

Statistical Returns (Carriage of Goods and  
Passengers by Sea)

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**1998-16**

*This version is out of date*

**STATISTICAL RETURNS (CARRIAGE OF GOODS AND  
PASSENGERS BY SEA) ACT, 1998**

**Principal Act**

<b>Act. No. 1998-16</b>	<i>Commencement</i>	2.4.1998
	<i>Assent</i>	2.4.1998

**Transposing:**  
Directive 95/64/EC

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AN ACT TO TRANSPOSE INTO THE LAW OF GIBRALTAR COUNCIL DIRECTIVE 95/64/EC ON STATISTICAL RETURNS IN RESPECT OF CARRIAGE OF GOODS AND PASSENGERS BY SEA.

## **Title.**

1. This Act may be cited as the Statistical Returns (Carriage of Goods and Passengers by Sea) Act.

## **Interpretation.**

2. In this Act –

“carriage of goods and passengers by sea” means the movement of goods and passengers using seagoing vessels, on voyages which are undertaken wholly or partly at sea and includes goods:

(a) shipped to offshore installations;

(b) reclaimed from the seabed and unloaded in ports;

but does not include bunkers and stores supplied to vessels;

“the Directive” means Council Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea;

“maritime transport operator” means any person by whom or on behalf of whom a contract for the transport of goods or persons by sea is concluded with a shipper or a passenger;

“the Minister” means the Minister charged with responsibility for Tourism and Transport;

“person carrying on business or trade in the maritime transport sector” includes any maritime transport operator and any person who acts as an agent on behalf of a maritime transport operator in relation to a contract for the transport of goods or persons by sea concluded with a shipper or a passenger;

“port” means a place having facilities for merchant ships to moor and to load or unload cargo or to disembark or embark passengers to or from vessels;

“seagoing vessels” means vessels in excess of 100 gross tons, other than those which navigate exclusively in inland waters or in waters

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within, or closely adjacent to sheltered waters or areas where port regulations apply and does not apply to fish-catching vessels, fish-processing vessels, vessels for drilling and exploration, tugs, pusher craft, research and survey vessels, dredgers, naval vessels or vessels used solely for non-commercial purposes.

## **Returns.**

3. The Minister shall require by notice in writing any person carrying on business or trade in the maritime transport sector to furnish, in such form and manner and within such time as may be specified, such periodical or other returns about such of the matters set out in the Schedule to this Act in relation to the carriage of goods and passengers by seagoing vessels as may be specified.

## **Offences.**

4. If any person required to furnish returns under this Act fails to furnish those returns as required, or makes a return which he knows to be false or recklessly makes a false return, he shall, unless he proves that he had reasonable excuse for the failure or false return, be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **Maritime Coastal Area Nomenclature.**

5. For the purposes of the Directive, and especially Annex IV thereof, the nomenclature to be used for the Maritime Coastal Area shall be the code "0064".

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## SCHEDULE

### Section 3

The matters about which persons may be required to furnish returns pursuant to section 3 of this Act are:

#### 1.1 Cargo, passenger and vessel movement information:

- gross weight of goods in tons loaded on to or unloaded from a vessel or vessels;
- type of cargo, according to the nomenclature shown in Annex II to the Directive;
- reporting port;
- direction of movement of vessel, whether inwards or outwards;
- number of movements of vessels;
- for inward cargo: the port of loading (i.e. the port in which the cargo was loaded on to the ship in which it arrived in the reporting port);
- for outward cargo: the port of unloading (i.e. the port in which the cargo is to be unloaded from the ship in which it left the reporting port);
- the number of passengers embarking on and disembarking from a voyage.

#### 1.2 In relation to the transport of containers or ro-ro units, the following additional particulars may be required:

- number of containers with cargo;
- number of containers without cargo;
- number of mobile (ro-ro) units with cargo;
- number of mobile (ro-ro) units without cargo;

#### 1.3 Information in relation to the vessel:

- deadweight and gross tonnage of vessel;
- country or territory of registration of vessel;
- type of vessel;
- name of vessel;
- Lloyds Register Number of vessel (or alternative agreed between the Minister and the maritime transport operator or agent supplying the data);
- name of maritime transport operator and/or agent.