

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 2,341 of 19th FEBRUARY, 1997.

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I ASSENT,

PETER TERRY,  
GOVERNOR.

19th February, 1987.



**GIBRALTAR**

**No. 4 of 1987.**

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**AN ACT** to amend the law to extent the obligations of owners of ships relating to the repatriation of masters and seamen, and relating to the registration of ships under the Merchant Shipping Act and the Merchant Shipping Act 1894 and to provide for an annual tonnage tax.

**ENACTED** by the Legislature of Gibraltar.

**Short title and commencement.**

1.(1) This Act may be cited as the Merchant Shipping (Amendment) Act, 1987.

Merchant Shipping (Amendment) Act, 1987.

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(2) This Act shall come into operation on such day as the Governor may prescribe by notice published in the Gazette.

**Insertion of new sub-section.**

2. Section 49 of the Merchant Shipping Act (hereinafter called "the principal Act") is amended by inserting an additional sub-section as follows-

"(6) In addition to the obligations imposed by the preceding sub-sections the owner shall be responsible to defray all expenses in respect of repatriation of the master or any seaman belonging to a ship which has been shipwrecked or otherwise has foundered, or who has been discharged for any cause or reason for which he or they cannot be held responsible".

**Insertion of new Part XA.**

3. The principal Act is further amended by the insertion immediately after section 204 of the following Part and new section-

**“XA-REGISTRATION**

**Power to refuse registration.**

204A.(1) Notwithstanding the provisions of Part I of the Merchant Shipping Act 1894, relating to the registration of British ships, the Governor may-

(a) direct the Registrar to refuse to register under that Part any ship in respect of which an application for registration has been received, unless the Governor is satisfied that every share in the ship is owned by a qualified person, and that having regard to the safety, health and welfare of the master and seamen employed thereon, it is not detrimental to the interests of Gibraltar or international merchant shipping, for the ship to be registered in Gibraltar;

(b) direct the Registrar to strike off the register any ship which does not comply with any statutory provision relating to registration, manning

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requirements, seaworthiness and the general safety of ships, the safety, health and welfare of the master and seamen employed thereon, the prevention of pollution, or with any requirement imposed by any international convention. Before exercising this power, the Registrar will inform the owner, at the owner's address on the register, and any ship's representative person, of his intention to do so after a period of thirty days has elapsed from the date of such notice in default of action being taken by the owner satisfactorily to rectify the situation giving rise to the right to exercise such power;

(c) direct the Registrar to strike off the Register (subject to the same notice provided for in the preceding paragraph) any registered ship for which a representative person is required, if satisfied that-

(i) at any time there is no representative person for such ship; or

(ii) the nominated representative person is not, and has no real presence in Gibraltar; or

(iii) any penalty or other financial obligation imposed on the owner, for any contravention of this Act, notice of the same having been duly given to the owner or to the representative person, has not been paid, a period of more than three months has expired since the giving of such notice, and there is no appeal outstanding against such penalty;

(b) by order prescribe classes of ships which the Registrar shall refuse to register under Part I.

(2) A representative person shall be appointed for any ship owned by a body corporate which does not have its principal place of business in and is not established in Gibraltar; and the Registrar shall refuse to register any such ship unless at the

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time of application for registration the owner nominates a representative person resident in Gibraltar.

- (3) Notwithstanding the provisions of Section 53 of the Merchant Shipping Act 1894, and application made for the transfer of the registration of a ship to which that Act applies from any port outside of Gibraltar, at which such ship is registered, to Gibraltar, shall not be granted except with the approval of the Governor.

- (4) In sub-section (1)-

"qualified person" means-

(a) a British Citizen, a Commonwealth Citizen, a British Dependant Territories Citizen, or a British Subject under the British Nationality Act 1981; or

(b) a body corporate established under and subject to the Laws of Gibraltar and having its principal place of business there, or established under and subject to the Laws of the United Kingdom or some other part of Her Majesty's dominions, and having its principal place of business in the United Kingdom or some other part of Her Majesty's dominions.

"Registrar" means the Captain of the Port.

- (5) In sub-section (2)-

"Representative person" means an individual or a body corporate, and is derived from the United Nations Agreement on conditions for the registration of ships. Such person shall be entered on the register and all process served upon him by the normal or regular applicable method of service shall for all purposes be conclusively deemed to have been duly served.

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- (6) For the avoidance of doubt it is hereby declared that in the event of any inconsistency between the provisions of Part I of the Merchant Shipping Act 1894 and this Act the provisions of Part I of the Merchant Shipping Act 1894 shall, to the extent of such inconsistency, be deemed to be repealed."

### **Insertion of new section.**

4. The principal Act is further amended by inserting after section 222, the following new section:-

#### **""Annual tonnage tax.**

222A.(1) There shall be paid in like manner to the fees referred to in section 222, and before the first day of January in each year, an annual tonnage tax at the rates specified in Table N of Schedule 1, in respect of ships registered in Gibraltar.

Provided that during the period beginning on the date of commencement of this Act and ending on the 31st December 1987, the tonnage tax in respect of any ship shall be calculated at such rate as would be applicable under sub-section (2) if that ship was first registered after the 31st January 1987.

- (2) When a ship is first registered, after the thirty first day of January in any year, the annual tonnage tax for that year shall be calculated at the rate of one twelfth of the full annual tonnage tax for that ship for each complete month or proportion thereof of that year.
- (3) The Governor may implement the provisions of Section 204A(c)(iii) of this Act in the event of any failure to pay the appropriate annual tonnage tax.
- (4) The Governor may from time to time, by notice in the Gazette, add to, otherwise vary or revoke the annual tonnage tax specified in Table N of Schedule 1".

### **Amendment of Schedule 1.**

5. Schedule 1 of the principal Act is amended by inserting immediately after Table M the following new Table-

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**“Table N**

Section 222A

**ANNUAL TONNAGE TAX.**

1. An annual tonnage tax shall be paid in respect of every ship registered in Gibraltar, other than pleasure yachts and harbour craft.
2. The annual tonnage tax shall be payable in advance before the first day of January of the year in respect of which it is due.
3. The annual tonnage tax shall be paid at the following rates-

Gross Registered Tonnage:	Annual Tax:
0- 500	£ 600
501- 2,500	£ 700
2,501- 5,000	£ 800
5,001- 12,000	£1,000
12,001- 25,000	£1,600
25,001- 50,000	£2,000
50,001-100,000	£2,500
Over 100,000	£3,000

4. Where in the certificate or measurement of a ship more than one gross registered tonnage is specified, the annual tonnage tax shall be calculated by reference to the greatest of those tonnages.

5. The annual tonnage tax shall not be refundable".

Passed by the Gibraltar House of Assembly on the 11th day of February, 1987.

P. A. GARBARINO  
Clerk to the Assembly.