

# Maritime (Search and Rescue) Act 2005

## Principal Act

Act. No. 2005-25

Commencement (LN.2005/104)  
Assent

14.7.2005  
29.3.2005

## EU Legislation/International Agreements involved:

International Convention on Maritime Search and Rescue, 1979

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## ARRANGEMENT OF SECTIONS

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ACT TO GIVE EFFECT IN GIBRALTAR TO THE INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979 AS AMENDED, AND FOR CONNECTED PURPOSES.

**Title and commencement.**

1. This Act may be cited as the Maritime (Search and Rescue) Act 2005 and comes into operation on a date to be designated by the Minister with responsibility for the Port and Shipping by notice in the Gazette.

**Interpretation.**

2. In this Act, unless the context otherwise requires—

“Authority” means the Gibraltar Port Authority established under section 3 of the Gibraltar Port Authority Act 2005;

“Captain of the Port” means the person appointed to be the Captain of the Port under section 4 of the Port Act;

“Convention” means the International Convention on Maritime Search and Rescue, 1979 in its up-to-date version as in force at the time of reference;

“Convention country” means a country or territory which is either—

(a) a country the Government of which is a party to the Convention; or

(b) a territory to which the Convention extends;

“Gibraltar waters” means the area of waters contained within the British territorial waters in Gibraltar;

“Minister” means the Minister with responsibility for the Port and Shipping;

“Port” has the same meaning as set out in section 2 of the Port Operations (Registration and Licensing) Act 2005;

“rescue” means an operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;

“rescue co-ordination centre” means a unit responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region;

“search” means an operation co-ordinated by a rescue co-ordination centre using available personnel and facilities to locate persons in distress;

“search and rescue facility” means any mobile resource, including designated search and rescue units, used to conduct search and rescue operations;

“search and rescue service” means the performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including co-operating aircraft, vessels and other craft and installations;

“search and rescue region” means an area of defined dimensions associated with a rescue co-ordination centre within which search and rescue services are provided, and in the case of Gibraltar, this region shall comprise the area within Gibraltar waters;

“search and rescue unit” means a unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

**Maritime Search and Rescue Unit.**

3.(1) There is hereby established a search and rescue unit to be called the Maritime Search and Rescue Unit for Gibraltar which shall be under the general control and supervision of the Gibraltar Port Authority.

(2) The Maritime Search and Rescue Unit shall be headed by the Captain of the Port.

(3) The Maritime Search and Rescue Unit is responsible for providing—

- (a) maritime search and rescue services within Gibraltar waters; and
- (b) assistance to a person who is, or appears to be, in distress within Gibraltar waters, regardless of the nationality or status of such a person or the circumstances in which that person is found.

**Co-ordinator for search and rescue operations.**

4. The Captain of the Port shall be the co-ordinator for all maritime search and rescue operations within Gibraltar waters and for implementing search and rescue services under this Act and the Regulations made under it.

**Search and rescue regions.**

5.(1) The Government shall endeavour to reach agreements with other Convention countries which are neighbours to Gibraltar for the purpose of—

- (a) establishing boundaries between the Gibraltar search and rescue region and other neighbouring search and rescue regions;
- (b) co-operation between the Maritime Search and Rescue Unit and the rescue co-ordination centres or sub-centres of another Convention country search and rescue services; and
- (c) co-ordination of work between Gibraltar and other neighbouring search and rescue co-ordination centres.

(2) The Authority shall be responsible for advising the Government in negotiating the terms of any international agreement with the search and rescue organisation of another Convention country.

(3) Where it has not been possible to reach an agreement pursuant to subsection (1), the Government shall nonetheless use its best endeavours to reach any other appropriate arrangements with the neighbouring Convention country in order to facilitate equivalent overall co-ordination of search and rescue services within Gibraltar waters.

(4) The Government shall ensure that—

- (a) adequate shore-based communication infrastructure;
- (b) efficient distress alert routing; and
- (c) proper operational co-ordination,

are provided to effectively support search and rescue services within the Gibraltar search and rescue region.

(5) The delimitation of a maritime search and rescue region established by agreement or otherwise to provide search and rescue services under the Convention shall not prejudice the delimitation of the boundary between Gibraltar and another State.

#### **Collaboration and support of other services.**

6.(1) During search and rescue operations, the Authority may call for collaboration and support from—

- (a) other Government services or departments;
- (b) the Ministry of Defence;
- (c) private companies or persons; and

(d) a neighbouring search and rescue region.

(2) The Authority may conclude agreements, concerning the provision of assistance for search and rescue, with any authority, suitable private agency or persons in Gibraltar.

(3) It shall be the duty of all Government services and departments concerned to take measures to facilitate, as far as possible, the immediate and temporary entry of personnel, and their equipment, from other States who, in agreement with the Authority are participating in search and rescue operations.

**Rescue co-ordination centre.**

7. The Maritime Search and Rescue Unit shall act as a rescue co-ordination centre for Gibraltar—

- (a) for the receipt of distress alerts originating from any person, craft or vessel within Gibraltar waters; and
- (b) for communication with persons in distress, with search and rescue facilities and other rescue co-ordination centres or rescue sub-centres in any Convention country.

**Co-operation with other countries for searching for maritime casualties and rescuing survivors.**

8.(1) Where, on account of a maritime casualty, any relevant authority of another Convention country—

- (a) transmits a request, giving full details of a projected mission, for the purpose of searching for the position of a casualty and rescuing the survivors of that casualty; and
- (b) wishes its rescue units to enter into or over Gibraltar waters,

the Maritime Search and Rescue Unit shall immediately acknowledge the request, and as soon as possible, indicate the conditions, if any, under which the projected mission may be undertaken.

(2) In the case of a maritime casualty in Gibraltar waters, the Captain of the Port may request any rescue co-ordination centre or sub-centre of a Convention country for assistance, including vessels, aircraft, personnel or equipment, as may be needed.

(3) The implementation of any request referred to in subsection (1) or (2) shall be subject to any agreement or arrangement reached pursuant to section 5.

**Operational measures.**

9.(1) The Maritime Search and Rescue Unit shall—

- (a) provide on request up-to-date information concerning search and rescue facilities and available communications relevant to search and rescue within Gibraltar waters; and
- (b) have ready access to information regarding the position, course and speed of vessels within Gibraltar waters which may be able to provide assistance to persons, vessels or other craft in distress in Gibraltar waters, and regarding how to contact them.

(2) The Maritime Search and Rescue Unit shall have detailed plans of operation for the conduct of search and rescue operations within Gibraltar waters.

(3) No plan under subsection (2) shall be adopted unless it has been approved by the Government.

**Power to make Regulations.**

10. The Minister may make Regulations for all or any of the following purposes—

- (a) prescribing procedures for overall development, co-ordination, and improvement of search and rescue services;
- (b) prescribing measures to improve the search and rescue services in areas such as operations, planning, training, exercises, research and development;
- (c) prescribing operational procedures for the Maritime Search and Rescue Unit;
- (d) prescribing procedures for co-ordination between the Maritime Search and Rescue Unit and any aeronautical services;
- (e) designating search and rescue facilities able to participate in search and rescue operations;
- (f) prescribing operating procedures with regard to—
  - (i) information concerning emergencies;
  - (ii) initial action to be taken;
  - (iii) distinguishing emergency phases and their working methods;

- (iv) co-ordination when two or more parties involved; and
- (v) on-scene co-ordination of search and rescue activities;
- (g) prescribing procedures for termination and suspension of search and rescue operations;
- (h) establishing systems for ship reporting;
- (i) giving effect in Gibraltar to the law of the European Community or to any provision of a relevant International Agreement or Convention ratified by the United Kingdom and the application of which has been extended to Gibraltar, relating to any of the matters contained in or dealt with under this Act and this power shall include the power to provide for the provision to come into force although the law, Agreement or Convention, as the case may be, has not yet come into force;
- (j) prescribing anything which under this Act may be prescribed;
- (k) providing for such other matters as are reasonably necessary for or incidental to the due administration of this Act.