

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5197 GIBRALTAR Monday 23rd December 2024

LEGAL NOTICE NO. 229 OF 2024

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

GIBRALTAR MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) (AMENDMENT) REGULATIONS 2024

In exercise of the powers conferred on it by section 118(1)(c) of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other enabling powers, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Maritime Labour Convention) (Amendment) Regulations 2024.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendments to the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013.

3. The Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 (“the Principal Regulations”) are amended in accordance with regulations 4 to 14.

Amendment to regulation 10.

4. In regulation 10(2)(h) of the Principal Regulations, substitute subparagraphs (i) and (ii) with-

“(i) a failure of a seafarer recruitment service to meet its obligations to the seafarer; or

(ii) a failure of the shipowner under the seafarers’ employment agreement to meet its obligations to the seafarer; or

(iii) a failure by the seafarer recruitment service or the shipowner to inform the seafarer, prior to or in the process of engagement, about the system of protection referred to in this paragraph, and of their rights under that system.”.

Amendment to regulation 19.

5.(1) In regulation 19(8)(a) insert “, and this includes when the seafarer is deemed to be abandoned in accordance with regulation 32L” after the words “serving on a ship”.

(2) Insert after regulation 19(8) of the Principal Regulations the following-

“(8A) Where a seafarer on board a ship-

- (a) is abandoned in accordance with regulation 32L;
- (b) the abandonment occurred whilst the seafarer was working on an MLC ship whilst in BGTW, or on a Gibraltar ship; and
- (c) the seafarer is replaced by another seafarer,

the replacement must be afforded the rights and entitlements as provided under the MLC.”.

Amendment to regulation 23.

6.(1) Insert after regulation 23(1)-

"(1A) In accordance with the obligations in subregulations (1)(b) and (c), and subject to regulation 24, facilities for social connectivity must be provided for access from all parts of crew accommodation except store rooms.

(1B) Subregulation (1A) does not apply to a ship-

- (a) whose voyage starts and finishes the same day, and where seafarers have access to social connectivity; or
- (b) which operates within or transits waters in areas where the availability of social connectivity services is absent, or ineffective due to reasons beyond the control of the shipowner during the periods of this operation or transit.

(1C) Seafarers may not be charged more than a reasonable amount for their use of social connectivity facilities provided under this regulation.

(1D) “Social connectivity” for the purposes of this regulation and regulation 25, means connectivity to internet services for social communication and social engagement purposes.”.

Amendment to regulation 25.

7.(1) Insert after regulation 25(2)-

“(3) In accordance with the obligations in subregulation (1), and subject to regulation 24, facilities for social connectivity must be provided for access from all parts of crew accommodation except store rooms.

(4) Subregulation (3) does not apply to a ship-

- (a) whose voyage starts and finishes the same day, and where seafarers have access to social connectivity; or
 - (b) which operates within or transits waters in areas where the availability of social connectivity services is absent or ineffective due to reasons beyond the control of the shipowner during the periods of this operation or transit.
- (5) Seafarers may not be charged more than a reasonable amount for their use of social connectivity facilities provided under this regulation.”.

Amendment to regulation 26.

8.(1) In regulation 26(2)(a) of the Principal Regulations, substitute “while they are on board” with “during the period of engagement”.

(2) In regulation 26(2)(b) after “varied” insert “, balanced, ”.”

Amendment to regulation 28.

9. Insert after regulation 28(4) the following-

“(5) The Captain of the Port must facilitate-

- (a) the disembarkation of seafarers on a ship in British Gibraltar Territorial Waters, in need of immediate medical care; and
- (b) access to medical facilities ashore for the provision of appropriate medical treatment.”.

Amendment to regulation 29.

10. In regulation 29(1)(e) of the Principal Regulations insert “, or the costs of repatriation of the body or the ashes, in accordance with the wishes of the deceased or their next of kin, as appropriate,” after “burial expenses”.

Insertion of regulation 29B.

11. After regulation 29A of the Principal Regulations insert-

“Death occurring in Gibraltar.

29B. Where a seafarer has died during a ship’s voyage, and –

- (a) the death has occurred whilst the ship is in Gibraltar; or
- (b) the death has occurred on a ship whilst on the high seas, and the ship has next entered British Gibraltar Territorial Waters,

the Captain of the Port must facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.”.

Amendment to regulation 30.

12. Substitute paragraphs (a) to (e) of regulation 30(1) to the Principal Regulations with-

- “(a) effective implementation of occupational safety and health policies and procedures on Gibraltar ships, including risk evaluation as well as training and instruction of seafarers;
- (b) reasonable precautions to prevent occupational accidents, injuries and diseases on board a Gibraltar ship, including measures to reduce and prevent the risk of exposure to harmful levels of environmental factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;
- (c) on-board procedures for the prevention of accidents, injuries and diseases, taking account of preventative measures, changes in processes and procedures for collective and individual work, the use of personal protective equipment, and the continuous improvement in occupational health and safety protection (and for this purpose involving seafarers’ representatives and all other persons concerned with the implementation of these procedures);
- (d) procedures for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.”.

Amendment to regulation 32G.

13. In regulation 32G(7)(g) of the Principal Regulations, insert “, or the registered owner, if different from the shipowner” after “the name of the shipowner”.

Amendment to regulation 32Q.

14. In regulation 32Q(7)(g) of the Principal Regulations, insert “, or the registered owner, if different from the shipowner” after “the name of the shipowner”.

Dated: 23rd December 2024.

G ARIAS VASQUEZ,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2013 in order to implement 2022 Amendments to the Maritime Labour Convention, 2006.