

**SMALL VESSELS (MOORINGS CONTROLS)  
RULES 1990****Repealed by LN. 2016/019 as from 4.2.2016****(LN. 1990/146)****1.1.1991**

Amending enactment	Relevant current provisions	Commencement date
LN. 1993/098	rr. 2, 13 and Sch. 1	20.5.1993
1995/104	rr. 2, 6(g), 14(1)(2)(3), Sch. 1 Part III, IV and V	6.7.1995
1997/005	r. 2(d)(e)(g), Sch. 1 Part III and Sch. 3 Part I and II	16.1.1997
2003/010	Sch. 1 Part II	1.1.2003

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**ARRANGEMENT OF RULES**

## Rule

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**1960-16**

**Repealed**  
**Subsidiary**  
**1990/146**

Port

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**SMALL VESSELS (MOORINGS CONTROLS) RULES, 1990**

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**SMALL VESSELS (MOORINGS CONTROLS) RULES, 1990**

**Title and Commencement.**

1.(1) These Rules may be cited as the Small Vessels (Moorings Control) Rules, 1990.

(2) These Rules shall come into operation on the 1st day of January 1991.

**Interpretation.**

2. In these Rules, unless the context otherwise requires—

“designated area” means—

- (a) the area of the Port waters delineated by pontoons at Waterport wharf as specified in Part I of Schedule 1;
- (b) The area of the Port waters delineated by pontoons off Western Beach as specified in Part II of Schedule 1;
- (c) the area of land by the West of the Northern Barrier Gibraltar Services Police Post;
- (d) the waters off Gun Wharf as specified in Part IV of Schedule 1;
- (e) the waters adjacent to the airport runway as specified in Part III of Schedule 1;
- (f) the waters adjacent to the quay face of the southernmost 70 metres of Berth No 12 on Jetty No 5 as specified in Part V of the Schedule 1;
- (g) such additional area or areas as may be designated from time to time by the Captain of the Port by Notice in the Gazette.

“locally based individual” means an Individual who is permanently resident in Gibraltar;

“small vessel” means a fishing vessel, pleasure boat or sailing boat of a length not exceeding 30ft, but does not include a fast launch.

**No Mooring without Permit.**

3. (1) No vessel shall be moored within a designated area except under and in accordance with a written permit granted by or under the authority of the Captain of the Port.

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(2) Any vessel moored in contravention of sub-rule (1) may be removed by order of the Captain of the Port at the expense of the owner of the vessel and the cost of the removal may be recovered from the owner of the vessel as a civil debt.

(3) No permit to moor a vessel within a designated area shall be granted by the Captain of the Port unless the vessel –

- (a) is a small vessel:
- (b) the owner of the small vessel is a locally based individual: and
- (c) the small vessel is licensed in the Port Department.

**Granting a permit.**

4. (1) The Captain of the Port may, in his absolute discretion, grant the owner of a small vessel or to an individual intending to purchase a small vessel a permit to moor the vessel within a designated area.

(2) A permit granted under this Rule or Rule 15 may be subject to such conditions as the Captain of the Port shall determine.

(3) A permit granted under this Rule or Rule IS shall be personal to the individual to whom it was granted and shall cease to be valid upon any change in the ownership of the vessel.

(4) The permit granted under this Rule shall be valid in relation to the small vessel to which it is expressed to relate.

(5) The permit granted under this Rule shall be valid for a period of twelve months, unless sooner surrendered or revoked or unless the locally based individual shall have ceased to be the owner of the vessel.

(6) The permit holder shall Apply for the renewal of the permit prior to the expiration of its' period of validity, unless it, is either surrendered or revoked or unless the locally based individual ceases to be the owner of the vessel.

**Form and Fees.**

5. (1) An application of the grant of a permit under Rule 4 shall be made in the form specified in Part I of Schedule II

(2) A permit granted under Rule 4 shall be in the form specified in Part II of Schedule II.

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(3) The fees payable in respect of the small vessel moored under a permit granted under Rule 4 shall be those specified in Part I of Schedule III payable quarterly in advance.

**Revocation of permits.**

6. The Captain of the Port may revoke a permit granted under Rules 4 or 15 if—

- (a) the locally based individual ceases to be the owner of the small vessel: or
- (b) any fee payable under Rules 5(3) or 15(3) remains unpaid for three months: or
- (c) the owner of the small vessel contravenes any provision of these Rules: or
- (d) the owner of the small vessel does not moor his vessel at the berth assigned to him during a continuous period of ninety days:

Provided that the Captain of the Port may in his absolute discretion extend such period if he is satisfied that the small vessel has been precluded from mooring at the berth for a justifiable reason:

- (e) the owner of the small vessel does not comply with any condition imposed by or any direction or order given by the Captain of the Port: or
- (f) the locally based individual transfers or attempts to transfer a permit to any other person: or
- (g) the owner of the small vessel –
  - (i) is convicted of an offence against the Imports and Exports Act, 1986, the Merchant Shipping Act, the Port Act or the Fast Launches (Control) Act, 1988 or the Drugs Trafficking Offences Act 1995, or
  - (ii) is convicted of an offence under the Drugs (Misuse) Act and is sentenced to a term of imprisonment or is convicted of an offence under the Drug Trafficking Act, 1987: or

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- (iii) uses or allows the small vessel to be used in the commission of any offence against the Imports and Exports Act, 1986, the Merchant Shipping Act, the Port Act, the Fast Launches (Control) Act 1987, the Drugs (Misuse) Act, the Drug Trafficking Offences Act 1988 or the Drug Trafficking Offences Act 1995.

**Assignment of Berths.**

7. Every small vessel whose owner has a permit to moor in a designated area shall occupy the berth assigned to her by the Captain of the Port and may be removed to any other berth which the Captain of the Port shall direct.

**Change of ownership.**

8. The owner of the small vessel who has a permit under Rules 4 or 15 and who transfers the ownership of the vessel to any other person shall –

- (a) forthwith inform the Captain of the Port, furnishing him with the name and address of the transferee:
- (b) surrender his permit to the Captain of the Port.

**Identification of small vessels.**

9. (1) The owner of a small vessel who has a permit granted under Rules 4 or 15 shall cause the name of the vessel and the number of the permit issued to be marked on it in a clearly visible place.

(2) Where the Captain of the Port grants a permit to the owner of the small vessel under the provisions of these Rules, the permit holder shall ensure that such permit is displayed at all times in a prominent position on the vessel.

**Restrictions.**

10. (1) Any vessel moored in a designated area shall not be used as a house boat or for storage or for any commercial activities or purposes.

(2) Bilges that contain oil or contaminated water shall not be pumped anywhere within the designated areas.

(3) Storage lockers or any other structure shall not be erected on or in the vicinity of the moorings unless they shall have been previously authorised in writing by the Captain of the Port.

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(4) No locally based individual shall be entitled to or be granted more than two individual permits to moor small vessels in the designated areas.

(5) The designated areas shall not be used for or in connection with any commercial activities or purposes.

**Persons within designated area.**

11. All persons whilst in the designated area shall be subject to the lawful orders and directions of the Captain of the Port and of any person authorised by him.

**Liability.**

12.(1) Nothing in these Rules shall be deemed to impose any liability or responsibility upon the Captain of the Port for any loss or injury caused by the act or negligence of any owner or person who is within the designated area.

(2) All vessels whilst within the designated areas shall be therein at the sole risk of the owner and no responsibility shall be placed on Government in respect of the security or safety of any such vessel.

(3) The Government shall not be responsible for the insecure or improper moorings of any vessel or defective moorings or appliances nor for any damage or consequence arising therefrom.

**Powers of the Captain of the Port.**

13.(1) The Captain of the Port shall be entitled to issue such directions or Orders as he may think necessary or expedient for the proper control and management of the designated areas and any act or omission which contravenes such directions or orders without reasonable excuse shall be deemed to constitute a contravention of these Rules.

(2) The provisions of the Port Act and rules made thereunder shall apply in every respect within the designated areas.

**Offences.**

14.(1) Any person contravening any of these Rules or the provisions of any permit granted hereunder shall be guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

(2) A person who for the purpose of obtaining the grant of any permit to himself or any other person or for the purpose of procuring any condition in such a permit, knowingly makes any false statement is guilty of an offence

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and is liable on summary conviction to a fine at level 3 on the standard scale.

- (3) A person who is intent to deceive –
  - (a) forges within the meaning of the Criminal Offences Act or alters or uses or lends to or allows to be used by any other person a permit granted under these Rules: or
  - (b) makes or has in his possession any document so closely resembling such permit as to be calculated to deceive, is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

**Transitional provisions.**

15: (1) Notwithstanding the definition of the phrase “small vessel” in these Rules, every individual who at the commencement of these Rules have had a licence to moor a vessel in excess of the length of twenty five feet at the Auxiliary Camber, may apply and may be granted by the Captain of the Port a permit to moor the said vessel within the designated area.

(2) In the event of a permit being granted under sub-rule (1), the permit holder shall be subject to the provisions of these Rules.

(3) The fees payable in respect of a vessel to which the provisions of sub-rule (1) apply shall be those specified in Part II of Schedule II payable quarterly in advance.



**SCHEDULE 1****PART I**

## Rule 2

The designated area at Waterport Wharf shall be all that area enclosed by the co-ordinates:—

- |     |              |             |
|-----|--------------|-------------|
| (a) | 36° 08.94' N | 5° 21.20' W |
| (b) | 36° 08.92' N | 5° 21.23' W |
| (c) | 36° 08.96' N | 5° 21.28' W |
| (d) | 36° 08.98' N | 5° 21.26' W |

**PART II**

The designated area off Western Beach shall be all that area enclosed by the co-ordinates:—

- |     |              |             |
|-----|--------------|-------------|
| (a) | 36° 09.28' N | 5° 21.02' W |
| (b) | 36° 09.22' N | 5° 21.02' W |
| (c) | 36° 09.22' N | 5° 21.18' W |
| (d) | 36° 09.28' N | 5° 21.18' W |

LN 2003/010 With effect from 1st January 2003 until further notice, vessels issued with a permit in respect of moorings designated under Schedule 1 Part II of the Small Vessels (Mooring Controls) Rules, 1990 are exempt from fees due under Rules 5 (3) of those Rules.

**PART III**

The designated area of the waters adjacent to the airport runway shall be all that area enclosed by the co-ordinates-

- |     |               |              |
|-----|---------------|--------------|
| (a) | 36° 09.090' N | 5° 21.105' W |
| (b) | 36° 09.095' N | 5° 20.975' W |
| (c) | 36° 09.033' N | 5° 21.000' W |
| (d) | 36° 09.055' N | 5° 21.105' W |

**PART IV**

The designated area of the waters off Gun Wharf shall be all that area enclosed by the co-ordinates-

- (a) 36° 08.080' N      5° 21.315' W
- (b) 36° 08.119' N      5° 21.184' W
- (c) 36° 08.025' N      5° 21.142' W
- (d) 36° 08.050' N      5° 21.302' W

**PART V**

The designated area of the water adjacent to the quay face of the southernmost 70 metres of Berth No 12 on Jetty No 5 shall be all that area enclosed by the co-ordinates-

- (a) 36° 08.942' N      5° 21.605' W
- (b) 36° 08.942' N      5° 21.585' W
- (c) 36° 08.904' N      5° 21.585' W
- (d) 36° 08.904' N      5° 21.605' W

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**SCHEDULE 2**

**PART I**

Rule 5(1)

**APPLICATION FOR A PERMIT**

- Full Name of Applicant .....
- Home Address .....
- Nationality of Applicant .....
- Length of Residence in Gibraltar .....
- Vessel in respect of which application is made for a permit .....
- Date of Registration of the Vessel at the Port Department .....
- .....
- Licence Number .....
- Type of Vessel in respect of which application is made .....
- Length of vessel .....
- Brake Horse Power .....
- Date Vessel Purchased .....

I hereby apply for a permit to moor the small vessel ..... within the designated area and I HEREBY DECLARE that I am the owner of the said small vessel and that the information given in this Application is true and correct to the best of my knowledge and belief:

Dated this     day of 20     .

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Applicant

**PART II**

**PERMIT**

Rule 5(2)

PORT DEPARTMENT Permit to Moor At..... Berth Number.....  
 Vessel.....  
 Permit Ref..... Renewal

**SCHEDULE 3**

Rule 5(3)

FEES PAYABLE IN RESPECT OF PERMITS GRANTED

PART I

Length of Boat	Yearly Rate (Payable Quarterly in Advance)
Up to 15 feet	£20
Over 15 feet but not exceeding 20 feet	£40
Over 20 feet but not exceeding 25 feet	£80
Over 25 feet but not exceeding 30 feet	£120

PART II

Rule 15(3)

Over 30 feet but not exceeding 40 feet	£ 200
Over 40 feet but not exceeding 50 feet	£ 320
Over 50 feet	£ 480