

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4490 of 12 July, 2018

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LEGAL NOTICE NO.162 OF 2018.

## **GIBRALTAR MERCHANT SHIPPING (SAFETY, etc.) ACT, 1993**

### **GIBRALTAR MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS AT SEA) (AMENDMENT) REGULATIONS 2018**

In exercise of the powers conferred on it by section 118, read with section 119 and the Schedule of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 and all other powers enabling, the Government, for the purposes of bringing more clarity for interpretation and application of some of the provisions of the International Regulations for Preventing Collisions at Sea, 1972, has made the following Regulations:

#### **Title and commencement.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Distress Signals and Prevention of Collisions at Sea) (Amendment) Regulations 2018 and come into operation on the day of publication.

#### **Amendments to the Gibraltar Merchant Shipping (Distress Signals and Prevention of Collisions at Sea) Regulations 2017.**

2. The Gibraltar Merchant Shipping (Distress Signals and Prevention of Collisions at Sea) Regulations 2017 (the Principal Regulations) are amended in accordance with regulations 3 to 14 below.

#### **Amendment to Regulation 7.**

3. Regulation 7(2) of the Principal Regulations is amended by deleting “of” after the words “into account”.

#### **Amendments to regulation 8.**

4. Regulation 8 is amended by-

- (a) substituting the following sub-regulation for sub-regulation (2)-

“(2) If fitted and operational, proper use shall be made of radar equipment, including-

- (a) Long-range scanning to obtain early warning of risk of collisions; and
- (b) Radar plotting or equivalent systematic observation of detected objects.”; and

(b) by substituting the following sub-regulation for sub-regulation (4)-

“(4) In determining if risk of collision exists, the following considerations shall be among those taken into account-

- (a) such risk shall be deemed to exist if the compass bearing of an approaching ship does not appreciably change; or
- (b) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large ship or a tow or when approaching a ship at close range.”.

**Amendment to regulation 9(5).**

5. Regulation 9(5) of the Principal Regulations is amended by substituting the word “or” for the word “and” after paragraph (a).

**Amendment to regulation 10(5).**

6. Regulation 10(5) of the Principal Regulations is amended by substituting the following paragraph for paragraph (5)-

“(5) In a narrow channel, or fairway, when overtaking can take place only when the ship to be overtaken has to take action to permit safe passing, the ship intending to overtake shall indicate its intention by sounding the appropriate signal prescribed.”.

**Amendment to regulation 15(2).**

7. Regulation 15(2)(b) of the Principal Regulations is amended by substituting the following paragraph for paragraph (b)-

“(b) by night he sees –

- (i) the masthead lights of the other ship in a line or nearly in a line; and/or
- (ii) both sidelights; and”.

**Amendment to regulation 19(1).**

8. Regulation 19(1)(b) of the Principal Regulations is amended by inserting the following sub-paragraph after sub- paragraph (ii)-

“(iii) a ship engaged in fishing; and”.

**Amendments to regulation 20.**

9. Regulation 20 of the Principal Regulations is amended by –

(a) substituting the following sub-regulation for sub-regulation (5)-

“(5) The master of a ship which detects, by radar, alone the presence of another ship shall determine if-

- (a) a close-quarters situation is developing; and/or
- (b) risk of collision exists.”;

(b) by substituting in sub-regulation (6) the words “If any of the situation or risk referred to in sub-regulation (5) so exists, the master of the ship shall take avoiding action in ample time, provided that” for the words “If the situation or risk referred to in sub-regulation (5) so exist, the master of the ship shall take avoiding action in ample time, if and”; and

(c) by substituting the word “or” for the word “and” at the end of paragraph (a) in sub-regulation (7).

**Amendments to regulation 21.**

10. Regulation 21(2) of the Principal Regulations is amended by substituting the following sub-paragraph for sub-paragraph (i) of paragraph (b)-

“(i) that cannot be mistaken for the lights specified in these Regulations.”.

**Amendment to regulation 35.**

11. Regulation 35(3) of the Principal Regulations is amended by substituting the following words for the words and sub-paragraphs (i) and (ii) after paragraph (b) “ the ship in doubt shall immediately indicate such doubt by giving at least five short, and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.”.

**Amendment to regulation 36.**

12. Regulation 36(4) of the Principal Regulations is amended by substituting the following paragraphs for paragraph (e)-

“(e) a ship engaged in fishing; and

(f) a ship engaged in towing or pushing another ship.”.

**Amendment to Schedule 1.**

13. Schedule 1 of the Principal Regulations is amended by substituting the following paragraph for paragraph 13(2)-

“(2) On high-speed craft of 50 metres or more in length, the vertical separation between foremast and mainmast light of 4.5 metres required by paragraph 2(1)(b) of this Schedule may be modified provided that such distance shall not be less than the value determined by the following formula-

$$Y = \frac{(a + 1) C}{1} + 2$$

where:

$y$  is the height of the mainmast light above the foremast light in metres;

$a$  is the height of the foremast light above the water surface in service condition in metres;

$Y$  is the trim in service condition in degrees;

$C$  is the horizontal separation of masthead lights in metres.”.

**Amendment to Schedule 4.**

14. Schedule 4 of the Principal Regulations is amended by substituting the following sub-paragraph for sub-paragraph (d) of paragraph 1-

“(d) a signal made by any signalling method consisting of the group “...---...” in the Morse Code;”.

Dated 12th July, 2018.

G H LICUDI QC,  
Minister for Maritime Services,  
For the Government.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Gibraltar Merchant Shipping (Distress Signals and Prevention of Collisions at Sea) Regulations 2017 which give effect to the International Regulations for Preventing Collisions at Sea, 1972, as amended. The object of the proposed amendments is to bring more clarity for interpretation and application of some of the provisions of the implementing Regulations published by Legal Notice 181 of 2017. These Regulations also seek to correct some typos in the Principal Regulations.