

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4284 of 4 August, 2016

LEGAL NOTICE NO. 162 OF 2016.

PUBLIC HEALTH ACT

SEASIDE PLEASURE BOATS (AMENDMENT) RULES 2016

In exercise of the powers conferred on it by sections 218 and 337 of the Public Health Act, and all other enabling powers, the Government has made the following rules—

Title and commencement.

1.(1) These Rules may be cited as the Seaside Pleasure Boats (Amendment) Rules 2016.

(2) Subject to subrule (3) these Rules come into operation on publication in the Gazette.

(3) Rule 6A(2) and (3) shall not apply for a period of 3 months from the commencement of these Rules in relation to the use of personal watercraft which have been licenced under the Port Act prior to the commencement of these Rules and in relation to which such a licence is in operation.

Amendment to the Seaside Pleasure Boats Rules 1989.

2. The Seaside Pleasure Boats Rules 1989 are amended as follows—

- (a) by inserting the following rule after rule 6 (Restrictions on use of speed boats)-

“Restrictions on use of personal watercraft.

6A.(1) No person shall use, or to cause or permit any other person to use, a personal watercraft during the period between half an hour after sunset and sunrise.

(2) No person shall use, or to cause or permit any other person to use, a personal watercraft unless there is in force in relation to the use of the vessel by that person or that other person, as the case may

be, such a policy of insurance in respect of third party risks as may be approved by the Captain of the Port.

(3) No person shall use, or to cause or permit any other person to use, a personal watercraft unless the user has successfully completed the Royal Yachting Association Personal Watercraft Proficiency Course or such other equivalent course approved by the Captain of the Port.

(4) If any person uses or is in charge of a personal watercraft in contravention of this rule, that person and, if that person is not the owner of the vessel, the owner, are each guilty of an offence:

Provided that the owner of the personal watercraft shall not be guilty of an offence if he proves to the satisfaction of the court, the onus being on him, that the personal watercraft was taken by some other person without his knowledge or consent.

(5) A person using a personal watercraft shall, on being so required by any police officer, produce the policy of insurance referred to in subrule (2), and if he fails to do so is guilty of an offence:

Provided that if, within five days after the production of such policy of insurance was so required the holder produces it in person at a police station, he shall not be convicted of an offence against this rule.

(6) A person using a personal watercraft shall, on being so required by any police officer, produce evidence that he has successfully completed a course in accordance with subrule (3), and if he fails to do so is guilty of an offence:

Provided that if, within five days after the production of such evidence was so required the holder of it produces it in person at a police station, he shall not be convicted of an offence against this section.

(7) In this rule “personal watercraft” means a vessel which—

- (a) is less than 4 metres long,
- (b) uses an internal combustion engine,

- (c) uses a water jet pump as its primary source of propulsion, and
 - (d) is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull.”
- (b) in rule 12(1)(a) after “speed boat” insert “or personal watercraft”;
- (c) in rule 12(1)(b) after “rule 10”, on both occasions it appears insert “or rule 6A”.

Dated 4th August, 2016.

G H LICUDI Q.C.
For the Government.

