

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,325 of 30 January, 2003



I ASSENT,

DAVID BLUNT

ACTING GOVERNOR.

16th JANUARY 2003.



GIBRALTAR

No. 24 of 2002

AN ACT to amend the Merchant Shipping Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Merchant Shipping (Amendment) Act, 2002 and comes into operation on a date designated by the Minister for Transport by notice in the Gazette being a date at least thirty working days after the date of assent.

Amendment to section 2.

2. Section 2(1) of the Merchant Shipping Act (the Principal Act) is amended by inserting–

- (a) the following definition after the definition of “home-trade passenger ship”:

““Maritime Administrator” means the person appointed under section 3 of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993;” and

- (b) the following definition after the definition of “Merchant Shipping Acts”:

““Minister” means the Minister with responsibility for Transport;”.

Repeal of sections 3A, 3B, 3C, 3D, 3E, 3F, 3G and 3H.

3. Sections 3A, 3B, 3C, 3D, 3E, 3F, 3G and 3H of the Principal Act are repealed.

Repeal of Part VA.

4. Part VA (sections 132A to 132R) of the Principal Act is repealed.

Amendment of section 181.

5. Section 181 of the Principal Act is amended by substituting for paragraphs (g) and (h), the following paragraphs–

“(g) regulate the amount payable to the Gibraltar Pilots Association in respect of Pilotage Fees;

(h) provide for the manner in which the amounts payable in respect of Pilotage Fees are accounted for.”.

Substitution of section 183.

6. Section 183 of the Principal Act is substituted by the following section–

“Functions of the Authority.

183. Subject to the provisions of this Act, the Authority or an entity appointed by it may purchase or otherwise acquire and use such boats, offices, telephones and other equipment and accessories and employ such staff and do all such things as may be necessary for the efficient functioning of the pilotage service in Gibraltar and the Authority shall ensure that the pilotage service operates efficiently.”.

Repeal of section 184.

7. Section 184 of the Principal Act is repealed.

Insertion of section 223A.

8. The Principal Act is amended by inserting the following section after section 223.

“ Regulations.

223A. (1) The Minister may make Regulations for all or any of the following purposes–

- (a) prescribing the fees payable in respect of an inspection which results in the detention of a ship in accordance with any Regulations made under the Act;
- (b) 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;
- (c) concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international

standards for ships safety, pollution, prevention and shipboard living and working conditions (port State control);

- (d) providing for a regime of regulation, supervision, offences and sanctions in relation to the carrying out of bunkering operations, or the causing of pollution of the seas, in Gibraltar;
- (e) prescribing anything which under the Act may be prescribed;
- (f) providing for such other matters as are reasonably necessary for or incidental to the due administration of this Act.

(2) Regulations made under this section, or any other section of this Act providing a similar power, may—

- (a) make different provisions for different classes of ship, for the same class of ship in different circumstances and for different circumstances;
- (b) make exceptions to any matter prescribed in such regulations;
- (c) provide for the delegation of functions, either generally or specifically, exercisable by virtue of the regulation making power in this Act or by virtue of the regulations;
- (d) make provisions relating to the standard of approval or application for the purpose of giving effect to the provisions of any relevant International Convention or Agreement;
- (e) make provision for the determination and implementation of penalties for a failure to comply with instructions made by the Maritime Administrator whether such instructions are made by virtue of a power contained in this Act or in regulations made under this or any other section.”.

Repeal of Schedules 1A and 3.

9. Schedules 1A and 3 of the Principal Act are repealed.

Passed by the Gibraltar House of Assembly on the 19th day of December, 2002.

Dennis J Reyes

Clerk to the Assembly.