder, propeller, thrust, pitch and operational mode indicators (3)	
8.2	Rate-of-turn indicator (3)	
<p>(2) Delete as appropriate. (3) Alternative means of meeting this requirement are permitted under SOLAS V/19. In case of other means they shall be specified.</p>		

SCHEDULE 3

Regulation 13

**GUIDELINES FOR SAFETY REQUIREMENTS FOR PASSENGER
SHIPS AND HIGH-SPEED PASSENGER CRAFT FOR PERSONS
WITH REDUCED MOBILITY**

In applying the guidelines of this Schedule, the Administration shall follow IMO circular MSC/735 of 24 June 1996 entitled “Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons’ needs”.

Access to the ship.

1. Ships should be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, and can be ensured access between decks, either unassisted or by means of ramps, elevators or lifts. Directions to such access should be posted at the other accesses to the ship and at other appropriate locations throughout the ship.

Signs.

2. Signs provided on a ship to aid passengers should be accessible and easy to read for persons with reduced mobility, (including persons with sensory disabilities), and be positioned at key points.

Means to communicate messages.

3. The operator should have the means onboard the vessel visually and verbally to provide announcements, such as those regarding delays, schedule changes and on-board services, to persons with various forms of reduced mobility.

Alarm.

4. The alarm system and alarm buttons must be designed so as to be accessible by and to alert all passengers with reduced mobility, including persons with sensory disabilities and persons with learning disabilities.

Additional requirements ensuring mobility inside the ship.

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5. Handrails, corridors and passageways, doorways and doors shall accommodate the movement of a person in a wheelchair. Elevators, vehicle decks, passenger lounges, accommodation and washrooms shall be designed in order to be accessible in a reasonable and proportionate manner to persons with reduced mobility.