

1995-12 Gibraltar Merchant Shipping (Registration)

This version is out of date

Subsidiary Legislation made under ss.5, 6, 10, 11, 14, 17, 25, 32, 33, and 86.

Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

LN.1997/158

Commencement **22.12.1997**

Amending enactments	Relevant current provisions	Commencement date
LN. 2005/087	Sch. 1	1.7.2005
2016/006	r. 27(2)(f), Sch. 1	14.1.2016
2020/432	rr. 2, 2A-2C, 4(3A), 18(1A), (2)(c), 19(c), 27(1A)- (1B), 28(3), 34(1A), (2)(b), 35(b), 36(1), Schs.2-3, 9	1.1.2021
2021/112	r. 2C(1)	1.1.2021
2022/138	r. 2, Sch. 1, 3	1.6.2022

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)**
Regulations 1997

This version is out of date

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.

PART I.
GENERAL.

2. Interpretation.
- 2A Registration of sanctioned ships.
- 2B. Gibraltar connection.
- 2C. Qualified persons.

PART II.
REGISTERS.

3. Form of the registers
4. Rectification of the registers.

PART III.
REPRESENTATIVE PERSONS.

5. Representative person.
6. Duties, etc. of representative persons.
7. Notice to replace representative person.

PART IV.
REGISTERED AGENTS.

8. Registered agent.
9. Duties, etc. of registered agent.
10. Notice to replace registered agent.

PART V.
SHIP NAMES AND MARKINGS.

11. Ship names.
12. Approval of name.
13. Change of name.
14. Marking of a ship.

PART VI.

REFUSAL OF REGISTRATION AND REMOVAL FROM A REGISTER.

- 15. Refusal of registration and removal from a register.
- 16. Prohibited ships.

PART VII.

PROVISIONAL AND FULL REGISTRATION ON THE REGISTER.

- 17. Application of Part VII.
- 18. Application for registration on the Register.
- 19. Declaration by and on behalf of owners.
- 20. Provisional registration.
- 21. Period of provisional registration.
- 22. Retention of documents on provisional registration.
- 23. Application of Act and regulations in relation to ships provisionally registered.
- 24. Full registration.
- 25. Certificate of full registration.
- 26. Documents to be retained on full registration.
- 27. Renewal of registration.
- 28. Application for transfer of registration.
- 29. Closure of registration on transfer.
- 30. Notification of and declaration of transfer of ownership.
- 31. Notice of change in status of owner.
- 32. Issue of certificate of deletion.

PART VIII.

BAREBOAT REGISTRATION.

- 33. Application of Part VIII.
- 34. Application for bareboat registration.
- 35. Declaration by or on behalf of bareboat charterers.
- 36. Bareboat registration.
- 37. Certificate of Bareboat Registry.
- 38. Period of bareboat registration.
- 39. Retention of documents on bareboat registration.
- 40. Application of the Act and these Regulations to ships bareboat registered.
- 41. Application for transfer of bareboat registration.
- 42. Closure of bareboat registration on transfer.
- 43. Notification of and declaration of transfer of ownership of ship bareboat chartered.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- 44. Notice of change in status of bareboat charterer.
- 45. Change of bareboat charterer.
- 46. Issue of certificate of deletion of bareboat registration.

PART IX.

CERTIFICATE OF PERMISSION.

- 47. Application for Certificate of Permission.
- 48. Certificate of Permission etc..
- 49. Termination of Certificate of Permission.
- 50. Application of the Act and these Regulations to a ship in respect of which a Certificate of Permission is in effect.

PART X.

REGISTRATION OF A SHIP UNDER CONSTRUCTION.

- 51. Application for registration of a ship under construction.
- 52. Registration of a ship under construction.
- 53. Certificate of Registry of a Ship under Construction.
- 54. Retention of documents on registration of a ship under construction.

PART XI.

TRANSITIONAL SHIPS.

- 55. Application of the Act to transitional ships.

PART XII.

OFFENCES AND PENALTIES.

- 56. Offences and penalties.

SCHEDULE 1

Omitted

SCHEDULE 2

relevant countries

SCHEDULE 3

Accepted classification societies

SCHEDULE 4

Gibraltar Merchant Shipping (Registration) 1995-12

**Gibraltar Merchant Shipping (Ship Registration)
Regulations 1997 1997/158**

This version is out of date

Entry of provisional registration and provisional certificate of registry

SCHEDULE 5

Entry of registration and certificate of registry

SCHEDULE 6

Entry of bareboat registration and certificate of bareboat registry

SCHEDULE 7

Entry of ship under construction registration and certificate of registry of ship under construction

SCHEDULE 8

Provisions applicable to transitional ships

SCHEDULE 9

Approved countries

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Ship Registration) Regulations 1997 and shall come into effect on the day appointed by the Governor as the day on which the sections of the Gibraltar Merchant Shipping (Registration) Act, 1993 not yet in effect shall come into effect.

PART I. **GENERAL.**

Interpretation.

2. In these Regulations, unless the context shall otherwise require,—

“Act” means the Gibraltar Merchant Shipping (Registration) Act, 1993 (Act No. 12 of 1995);

“approved countries” means approved countries specified in Schedule 9;

“declaration of entitlement” means a declaration required by regulation 19;

“EEA” means the territories to which the EEA Agreement applies;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“Gibraltar ship” means a ship which—

(a) is registered under section 6(1)(a) of the Gibraltar Merchant Shipping (Registration) Act, 1993;

(b) is a Government ship within the meaning of Part VII of that Act; or

(c) is not registered under the law of a country outside Gibraltar but is wholly owned by persons each of whom has a Gibraltar connection;

“incorporated under the Laws of Gibraltar” or “registered under the Laws of Gibraltar” means incorporated or registered under the Companies Act, as the case may be;

“Maritime Administrator” means the person appointed under section 3;

“prescribed fees” means the fees, charges and taxes prescribed in the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009;

“prohibited ship” means a ship defined as a prohibited ship in accordance with regulation 16;

“the Register” means the Register of Ships specified in regulation 3(2);

“registered agent” means a person defined as such under section 6 and satisfying the requirements of regulation 8 in respect of registered agents;

“relevant country” means a country specified in Schedule 2 for the purposes of regulations 28, 29, 41 and 42;

“representative person” means a person resident in Gibraltar and satisfying the requirements of regulation 5 in respect of representative persons;

“responsible individual” means the individual designated by the owner, or where there is more than one owner, by all the owners as the shore-based individual to whom is entrusted the day to day operational management of the ship;

“sanctioned ship” means a ship if-

- (a) were an application for registration in the Register to be made in respect of it, the Registrar would be required to refuse registration because of regulation 2A; or
- (b) a termination direction has been issued in relation to the ship;

“section” means a section of the Act;

“ship” means a vessel as defined in section 2 other than a vessel registerable as a pleasure yacht by virtue of regulation 4 of the Gibraltar Merchant Shipping (Pleasure Yachts) Regulations 1997;

“termination direction” means a direction to terminate the registration of a ship given to the Registrar under regulation 2A(3).

Registration of sanctioned ships.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

2A.(1) The Registrar must refuse to register a ship if, on the basis of the information given to the Registrar by the Maritime Administrator or accompanying the application for registration, the ship appears to the Registrar to be a sanctioned ship.

(2) For the purposes of sub-regulation (1), a ship is sanctioned ship if that is -

- (a) a specified ship;
- (b) disqualified ship;
- (c) prescribed country ship; or
- (d) a ship de-registered by a country other than the United Kingdom or Gibraltar.

(3) The Minister may direct the Registrar to terminate the registration of-

- (a) a disqualified ship;
- (b) a specified ship;
- (c) a prescribed country ship;
- (d) a ship for the time being designated by the Security Council or the Committee as a ship in respect of which a UN Security Council Resolution provides for de-registration or de-flagging; or
- (e) a ship de-registered by a country other than the United Kingdom or Gibraltar.

(4) For the purposes of this regulation, a ship is a “prescribed country ship” if-

- (a) the legal title to the ship, or to any share in the ship, is vested in a person connected with the prescribed country;
- (b) a person connected with the prescribed country has a beneficial interest in the ship or in any share in the ship; or
- (c) a person connected with the prescribed country is a charterer of the ship on bareboat charter terms.

(5) For the purposes of this regulation-

Gibraltar Merchant Shipping (Registration) 1995-12

Gibraltar Merchant Shipping (Ship Registration) 1997/158
Regulations 1997

This version is out of date

- (a) any reference to registering a ship is to registering the ship in the register of Gibraltar ships maintained by the Registrar;
 - (b) a ship is “de-registered by a country other than the United Kingdom or Gibraltar” if, in compliance with paragraph 12 of resolution 2397 (de-registration of ships involved in breaches of sanctions), the entry relating to the ship has been removed from a register of ships maintained in a country other than the United Kingdom or Gibraltar.
- (6) In this regulation-
- (a) “disqualified ship” shall have the meaning assigned to it by section 25(6) of the Sanctions Act 2019;
 - (b) “prescribed country” means a country referred to in sections 21 and 25 of the Sanctions Act 2019; and
 - (c) “specified ship” shall have the meaning assigned to it by section 30(1) of the Sanctions Act 2019.”.

Gibraltar connection.

2B. For the purposes of these Regulations, a person has a “Gibraltar connection” if the person is-

- (a) a registered Gibraltarian under the Gibraltarian Status Act;
- (b) an individual who is habitually resident in Gibraltar; or
- (c) a body corporate which is established under the law of Gibraltar and has its principal place of business in Gibraltar.

Qualified persons.

2C.(1) For the purposes of section 7 of the Act-

- (a) the following individuals are qualified persons-
 - (i) British citizens;

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (ii) British Overseas Territories citizens;
- (iii) British Overseas citizens;
- (iv) persons who under the British Nationality Act 1981, are British subjects;
- (v) persons who under the Hong Kong (British Nationality) Order 1986, are British Nationals (Overseas);
- (vi) Commonwealth citizens;
- (vii) citizens of an approved country specified in Schedule 9;
- (viii) nationals of an EEA State,

Provided that where an individual otherwise qualified under this paragraph is not resident in Gibraltar he shall have appointed a representative person;

(b) the following persons are qualified persons-

- (i) bodies corporate or legal entities incorporated, established or registered, as the case may be,-
 - (aa) under the law of Gibraltar;
 - (bb) under the law of the United Kingdom;
 - (cc) under the law of Jersey, Guernsey or Isle of Man;
 - (dd) under the law of an EEA State; or
 - (ee) under the law of a Commonwealth State or of an approved country specified in Schedule 9,

and either –

- (ff) having their principal place of business in Gibraltar; or
 - (gg) having appointed a representative person;
- (ii) a foreign maritime entity.

(2) A person who is not qualified under sub-regulation (1) to be the owner of a Gibraltar ship may nevertheless be one of the owners of such a ship if-

- (a) a majority interest in the ship (within the meaning of section 7(2) of the Act) is owned by persons who are qualified to be the owners of Gibraltar ships; and
- (b) the ship is registered on a register kept under section 6(1) of the Act.

**PART II.
REGISTERS.**

Form of the registers.

3.(1) The Register of Ships and the Register of Ships under Construction required by the Act to be kept by the Maritime Administrator shall be in such form, compatible with the requirements of the Act and these Regulations, as the Maritime Administrator may determine.

(2) In accordance with section 6(1)(a) the Register of Ships shall consist of ships holding a Certificate of Registry, a Provisional Certificate of Registry, a Certificate of Bareboat Registry, or a Certificate of Permission.

Rectification of the registers.

4.(1) Where it appears to any person interested that there is a material error in the Register or in the Register of Ships under Construction, he may apply, in writing, to the Maritime Administrator, for rectification of that register.

(2) Upon receipt of an application under subregulation (1), the Maritime Administrator may, if in his opinion there is a material error in the register concerned—

- (a) rectify that register; or
- (b) subject to subregulation (3), require the applicant to apply to the Supreme Court for rectification of that register.

(3) Subregulation (2)(b) shall not apply in any case where the material error is due to the negligence or wilful act or omission of any person appointed by the Maritime Administrator.

(3A) The Registrar shall be entitled to amend the Register where-

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (a) a clerical error has occurred; or
- (b) sufficient evidence is produced to satisfy him that the entry is incorrect,

and on making the amendment he shall issue a new certificate of registry or permission, if necessary.

(4) Notice of an application to the Supreme Court under this regulation for rectification shall be served by the applicant on the Maritime Administrator and the Maritime Administrator may appear and be heard in the proceedings.

(5) The Supreme Court may, in proceedings under this regulation—

- (a) make such order as it thinks fit concerning the rectification of the register concerned; and
- (b) decide any question that it is necessary or expedient to decide concerning such rectification.

(6) A copy of an order under subregulation (5) shall be served on the Maritime Administrator.

(7) The Maritime Administrator shall, on receipt of the copy of an order served under subregulation (6) and if the order so requires, rectify the register concerned accordingly.

(8) For the purposes of this regulation—

- (a) there is a material error in a register, if there is an error of fact or substance in that register;
- (b) without limiting the generality of paragraph (a), there is a material error in a register if—
 - (i) an entry is omitted from that register;
 - (ii) an entry is made in that register without sufficient cause;
 - (iii) an entry wrongly exists in that register; or
 - (iv) there is an error or defect in an entry in that register;

This version is out of date

- (c) the reference in paragraph (b)(i) to an entry omitted from a register, shall be read as including a reference to a matter that is required or permitted by the Act or these Regulations to be entered or to remain in that register, that is not entered in or is removed from that register.

(9) The jurisdiction of the Supreme Court under this regulation may be exercised by the Registrar of the Supreme Court.

PART III.

REPRESENTATIVE PERSONS.

Representative person.

5.(1) Where, by virtue of the application of section 7(3) the appointment of a representative person in relation to a qualified person is required, the qualified person or persons shall—

- (a) appoint an individual or a body corporate, satisfying the prescribed requirements to be the representative person in relation to him or them or each of them, as the case may be;
- (b) ensure that, so long as the requirement in respect of a representative person continues, an individual or a body corporate satisfying those requirements is so appointed.

(2) The prescribed requirements referred to in subregulation (1)(a) are that the representative person—

- (a) is an individual resident in and having a place of business in Gibraltar or is a body corporate registered under the Laws of Gibraltar and having its principal place of business there; and
- (b) has as a part of his or its business acting as a representative person on behalf of qualified persons; and
- (c) where, because of activities other than being the representative person, the person appointed as representative person is required to hold a licence under any other Act, possesses such a valid licence; and
- (d) has consented to act as the representative person, on behalf of the qualified person or persons, such consent to be recorded in writing.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

(3) The qualified person—

- (a) shall provide to the Maritime Administrator the name and address of any representative person appointed in respect of him or it; and
- (b) in respect of a representative person who is for the time being appointed, shall, in the event of a change in the identity, or in the address of the representative person, notify the Maritime Administrator of the name and address of the new representative person or (as the case may be) of the new address, no later than seven days after the change occurs.

(4) The Maritime Administrator shall enter in the Register or the Register of Ships under Construction, as the case may be, particulars notified to him in compliance with the provisions of subregulation (3).

(5) A representative person appointed in relation to a qualified person, shall, in the event that he ceases to comply with any of the requirements of subregulation (2), give notice in writing of that event to the Maritime Administrator and the qualified person within seven days after the occurrence thereof.

(6) A representative person, appointed in relation to a qualified person, who intends to cease acting as the representative person in relation to that qualified person shall—

- (a) give notice in writing of his intention to the qualified person; and
- (b) lodge with the Maritime Administrator a declaration that he has given such notice,

and such notice shall be given and declaration lodged no later than seven days before the registered agent intends to cease to so act.

Duties, etc. of representative persons.

6.(1) The representative person appointed in relation to a qualified person shall be the legal representative of the qualified person in respect of all matters concerning the qualified person in respect of the ship of which he is the owner or bareboat charterer, or one of the owners or bareboat charterers, as the case may be, as a registered ship and in particular, but without limiting the generality of the foregoing, shall, on behalf of the qualified person—

- (a) accept service of all documents, in respect of legal proceedings against the qualified person, which may be served on the qualified person under the provisions of the Act or these Regulations;

- (b) where the Maritime Administrator, by notice served on the qualified person and on the representative person, requires the qualified person to take any action or give any information concerning himself or itself in respect of the ship or the operation of the ship as a registered ship of which he or it is the owner or bareboat charterer, as the case may be, take such action or give such information within the time specified in the notice or, if no such time is specified, within a reasonable time,

and where in the Act, the Gibraltar Merchant Shipping (Safety etc.) Act, 1993 or in these Regulations there is reference to any notice being served on the qualified person or any requirement being made of a qualified person the qualified person shall be deemed to have notice of that service or knowledge of that requirement if the representative person appointed in respect of the qualified person shall have been served or shall have had notice of the requirement.

(2) The duties prescribed by subregulation (1), shall be in addition to and shall not derogate from any other duties prescribed in relation to a representative person by or under the Act or these Regulations.

(3) Where a representative person is appointed in relation to a qualified person, subregulations (1) and (2) shall apply to that representative person until—

- (a) the appointment by the qualified person of another representative person; or
- (b) the expiration of a period of seven days after the date on which a declaration is lodged under regulation 5(6); or
- (c) the qualified person ceases to be—
 - (i) the owner or bareboat charterer, as the case may be, of a registered ship;
 - (ii) a qualified person;
- (d) the winding up or dissolution, as the case may be, of the body corporate being the representative person,

whichever event occurs first.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

(4) Nothing in this regulation shall be construed as making the representative person appointed in relation to a qualified person liable in any legal proceedings (whether civil or criminal) for any act or omission of the qualified person.

Notice to replace representative person.

7. The Maritime Administrator may, if he is satisfied that the representative person for the time being appointed in relation to a qualified person—

- (a) does not satisfy the requirements specified in regulation 5(2); or
- (b) has failed to comply with regulation 5(5) or with any other obligation imposed on him as the representative person by these Regulations,

by written notice served on the qualified person and on the representative person, require the qualified person to replace the representative person within a period of thirty days after the date of service of the notice.

PART IV. **REGISTERED AGENTS.**

Registered agent.

8.(1) Where the owner or bareboat charterer, or owners or bareboat charterers, as the case may be, of a registered ship or of a ship in respect of which the owner or bareboat charterer or owners or bareboat charterers, as the case may be, have applied for registration on the Register or the Register of Ships under Construction, as the case may be, is or are—

- (a) in the case of an owner, an individual or individuals falling within section 7(3)(a) and not resident in Gibraltar; or
- (b) a person other than an individual,

the owner or bareboat charterer or owners or bareboat charterers, as the case may be, shall appoint a registered agent in respect of that ship:

Provided that where in respect of such a ship—

- (a) there is more than one owner, and
- (b) all the owners fall within section 7(3)(a), and

- (c) one of the owners is resident in Gibraltar, and
- (d) the Maritime Administrator is satisfied that the individual falling within paragraph (c) has the authority of all other owners to act as if he was the sole owner in respect of any matters falling within the Act and these Regulations and for which there is provision for service on the owner or registered agent,

the Maritime Administrator may in his discretion waive the requirement in this subregulation to appoint a registered agent in respect of that ship.

(2) Where, by virtue of the application of subregulation (1) the appointment of a registered agent in relation to a ship is required, the owner or bareboat charterer or owners or bareboat charterers, as the case may be, of the ship shall—

- (a) appoint an individual or a body corporate, satisfying the prescribed requirements to be the registered agent in relation to the ship; and
- (b) ensure that, so long as the ship remains registered, an individual or a body corporate satisfying those requirements is so appointed.

(3) The prescribed requirements referred to in subregulation (2)(a) are that the registered agent—

- (a) is an individual resident in and having a place of business in Gibraltar or is a body corporate registered under the Laws of Gibraltar and having its principal place of business there; and
- (b) has as a part of his or its business acting as a registered agent on behalf of ship owners or bareboat charterers, as the case may be; and
- (c) where, because of activities other than being the registered agent of the ship, the person appointed as registered agent is required to hold a licence under any other Act, possesses such a valid licence; and
- (d) has consented to act as registered agent, on behalf of the owner or bareboat charterer or owners or bareboat charterers, as the case may be, in respect of that ship, such consent to be recorded in writing.

(4) The owner or bareboat charterer—

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

- (a) shall provide to the Maritime Administrator the name and address of any registered agent appointed in respect of a ship registered or to be registered; and
- (b) in respect of a registered agent who is for the time being appointed, shall, in the event of a change in the identity, or in the address of the registered agent, notify the Maritime Administrator of the name and address of the new registered agent or (as the case may be) of the new address, no later than seven days after the change occurs.

(5) The Maritime Administrator shall enter in the Register, or the Register of Ships under Construction, as the case may be, particulars notified to him in compliance with the provisions of subregulation (4).

(6) A registered agent appointed in relation to a registered ship, shall, in the event that he ceases to comply with any of the requirements of subregulation (3), give notice in writing of that event to the Maritime Administrator and the owner or bareboat charterer, as the case may be, within seven days after the occurrence thereof.

(7) A registered agent, appointed in relation to a registered ship, who intends to cease acting as the registered agent for that ship shall—

- (a) give notice in writing of his intention to the owner or bareboat charterer, as the case may be, of the ship; and
- (b) lodge with the Maritime Administrator a declaration that he has given such notice,

and such notice shall be given and declaration lodged no later than seven days before the registered agent intends to cease to so act.

Duties, etc. of registered agent.

9.(1) The registered agent appointed in relation to a registered ship shall be the legal representative of the owner or bareboat charterer, as the case may be, of the ship in respect of all matters concerning that ship as a registered ship and in particular, but without limiting the generality of the foregoing, shall, on behalf of the owner or bareboat charterer—

- (a) accept service of all documents, in respect of legal proceedings against the owner or bareboat charterer, as the case may be, of the ship, which may be served on the owner or bareboat charterer under the provisions of the Act or these Regulations;

- (b) where the Maritime Administrator, by notice served on the owner or bareboat charterer, as the case may be, and on the registered agent, requires the owner or bareboat charterer to take any action or give any information concerning the ship or the operation of the ship as a registered ship, take such action or give such information within the time specified in the notice or, if no such time is specified, within a reasonable time,

and where in the Act, the Gibraltar Merchant Shipping (Safety etc.) Act, 1993 or in these Regulations there is reference to any notice being served on the owner or bareboat charterer, as the case may be, of a registered ship or any requirement being made of the owner or bareboat charterer, as the case may be, of a registered ship the owner or bareboat charterer shall be deemed to have notice of that service or knowledge of that requirement if the registered agent appointed in respect of the ship shall have been served or shall have had notice of the requirement.

(2) The duties prescribed by subregulation (1), shall be in addition to and shall not derogate from any other duties prescribed in relation to a registered agent by or under the Act or the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 or these Regulations.

(3) Where a registered agent is appointed in relation to a registered ship, subregulations (1) and (2) shall apply to that person until—

- (a) the appointment by the owner or bareboat charterer, as the case may be, of another registered agent in relation to the ship; or
- (b) the expiration of a period of seven days after the date on which a declaration is lodged under regulation 8(7); or
- (c) the registration of the ship is closed; or
- (d) the winding up or dissolution, as the case may be, of the body corporate being the registered agent,

whichever event first occurs.

(4) Nothing in this regulation shall be construed as making the registered agent appointed in relation to a ship liable in any legal proceedings (whether civil or criminal) for any act or omission of the owner or bareboat charterer of the ship.

Notice to replace registered agent.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

10. The Maritime Administrator may, if he is satisfied that the registered agent for the time being appointed in relation to a ship—

- (a) does not satisfy the requirements specified in regulation 8(3); or
- (b) has failed to comply with regulation 8(6) or with any other obligation imposed on him as the registered agent by these Regulations,

by written notice served on the owner or bareboat charterer, as the case may be, and on the registered agent, require the owner or bareboat charterer to replace the registered agent within a period of thirty days after the date of service of the notice.

PART V. **SHIP NAMES AND MARKINGS.**

Ship names.

11.(1) The name by which it is proposed to register a ship shall have been approved by the Maritime Administrator in accordance with regulation 12 before the name is marked on the ship or entered in the Register.

(2) In addition to the restriction contained in section 10(2), if, in the case of any ship which it is proposed to register, the Maritime Administrator refuses to approve the name by which it is proposed to register the ship the Maritime Administrator shall not register that ship under the name proposed.

(3) In addition to the restriction contained in section 10(2), the owner shall not change the name of a registered ship or permit any such change without the prior written permission of the Maritime Administrator and the Maritime Administrator shall not give such permission where the name is one to which paragraphs (a), (b) or (c) of regulation 12(2) would apply.

(4) Where by virtue of regulation 51(4) the provisions of section 10 and of this regulation apply to the Register of Ships under Construction that section and this regulation (other than in this subregulation) shall be read as if references to the Register were references to the Register of Ships under Construction.

(5) The provisions of section 10 and of this regulation shall apply to a Provisional Certificate of Registry, a Certificate of Bareboat Registry and a Certificate of Permission as if references to a Certificate of Registry in that section and in this regulation (other than in this subregulation) were references to a Provisional Certificate of Registry, a Certificate of Bareboat Registry or a Certificate of Permission, as the case may be.

Approval of name.

12.(1) A person who proposes to make an application for the registration of a ship under the Act and these Regulations shall give notice in writing to the Maritime Administrator of the proposed name of the ship.

- (2) If it appears to the Maritime Administrator that the proposed name is not—
- (a) already the name of a registered ship or pleasure yacht or a name reserved in accordance with subregulation (5); or
 - (b) a name so similar to that of a registered ship or pleasure yacht or to a name which has been reserved as to be calculated to deceive; or
 - (c) in the opinion of the Maritime Administrator, a name undesirable for the purposes of registering a ship in Gibraltar,

the Maritime Administrator shall authorise the proposed name and on receipt of the prescribed fee, the Maritime Administrator shall, if the proposed name has been so authorised, and, if all other requirements for registration have been duly complied with, register the ship under that name and give to that ship the official number allocated to that ship by the Maritime Administrator.

(3) If the proposed name is found to be already the name of a registered ship or pleasure yacht or a reserved name or a name so similar thereto as to be calculated to deceive or a name undesirable for the purposes of registering a ship or pleasure yacht in Gibraltar,—

- (a) the Maritime Administrator may refuse to authorise that name for the purpose of registration of a ship in Gibraltar; and
- (b) where the Maritime Administrator has refused to authorise the name in accordance with paragraph (a), the Maritime Administrator shall refuse to register the ship by that name; and

the Maritime Administrator shall inform the applicant in writing of the decision.

(4) A person who proposes to register a ship under the Act and these Regulations may make application in writing to the Maritime Administrator requesting the Maritime Administrator to reserve a particular name for use by the applicant.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

(5) If it appears to the Maritime Administrator that the proposed reserved name is not the name of a registered ship or pleasure yacht or a name already reserved or a name so similar to that of a registered ship or pleasure yacht or to another reserved name as to be likely to deceive, and is not a name undesirable for the purposes of registering a ship in Gibraltar, the Maritime Administrator may reserve that name for that applicant for a period of ninety days commencing on the day on which the Maritime Administrator gives notice to the applicant that the name has been reserved, such notice to be given in writing.

(6) When a name has been reserved and the applicant registers the ship within the period specified in subregulation (5), no other name approval under this regulation shall be required.

(7) No ship shall be registered under the Act and these Regulations unless the name of the ship has been approved under the provisions of this regulation.

(8) The provisions of this regulation shall apply to the names of ships—

- (a) registered by virtue of a bareboat charter-party or in respect of which an application is being made for registration by virtue of a bareboat charter-party;
- (b) where regulation 51(4) applies, registered, or in respect of which an application is being made that the ship be registered, on the Register of Ships under Construction; or
- (c) in respect of which—
 - (i) a Certificate of Permission has been issued; or
 - (ii) an application for a Certificate of Permission is being made.

Change of name.

13.(1) An application by an owner or bare-boat charterer of a ship registered under the Act to change the name of the ship shall be made to the Maritime Administrator—

- (a) in writing; and
- (b) accompanied by—
 - (i) evidence in writing to the satisfaction of the Maritime Administrator that each mortgagee and each holder of a related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the

case may be, in respect of that ship has consented to the change to the proposed name;

- (ii) written confirmation from the Maritime Administrator that the proposed name is not the name of a registered ship or pleasure yacht or a name reserved in accordance with regulation 12(5) or is not a name so similar to the name of a registered ship or pleasure yacht or a name so reserved as to be likely to deceive, and is not, in the opinion of the Maritime Administrator, a name undesirable for the purposes of registering a ship in Gibraltar,

- (iii) the prescribed fee;

and where the Maritime Administrator is satisfied that the requirements of this regulation are satisfied he shall in writing inform the owner or bare-boat charterer that the application has been accepted.

(2) When the Maritime Administrator has accepted an application to change the name of a registered ship—

- (a) the Maritime Administrator shall issue to the owner a new carving and marking note; and

- (b) the owner shall—

- (i) change the name on the bows and stern of the ship;
- (ii) provide to the Maritime Administrator evidence to the satisfaction of the Maritime Administrator that the new name has been inscribed in place of the old name on the ship;
- (iii) present the Certificate of Registry (whether a Certificate of a Ship under Construction, a Provisional Certificate of Registry, a Certificate of Registry, a Certificate of Bareboat Registry or a Certificate of Permission, as the case may be) in the old name of the ship, to the Maritime Administrator or a person properly appointed or authorised by him.

(3) The Maritime Administrator, on being satisfied that the owner has complied with subsection (2)(b), shall—

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

- (a) inscribe or cause to be inscribed the new name in place of the old name on all of the documents constituting part of, or recorded, on the Register, or on the Register of Ships under Construction, as may be applicable; and
- (b) issue or cause to be issued a new Certificate of Registry (whether a Certificate of a Ship under Construction, a Provisional Certificate of Registry, a Certificate of Registry, a Certificate of Bareboat Registry or Certificate of Permission, as the case may be, in the new name of the ship.

Marking of a ship.

14.(1) Except where—

- (a) the registration is to be on the Register of Ships under Construction; or
- (b) an application is being made for the issue of a Certificate of Permission after registration,

every ship before it is registered, shall be marked permanently and conspicuously to the satisfaction of the Maritime Administrator in accordance with administrative instructions made for this purpose.

(2) The Maritime Administrator may exempt any class of ships from all or any of the requirements of this regulation.

(3) The marks required by this regulation shall be permanently maintained, and no alteration shall be made to them except where any of the particulars denoted by the marks are altered in the manner provided by the Act and these Regulations.

PART VI.

REFUSAL OF REGISTRATION AND REMOVAL FROM A REGISTER.

Refusal of registration and removal from a register.

15.(1) If, for any reason it appears to the Maritime Administrator that a ship in respect of which an application for registration has been made may not be registerable or may be a prohibited ship or may be a ship to which section 14(2) applies, the Maritime Administrator may, by notice served on the applicant, require that person to furnish such information as the Maritime Administrator thinks necessary for the purpose of determining whether the ship is registerable or is a prohibited ship or is a ship to which section 14(2) applies.

(2) Where the Maritime Administrator has served a notice under subregulation (1) in respect of a ship, he may refuse to register the ship unless within the period of thirty days commencing on the date of service of the notice, he has become satisfied that the ship is registerable or is not a prohibited ship or is not a ship to which section 14(2) applies, as the case may be.

(3) If for any reason it appears to the Maritime Administrator that in respect of a registered ship—

- (a) the ship may no longer be entitled to be registered; or
- (b) the ship has become a prohibited ship; or
- (c) one or more of the provisions of subsection (2) or (3) of section 14 applies to the ship; or
- (d) any penalty imposed on the owner or bareboat charterer, as the case may be, of the ship in respect of a contravention of any statutory provision relating to the owning or operating of a ship has remained unpaid for a period of more than ninety days (and no appeal against the penalty is pending); or
- (e) any summons for any such contravention has been duly served on the owner or bareboat charterer, as the case may be, of the ship but that person failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than ninety days has elapsed since that time; or
- (f) prescribed fees in relation to registration or annual charges are owed to the Maritime Administrator in respect of the ship,

the Maritime Administrator may serve a notice on the owner or bareboat charterer, as the case may be, and on any mortgagee or holder of a related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the case may be, and on the registered agent—

- (g) that the Maritime Administrator is not satisfied that the ship in question is entitled to be registered or (as the case may be) is satisfied of one or more of the matters referred to in paragraphs (b) to (e) inclusive; and
- (h) that the Maritime Administrator intends, after the end of the period of 14 days beginning with the date of service of the notice, to direct that the ship in question should cease to be registered unless he is satisfied that it would be inappropriate to

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

do so by any representations made to him by or on behalf of the owner or bareboat charterer or the mortgagee or holder of a related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the case may be, within that period.

(4) As soon as practicable after the end of that period the Maritime Administrator shall accordingly terminate the ship's registration unless he is satisfied that it would be inappropriate to do so by any such representations.

(5) Where the registration of any ship has terminated by virtue of this regulation, the Maritime Administrator may subsequently, if he is satisfied that it will be appropriate to do so, and on receipt of the prescribed fee, restore the ship's registration.

(6) Termination of registration shall be without prejudice to the position of any mortgagee or of any holder of any related instrument whose interest is recorded on the Register or the Register of Ships under Construction.

(7) Where the Maritime Administrator has—

- (a) refused an application for registration of a ship; or
- (b) terminated the registration of a ship;

the owner or bareboat charterer of the ship or the mortgagee or holder of any related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the case may be, may within thirty days of the Maritime Administrator having given notice of the Maritime Administrator's decision appeal against that decision to the Minister and the Minister shall hear and determine that appeal within a reasonable time and in accordance with the requirements of natural justice.

(8) In the case of a decision to terminate the registration, and unless the owner or bareboat charterer or the mortgagee or holder of any related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the case may be, shall have given notice in writing to the Maritime Administrator that no appeal will be made against the decision, the registration of the ship on the Register or on the Register of Ships under Construction, as the case may be, shall be suspended for the period of thirty days from the day on which the Maritime Administrator gave notice of his decision or for such longer period not exceeding a further ninety days while an appeal is heard and determined.

(9) In determining an appeal under this regulation the Minister shall have regard to the provisions of the Act and these Regulations and no appeal shall be allowed if the effect would be to permit or continue a registration in contravention of the Act or these Regulations.

(10) Where, as a result of an appeal under this regulation, a registration is permitted or continued, the liability of the owner or bareboat charterer, as the case may be, in respect of fees shall not exceed the liability which he would have had had his application for registration not been refused by the Maritime Administrator or had the Maritime Administrator not decided to terminate the registration, as the case may be.

(11) Except as is provided for in subregulation (10), the Maritime Administrator shall have no liability to an owner or bareboat charterer or the mortgagee or holder of any related instrument whose interest is recorded on the Register or the Register of Ships under Construction, as the case may be, in respect of a refusal to register a ship or the termination of a registration of a ship unless that refusal or termination is shown by the owner, bareboat charterer, mortgagee or holder of any related instrument whose interest is recorded on the Register or the Register of Ships under Construction to have resulted from bad faith on the part of the Maritime Administrator.

Prohibited Ships.

16. The following classes of ships shall not be registered on the Register or on the Register of Ships under Construction, even though, but for this regulation such ship would be eligible for registration—

- (a) ships provided with a nuclear reactor;
- (b) fishing boats;
- (c) ships which are not classed by an accepted Classification Society;
- (d) any ship which is specified as a prohibited ship by the Minister by notice published in the Gazette,

and an accepted Classification Society is a Classification Society listed in Schedule 3 or otherwise accepted for this purpose.

PART VII.

PROVISIONAL AND FULL REGISTRATION ON THE REGISTER.

Application of Part VII.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

17. This Part applies to—

- (a) applications for registration on the Register leading to the issue of a Provisional or a full Certificate of Registry;
- (b) ships in respect of which a Provisional or full Certificate of Registry has been issued and in respect of which no application has been made for a Certificate of Permission and no Certificate of Permission has been issued.

Application for registration on the Register.

18.(1) An application for registration on the Register shall be in the form specified by the Maritime Administrator and shall be accompanied by—

- (a) a declaration in accordance with regulation 19 in respect of each owner of the ship or share therein; and
- (b) where the registration is a first registration the information and documents required by section 13; and
- (c) the information and certificates required to satisfy section 14(1); and
- (d) where a mortgage or related instrument is to be recorded, the information and documents specified by section 39, or, if applicable, section 40; and
- (e) the appointment in accordance with regulation 8(2) in writing of the registered agent in relation to the ship; and
- (f) the consent, in writing, in accordance with regulation 8(3)(d), of the registered agent appointed in relation to the ship, to his appointment; and
- (g) the name, address and telephone, telex and telefax numbers of the responsible individual; and
- (h) the prescribed fee or fees; and
- (j) such other documents or information as may be provided for in administrative instructions or as the Maritime Administrator may reasonably require.

(1A) Every application for registration of a ship must confirm that the ship is not a sanctioned ship.

(2) The Maritime Administrator may require in administrative instructions or may otherwise require such documents or information as may enable him to be satisfied—

- (a) that the requirements of section 7 are satisfied in respect of that ship;
- (b) as to the deletion of a ship from any registry outside of Gibraltar;
- (c) as to the incorporation, creation or registration and good standing of an owner under the provisions of the relevant the United Kingdom or of an EEA State, as provided for in regulation 2C(1)(I)(ii);
- (d) the authority in respect of an owner, who is a body corporate, other legal entity or foreign maritime entity, of the person by whom the application is made to act on behalf of that body corporate, legal entity or foreign maritime entity in this application;
- (e) that the ship is entitled to be registered, is not a ship to which section 14(2) applies and is not a prohibited ship by virtue of regulation 16 or a notice published thereunder.

Declaration by and on behalf of Owners.

19. A person shall not be entitled to be registered as the owner of a ship which is to be registered by virtue of section 7(1)(a), or a share in or part of such ship until that person has made and signed a declaration of entitlement to ownership registered in Gibraltar, in the specified form, which shall include—

- (a) in the case of an individual purporting to be a qualified person resident in Gibraltar, a statement that he falls within the provisions of section 7(3) and is resident in Gibraltar;
- (b) in the case of a body corporate, other legal entity or foreign maritime entity, a statement that the declarant is authorised to make a declaration on behalf of the body corporate, other legal entity or foreign maritime entity;
- (c) in the case of a body corporate or other legal entity purporting to be a qualified person, a statement of the circumstances of incorporation or creation in Gibraltar, the United Kingdom or in an EEA State or of registration under Part XII of the

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

Companies Act 2014, Part XIII of the Companies Act 2014 or Schedule 2 of the Act;

- (d) in the case of a body corporate other than a qualified person, a statement of the circumstance of incorporation or registration of the body corporate;
- (e) a statement of the number of shares in, or the fraction or percentage of, the ship in respect of which the legal title will be vested in the declarant;
- (f) a statement that to the best of the declarant's knowledge and belief a majority interest in the ship will upon registration be owned by one or more qualified persons;
- (g) a statement that the general description of the ship contained in the application is correct;
- (h) a statement that the ship is not registered in any place outside Gibraltar or, if it is so registered, that the declarant will secure deletion of the ship from the registry in such place;
- (j) in the case of a person other than a qualified person, a statement that the declarant consents to the ship being registered in Gibraltar;
- (k) in the case of—
 - (i) an individual purporting to be a qualified individual but not resident in Gibraltar;
 - (ii) a body corporate, other legal entity or foreign maritime entity purporting to be a qualified person and not having a place of business in Gibraltar,a statement in writing giving the name and address of the representative person appointed in respect of that individual, body corporate, legal entity or foreign maritime entity;
- (l) a statement in writing designating a registered agent in respect of the ship and a statement that to the best of the declarant's knowledge and belief upon registration of the ship that registered agent will be appointed in accordance with regulation 8;
- (m) a statement in writing designating a responsible individual.

Provisional registration.

20.(1) Where the owner or owners of a ship intend to apply to have the ship registered on the Register the Maritime Administrator or a person properly appointed for the purpose, may on the application of the owner or owners and on—

- (a) the satisfaction of the requirements preliminary to provisional registration contained in regulation 18 together with any specified by the Maritime Administrator, and
- (b) the prescribed fees having been received,

enter on the Register the particulars specified in Schedule 4 relating to the ship.

(2) Where the requirements of subregulation (1) have been completed and the entry on the Register of the provisional registration made, the Maritime Administrator shall grant a Provisional Certificate of Registry stating the matter specified in paragraphs (a) to (c) inclusive of section 17(1), that is to say—

- (a) the name of the ship;
- (b) the date and place of the purchase of the ship and the names of its new owners;
- (c) the particulars respecting the tonnage, build and description of the ship;

and in addition—

- (d) the date of expiry of the period of provisional registration in accordance with regulation 21(1)(b), and
- (e) the particulars not prescribed by this regulation but prescribed in Schedule 4,

and shall issue to the owner or registered agent that Provisional Certificate of Registry.

Period of provisional registration.

21.(1) Without prejudice to the provisions of the Act and these Regulations relating to termination or closing of a registration, the provisional registration of a ship shall be deemed to be closed upon—

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (a) the registration of the ship under regulation 24 and the issue of the Certificate of Registry under regulation 25;
- (b) the expiry of a period of ninety days commencing on the date of provisional registration,

whichever first occurs:

Provided that the Maritime Administrator may, where satisfied that the safety of the ship and its operation is not compromised and upon payment of the prescribed fee, consent to an extension for a further period of ninety days.

(2) Where the provisional registration of a ship is deemed to be closed under subregulation (1), such closing shall be without prejudice to the rights of any mortgagee or holder of any related instrument in respect of any mortgage or related instrument recorded on the Register in respect of the ship.

(3) Upon—

- (a) the expiry of the period specified by subregulation (1)(b) without extension; or
- (b) the expiry of any period of extension granted by the Maritime Administrator in exercise of his discretion under the proviso to subregulation (1) without further extension,

and in either case where no Certificate of Registry in respect of the ship is issued, or the issue of a Certificate of Registry in respect of the ship, the owner or master of the ship shall deliver the ship's Provisional Certificate of Registry or cause such certificate to be delivered to the Maritime Administrator—

- (a) immediately if the ship is in Gibraltar, or
- (b) if the ship is not in Gibraltar, as soon as practicable and in any case within a period of thirty days after the expiry of the period of provisional registration, or the extension to that period, as the case may be, or the issue of the Certificate of Registry.

(4) Nothing in this regulation shall be construed as derogating from or affecting the application of the Act and these Regulations to the delivery up of any Certificate of Registry.

Retention of documents on provisional registration.

22. When a ship is provisionally registered and the Provisional Certificate of Registry is issued in accordance with regulation 20, the Maritime Administrator shall retain in his possession the following documents in respect of the ship–

- (a) the application for registration;
- (b) the declaration of ownership;
- (c) the certificate of confirmation of class of the ship;
- (d) the evidence of insurance in compliance with section 14(1)(c);
- (e) the authorisation of the registered agent and the confirmation of acceptance of the authorisation by the registered agent;
- (f) the builder's certificate, bill of sale in favour of the owner or court order vesting title to the ship in the owner, as the case may be;
- (g) any certificate of deletion from a registry outside of Gibraltar;
- (h) any documents required by section 39 or, if applicable, section 40, to be retained;
- (j) such other documents as are provided for by administrative instructions or as the Maritime Administrator may reasonably require.

Application of Act and regulations in relation to ships provisionally registered.

23. Except as otherwise provided expressly or by necessary implication, the provisions of the Act, of the Gibraltar Merchant Shipping (Safety etc.) Act, 1993 and of these Regulations shall apply to and in relation to provisional registration and ships provisionally registered as they apply to and in relation to registration and to registered ships.

Full registration.

24.(1) As soon as the requirements of the Act, these Regulations and relevant administrative instructions preliminary to full registration have been complied with there shall be entered on the Register the particulars prescribed in Schedule 5 in respect of the ship.

(2) The registration of a ship under the Act and under these Regulations, unless it is otherwise terminated according to the Act and these Regulations, shall be valid for a period of

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

one year beginning with the date of entry on the Register in accordance with subregulation (1) and shall, subject to regulation 27, expire at the end of that period.

Certificate of full registration.

25.(1) On the completion of the registration of a ship, and upon payment of the prescribed fees, the Maritime Administrator shall grant a Certificate of Registry valid for a period of one year from the date of entry of the registration in the Register.

(2) The Maritime Administrator shall issue to the owner or registered agent a Certificate of Registry containing the particulars in respect of that ship specified in Schedule 5.

Documents to be retained on full registration.

26. On completion of the registration of a ship, the Maritime Administrator shall retain a copy of the documents prescribed for the purpose of registration under the Act or these Regulations, including—

- (a) those documents which the Maritime Administrator in the exercise of his discretion has required to be produced to him in order that he be satisfied as to any matter specified in the Act and these Regulations as one in respect of which he shall or may satisfy himself, including but not limited to any certificates relating to the safety of the ship and/or the competence of the master or members of the crew; and
- (b) the documents to be retained in accordance with regulation 22.

Renewal of registration.

27.(1) An application for renewal of registration may be made to the Maritime Administrator in the specified form together with the prescribed documents during the last thirty days of the current period of registration.

(1A) Application for renewal of registration under sub-regulation (1) shall be accompanied by—

- (a) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar; and
- (b) confirmation that the ship is not a sanctioned ship.

(1B) Where no application for renewal is made the Registrar shall notify each and every mortgagee of the expiration of the ship's registration.

(2) On receipt by the Maritime Administrator of—

- (a) the specified form of application for renewal of registration of a registered ship, properly completed by the owner or the registered agent;
- (b) a declaration from the owner or on his behalf by his representative person that the information supplied at the time of the application for registration remains true, or in the event of a change in any of that information, a declaration containing details of the change or changes;
- (c) such other documents or information as may be provided for in administrative instructions or as the Maritime Administrator may reasonably require to satisfy himself that the ship remains a registerable ship, has not become a prohibited ship and that none of the provisions of section 14(2) apply to the ship such that he should exercise his discretion under that section;
- (d) the prescribed fee;

if he is satisfied that the ship is one to which section 7(1) applies, and subject to subregulations (3)(b) and (5), the Maritime Administrator shall—

- (e) enter in the Register the new particulars, if any, relating to the ship, and the date of renewal of registration;
- (f) issue to the owner a renewal Certificate of Registry valid for a period of five years from the date of expiry of the last registration of the ship on the Register.

(3) Where—

- (a) after sixty days from the date on which a registration has ceased to be valid under the provisions of regulation 24 or this regulation the Maritime Administrator has not received an application for renewal of the registration of a registered ship; or
- (b) having received an application for renewal of registration, the Maritime Administrator has—
 - (i) determined that the ship does not satisfy the requirements of section 7(1);
or

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

- (ii) determined that the ship is one to which section 14(1) applies or that the ship is a prohibited ship in accordance with regulation 16;
- (iii) exercised his discretion under section 14(2); and
- (c) subject to the application of subregulations (3) to (5) and (7) to (11) of regulation 15 to a situation falling within paragraph (b)(iii),

the Maritime Administrator shall terminate the registration of the ship on the Register.

(4) Termination of registration under this regulation shall be without prejudice to the position of any mortgagee or of any holder of any related instrument whose interest in respect of the ship is recorded on the Register.

(5) Where an owner has made a declaration of a change in any particular in accordance with subregulation (2)(b), the Maritime Administrator shall require such evidence of the change or changes of particulars so declared as may be required for the purposes of these Regulations and shall apply the requirements of these Regulations in respect of the matters so declared as changed.

Application for transfer of registration.

28.(1) An application to transfer the registration of a ship registered on the Register and in respect of which a Provisional Certificate of Registry or a Certificate of Registry has been issued to the registry of a relevant country shall be made to the Maritime Administrator—

- (a) in a specified form;
- (b) be accompanied by—
 - (i) the authorisation of the registered agent and the confirmation of acceptance of the authorisation by the registered agent;
 - (ii) the consent in writing of the owner, and if there are more owners than one, all the owners, if he or they are not the applicant or applicants, of the ship and any share therein, or of his or their representative persons, to the application;
 - (iii) the consent in writing of each and every mortgagee or holder of related instruments, whose interest is recorded on the Register, to the application;

- (iv) the Provisional Certificate of Registry or the Certificate of Registry, as the case may be;
- (v) the prescribed fee.

(2) An application to transfer the registration of a ship registered in the registry of a relevant country to the Register shall be made to the Maritime Administrator—

- (a) in a specified form;
- (b) accompanied by—
 - (i) a declaration of ownership in respect of each owner of the ship or share therein in accordance with regulation 19;
 - (ii) the appointment in writing in accordance with the Act and these Regulations of a registered agent;
 - (iii) the consent in writing of the registered agent, appointed in relation to the ship to his appointment;
 - (iv) notice of mortgages, hypothecations and similar charges recorded on the register in the relevant country in respect of the ship;
 - (v) the written consent of any owner, other than the applicant, of any mortgagee or mortgagees and the holders of any other recorded charges, to the transfer;
 - (vi) a certified copy of the application to the registry of the relevant country to transfer the registration to Gibraltar;
 - (vii) an application under regulation 12;
 - (viii) the prescribed fee.

(3) Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by—

- (a) confirmation that the ship is not a sanctioned ship; and

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (b) where the application is made on behalf of a body corporate, the documents mentioned in regulation 18(1) and (1A).

Closure of registration on transfer.

29.(1) Where the Maritime Administrator has received official confirmation from the registry of a relevant country that a certificate of registry has been issued to a ship in respect of which an application was made under regulation 28(1) and the requirements of that regulation have been satisfied, he shall—

- (a) close the registration on the Register;
- (b) call for and retain the Certificate of Registry or the Provisional Certificate of Registry, as the case may be;
- (c) inform the registry of the relevant country of the closure and pass to that registry the documents specified in paragraphs (f) and (h) of regulation 22.

Notification of and declaration of transfer of ownership.

30.(1) A person who ceases to be the owner of a registered ship or a share in such a ship shall, within thirty days of the date on which he ceased to be the owner, lodge with the Maritime Administrator written particulars of the date and the name and address of the new owner.

(2) Where notice has been given under subregulation (1) and the transferee has not, within thirty days of the receipt of that notice by the Maritime Administrator applied to be entered on the Register as the owner of the ship or share, the Maritime Administrator may treat the ship as no longer entitled to be registered.

Notice of change in status of owner.

31.(1) An owner who is an individual, resident in Gibraltar, shall notify the Maritime Administrator in writing of—

- (a) any change in his address;
- (b) any change in his residential status;

within seven days of the change occurring.

(2) Where a registered agent is required to be appointed in respect of a ship, the registered agent shall, within seven days of the event, inform the Maritime Administrator in writing of any change in the status or in any material particular required under the Act or these Regulations to be notified to the Maritime Administrator in respect of an individual, body corporate, other legal entity or foreign maritime entity being an owner of that ship.

Issue of certificate of deletion.

32. Where the registration of a ship is, or is deemed to be, closed under the Act or these Regulations, the Maritime Administrator shall on application of the owner and on payment of the prescribed fee issue to the owner a Certificate of Deletion certifying that the ship's registration is closed and the date of such closure.

PART VIII.
BAREBOAT REGISTRATION.

Application of Part VIII.

33.(1) This Part applies to—

- (a) applications made under the provisions of section 32 for registration on the Register leading to the issue of a Certificate of Bareboat Registry;
- (b) ships in respect of which a Certificate of Bareboat Registry has been issued.

(2) For the avoidance of doubt, the provisions of Parts I to VI inclusive shall apply to an application and to a registration under this Part.

Application for bareboat registration.

34.(1) An application for registration on the Register of a ship under a bareboat charter shall be made to the Maritime Administrator in the form specified by the Maritime Administrator and shall be accompanied by—

- (a) the documents provided for in paragraphs (c), (e), (f), (g) and (j) of regulation 18(1);
- (b) a declaration in accordance with regulation 35;
- (c) notice of mortgages, hypothecations and similar charges recorded on the registry outside of Gibraltar in respect of the ship;

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (d) a copy of the charter party showing—
 - (i) the name of the ship;
 - (ii) the names of the bareboat charterer and the ship owner or owners;
 - (iii) the time, date and place of filing of the charter party;
 - (iv) the duration of the charter party;
 - (v) the registry in which the ship is registered;
- (e) an official document from the registry outside of Gibraltar, setting forth the ownership of the ship and any recorded mortgages or charges;
- (f) the written consents of the ship owner, and of the mortgagee or mortgagees, if any, and of the holders of related instruments, if any, to the bareboat registration of the ship in Gibraltar;
- (g) evidence satisfactory to the Maritime Administrator that the registry outside of Gibraltar will withdraw from the ship the right to fly the flag of that registry while the ship is subject to the bareboat charter to be registered under this regulation and registered on the Register;
- (h) the undertaking required by section 32(2)(a);
- (j) the prescribed fee.

(1A) Every application for bareboat registration shall confirm that the ship is not a sanctioned ship.

(2) The Maritime Administrator may require in administrative instructions or may otherwise require such documents or information as may enable him to be satisfied—

- (a) that the requirements of section 7 are satisfied in respect of the bareboat charterer of that ship;
- (b) as to the incorporation, creation or registration and good standing of a bareboat charterer under the provisions of the relevant the United Kingdom or of an EEA State, as provided for in regulation 2C(1)(I)(ii);

- (c) the authority in respect of the bareboat charterer of the person by whom the application is made to act on behalf of that body corporate, legal entity or foreign maritime entity in this application;
- (d) that the ship is entitled to be registered, is not a ship to which section 14(2) applies and is not a prohibited ship by virtue of regulation 16 or a notice made thereunder.

Declaration by or on behalf of bareboat charterers.

35. A body corporate, other legal entity or foreign maritime entity shall not be entitled to be registered as the bareboat charterer of a ship which is to be registered by virtue of section 7(1)(b), until the person authorised to make declarations on behalf of the body corporate, other legal entity or foreign maritime entity has made and signed a declaration in the specified form, which shall include—

- (a) a statement that the declarant is authorised to make a declaration on behalf of the body corporate, other legal entity or foreign maritime entity;
- (b) a statement of the circumstances of incorporation or creation of the body corporate or other legal entity in Gibraltar, the United Kingdom or in an EEA State as provided for in regulation 2C(1)(I)(ii) or of registration under Parts XII or XIII of the Companies Act 2014, Part XIII of the Companies Act 2014 or Schedule 2 of the Act;
- (c) a statement that the body corporate, other legal entity or foreign maritime entity has entered into a bareboat charter-party in respect of the ship with the owner or the owners of the ship;
- (d) a statement that pursuant to the terms of the bareboat charter-party, the body corporate, other legal entity or foreign maritime entity is able to register the ship in its name as the bareboat charterer;
- (e) a statement that the general description of the ship contained in the application is correct;
- (f) a statement that a true, correct and complete copy of the bareboat charter-party is attached to the declarations;
- (g) a statement that the consent of the owner of the ship to registration by virtue of the bareboat charter-party of the ship in Gibraltar is attached to the declaration;

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (h) a statement that the body corporate, other legal entity or foreign maritime entity has a place of business in Gibraltar, or in the absence of a place of business has appointed a representative person, together with the address of that place of business or the name and address of the representative person, as the case may be;
- (j) a statement in writing designating a registered agent in respect of the ship and a statement that to the best of the declarant's knowledge and belief upon registration of the ship that registered agent will be appointed in accordance with regulation 8;
- (k) a statement in writing designating a responsible individual.

Bareboat registration.

36.(1) Subject to regulation 2A, where—

- (a) the requirements preliminary to bareboat registration contained in section 32 and regulation 34 together with any specified by the Maritime Administrator have been satisfied; and
- (b) the prescribed fees have been received,

the Maritime Administrator shall enter on the Register the following information—

- (c) the name of the ship;
- (d) the name of the bareboat charterer and of the ship's owner;
- (e) the name and registered address of the registered agent;
- (f) the information provided for in regulation 34(1)(d);
- (g) the termination date of the Certificate of Bareboat Registry;
- (h) the particulars not prescribed by this regulation but prescribed in Schedule 6.

(2) The bareboat charterer or registered agent of the bareboat charterer shall submit to the Maritime Administrator any amendments or addenda to the charter party recorded under subregulation (1) in respect of the ship within thirty days of the execution of such amendment, or addendum to the charter party, and the Maritime Administrator shall record such information on the Register showing the date and time of the entry on the Register.

Certificate of Bareboat Registry.

37. Where a registration has been made under regulation 36 the Maritime Administrator shall issue to the bareboat charterer or his registered agent a Certificate of Bareboat Registry which shall contain the particulars prescribed in that regulation for entry on the Register and those prescribed in Schedule 6.

Period of bareboat registration.

38.(1) Without prejudice to the provisions of the Act and these Regulations relating to termination or closing of a registration, the bareboat registration of a ship shall be deemed to be closed upon—

- (a) the happening of the event referred to in section 32(4)
- (b) the registration of the ship under Part VII and the issue of the Certificate of Registry under that Part;
- (c) the termination of the bareboat charter-party by virtue of which the registration was made;
- (d) the termination of the registration of the ship on the registry outside of Gibraltar;
- (e) the withdrawal of consent of the owner or owners or mortgagee or holder of any related instrument whose interest is recorded and noted by virtue of regulation 34(1)(c) to the bareboat registration on the Register;
- (f) the expiry of a period of two years commencing on the date of the registration without the reissue of a Certificate of Bareboat Registry under the provisions of this regulation,

whichever first occurs.

(2) Where the bareboat registration of a ship is deemed to be closed under subregulation (1), such closing shall be without prejudice to the rights of any mortgagee or holder of any related instrument in respect of any mortgage or related instrument recorded and notified by virtue of regulation 34(1)(f) in respect of the ship.

(3) Upon—

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

- (a) the expiry of the period specified by paragraph (f) of subregulation (1) without the reissue of a Certificate of Bareboat Registry; or
- (b) the expiry of any period of reissue of a Certificate of Bareboat Registry granted by the Maritime Administrator; or
- (c) the happening of any event referred to in paragraphs (a) to (e) inclusive of subregulation (1),

the owner or master of the ship shall deliver the ship's Certificate of Bareboat Registry or cause such certificate to be delivered to the Maritime Administrator—

- (a) immediately if the ship is in Gibraltar, or
- (b) if the ship is not in Gibraltar, as soon as practicable and in any case within a period of thirty days after date on which the registration is deemed to have been closed or the expiry of the period of bareboat registration, or the period of reissue of a Certificate of Bareboat Registry, as the case may be.

(4) Nothing in this regulation shall be construed as derogating from or affecting the application of the Act and these Regulations to the delivery up of any certificate of registration.

(5) An application may be made to the Maritime Administrator—

- (a) by the bareboat charterer or his registered agent;
- (b) before the expiry of the Certificate of Bareboat Registry;

for the Certificate of Bareboat Registry to be reissued.

(6) On receipt by the Maritime Administrator of—

- (a) the specified form of application for reissue of a Certificate of Bareboat Registry properly completed by the bareboat charterer or the registered agent;
- (b) a declaration from the bareboat charterer or on his behalf by his representative person that the information supplied at the time of the application for bareboat registration remains true, or in the event of a change in any of that information, a declaration containing details of the change or changes;

- (c) such other documents or information as may be provided for in administrative instructions or as the Maritime Administrator may reasonably require to satisfy himself that the ship remains a registerable ship and has not become a prohibited ship or a ship to which section 14(2) applies;

- (d) the prescribed fee;

if he is satisfied that the ship is one to which section 7(1)(b) applies, and subject to subregulation (7)(b), the Maritime Administrator shall—

- (e) enter in the Register the new particulars, if any, relating to the ship, and the date of reissue of the Certificate of Bareboat Registry;
- (f) reissue to the bareboat charterer a Certificate of Bareboat Registry subject to the time limits of section 32 in the same form as the original Certificate of Bareboat Registry but showing as the date of registration the date of expiry of the original certificate and the date of expiry as the date of expiry of the reissued certificate and he shall enter the details of the reissue on the Register.

(7) Where—

- (a) after sixty days from the date on which a bareboat registration has ceased to be valid under the provisions of this regulation or regulation 40 the Maritime Administrator has not received an application for reissue of the Certificate of Bareboat Registry; or
- (b) having received an application for reissue of the Certificate of Bareboat Registry, the Maritime Administrator has—
 - (i) determined that the ship does not satisfy the requirements of section 7(1)(b); or
 - (ii) determined that the ship is one to which section 14(1) applies or that the ship is a prohibited ship in accordance with regulation 16;
 - (iii) exercised his discretion under section 14(2); and
- (c) subject to the application of subregulations (3) to (5) and (7) to (11) of regulation 15 to a situation falling within paragraph (b)(iii),

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

the Maritime Administrator shall terminate the bareboat registration of the ship on the Register and the provisions of subregulations (2) and (3) shall apply as if reference had been made in a paragraph of subregulation (1) to termination by virtue of this subregulation as closure of the bareboat registration.

Retention of documents on bareboat registration.

39.(1) Where a ship is bareboat registered and a Certificate of Bareboat Registry issued in accordance with regulation 37, the Maritime Administrator shall retain in his possession in respect of that ship the documents required by regulation 34 to accompany an application under that regulation, including those documents which the Maritime Administrator, in the exercise of his discretion under subregulation (2) of that regulation, has required to be produced to him in order that he be satisfied as to any matter specified in the Act and these Regulations as one in respect of which he shall or may satisfy himself, including but not limited to any certificates relating to the safety of the ship and/or the competence of the master or members of the crew, together with the application.

(2) Upon the issue of the Certificate of Bareboat Registry the bareboat charterer shall surrender to the registry outside of Gibraltar such documents issued to the ship as may be required to be surrendered by that registry and, within thirty days of the issue of the Certificate of Bareboat Registry, the bareboat charterer shall make and lodge with the Maritime Administrator a declaration that he has complied with the provisions of this subregulation.

Application of the Act and these Regulations to ships bareboat registered.

40.(1) A bareboat registration under the Act and these Regulations shall not change any ownership rights over the ship and it shall have no effect with regards to title to and transfer and transmission of such ship or shares therein.

(2) The bareboat charterer or the owner shall inform the Maritime Administrator of any transfer of ownership of the ship or other changes or alterations respecting the ship, within thirty days of such changes or alterations taking place.

(3) The bareboat registration of the ship shall, where there is a change in ownership, be closed unless the new owners, within thirty days, have informed the Maritime Administrator that they have no objection to the bareboat registration of the ship continuing, and, within thirty days of having made such declaration, have lodged their consent in writing to such registration with the Maritime Administrator and in the event that the registration shall have closed by virtue of this subregulation the provisions of subregulations (1) to (4) inclusive of regulation 38 shall apply as if reference had been made in a paragraph of subregulation (1) of that regulation to closure by virtue of this subregulation.

Application for transfer of bareboat registration.

41.(1) An application to transfer the bareboat registration of a ship in respect of which a Certificate of Bareboat Registry has been issued to the registry of a relevant country shall be made to the Maritime Administrator–

- (a) in a specified form;
- (b) be accompanied by–
 - (i) the authorisation of the registered agent and the confirmation of acceptance of the authorisation by the registered agent;
 - (ii) the consent in writing of the bareboat charterer and of the owner, and if there are more owners than one, all the owners, of the ship and any share therein, to the application;
 - (iii) the consent in writing of each and every mortgagee or holder of related instruments, whose interest is recorded by virtue of regulation 34(1)(c), to the application;
 - (iv) the Certificate of Bareboat Registry;
 - (v) the prescribed fee.

(2) An application to transfer the bareboat registration of a ship bareboat registered in the registry of a relevant country to the Register shall be made to the Maritime Administrator–

- (a) in a specified form;
- (b) accompanied by–
 - (i) the documents specified in paragraphs (a) to (f) and (h) of regulation 34(1);
 - (ii) a certified copy of the application to the registry of the relevant country to transfer the registration to Gibraltar;
 - (iii) an application under regulation 12;

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

- (iv) an official document from the registry of the relevant country setting forth the details of the bareboat registration in that registry;
 - (v) evidence satisfactory to the Maritime Administrator that the registry of the relevant country will withdraw from the ship the right to fly the flag of that registry when the transfer of the bareboat registration to Gibraltar is completed and a Certificate of Bareboat Registry has been issued;
 - (vi) the prescribed fee.
- (3) The provisions of regulation 34(2) shall apply to an application under this regulation.
- (4) Where—
- (a) the requirements preliminary to bareboat registration contained in section 32 and this regulation together with any specified by the Maritime Administrator have been satisfied; and
 - (b) the prescribed fees have been received,

the Maritime Administrator shall enter on the Register the information provided for in regulation 36(1).

(5) Section 32 and regulations 36(2) and 37 to 40 inclusive shall apply to a registration made on transfer from a relevant registry as they apply to a bareboat registration made under regulation 36.

Closure of bareboat registration on transfer.

42.(1) Where the Maritime Administrator has received official confirmation from the registry of a relevant country that a certificate of bareboat registry has been issued to a ship in respect of which an application was made under regulation 41(1) and the requirements of that regulation have been satisfied, he shall—

- (a) close the bareboat registration on the Register;
- (b) call for and retain the Certificate of Bareboat Registry;
- (c) inform the registry of the relevant country of the closure.

Notification of and declaration of transfer of ownership of ship bareboat chartered.

43.(1) A person who ceases to be the owner of a ship to which a Certificate of Bareboat Registry or of a share in such a ship shall, within thirty days of the date on which he ceased to be the owner, lodge with the Maritime Administrator written particulars of the date and the name and address of the new owner.

(2) Where notice has been given under subregulation (1) and the transferee has not, within thirty days of the receipt of that notice by the Maritime Administrator given notice of his consent to the bareboat registration of the ship on the Register, the Maritime Administrator may treat the ship as no longer entitled to be registered.

Notice of change in status of bareboat charterer.

44. The registered agent shall, within seven days of the event, inform the Maritime Administrator in writing of any change in the status or in any material particular required under the Act or these Regulations to be notified to the Maritime Administrator in respect of a body corporate, other legal entity or foreign maritime entity being a bareboat charterer of that ship.

Change of bareboat charterer.

45.(1) Subject to satisfaction of the requirement of section 7 and of this Part by the new bareboat charterer and the continued satisfaction of the requirements of this Part in respect of the ship bareboat registered on the Register, whenever a change occurs in the registered bareboat charterer of a ship, the change of bareboat charterer shall be entered on the Register and a new Certificate of Bareboat Registry shall be issued by the Maritime Administrator, as soon as the change of bareboat charterer has occurred.

(2) The bareboat charterer or master shall, for the purpose of such replacement as is provided for in subregulation (1), deliver the old Certificate of Bareboat Registry to the Maritime Administrator or a person properly appointed or authorised by him.

Issue of certificate of deletion of bareboat registration.

46. Where the bareboat registration of a ship is, or is deemed to be, closed under the Act or these Regulations, the Maritime Administrator shall on application by the owner and upon payment of the prescribed fee issue to the bareboat charterer, a Certificate of Deletion certifying that the ship's bareboat registration is closed and the date of such closure.

PART IX.
CERTIFICATE OF PERMISSION.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

Application for Certificate of Permission.

47.(1) The owner, or his registered agent, of a ship in respect of which a Certificate of Registry or Provisional Certificate of Registry has been issued under the provisions of the Act and these Regulations, may apply to the Maritime Administrator for a Certificate of Permission, which, if issued, permits the ship, being the subject of a bareboat charter, to be registered in respect of that bareboat charter, on a registry outside of Gibraltar.

(2) The application for a Certificate of Permission shall be—

- (a) made in writing;
- (b) accompanied by—
 - (i) the consent in writing of the owners, and if there are more owners than one, all the owners of the ship and any share therein, or of his or their representative persons, to the application;
 - (ii) the consent in writing of each and every mortgagee or holder of related instruments, whose interest is recorded on the Register, to the application;
 - (iii) a copy of the bareboat charter showing—
 - (aa) the name of the ship;
 - (bb) the names of the bareboat charterer and the ship's owner or owners;
 - (cc) the time and date and place of filing of the charter party;
 - (dd) the duration of the charter party;
 - (ee) the registry on which the bareboat registration of the ship is to be registered outside of Gibraltar;
 - (iv) official confirmation from the registry on which the bareboat charter is to be registered that a registration of that kind is permitted and that, where such a registration is made, that registry is the competent authority exercising elsewhere control and jurisdiction over the ship in the application of international conventions and agreements;

- (v) undertakings, executed under oath or affirmation and attested to the satisfaction of the Maritime Administrator that, if the Certificate of Permission is issued, and the bareboat registration made within seven days of the date of such registration -
 - (aa) the owner will surrender to the Maritime Administrator the Certificate of Registry, or Provisional Certificate of Registry, as the case may be, of the ship, together with all other documents except the Certificate of Permission which have been issued in respect of that ship;
 - (bb) the owner will take all such steps as are necessary to ensure that during the period of the bareboat registration the ship shall not—
 - (i) fly the proper colours;
 - (ii) claim Gibraltar as her home port;
 - (iii) fly the flag of any registry other than the registry specified in the Certificate of Permission;
- (vi) the prescribed fee.

Certificate of Permission etc..

48.(1) Where—

- (a) the required documents have been lodged; and
- (b) the prescribed fees received,

the Maritime Administrator may issue to the owner or owners a Certificate of Permission stating that—

- (c) the right to fly the proper colours is withdrawn;
- (d) the ship may not claim Gibraltar as the home port;
- (e) Gibraltar recognises the registry outside of Gibraltar named in the Certificate of Permission as being the competent authority to exercise exclusive jurisdiction and control over the ship in accordance with international conventions and agreements.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

(2) When, in fulfilment of the undertaking provided for in regulation 47(2)(b)(v)(aa), the Certificate of Registry, or the Provisional Certificate of Registry, as the case may be, and the other documents are lodged with the Maritime Administrator he shall prepare the Certificate of Registry or Provisional Certificate of Registry, as the case may be, provided for in section 33(2) and shall—

- (a) retain that Certificate of Registry or Provisional Certificate of Registry, as the case may be;
- (b) enter on the registration of the ship on the Register that the Certificate of Permission has been issued and the bareboat registration made.

(3) The owner shall, within seven days of the registration of the bareboat charter on the registry outside of Gibraltar, make and lodge with the Maritime Administrator a declaration to the effect that the name of the home port outside of Gibraltar has been marked on the stern of the ship in lieu of Gibraltar.

(4) An application may be made to the Maritime Administrator—

- (a) by the owner or his registered agent;
- (b) before the expiry of the Certificate of Permission;

for the Certificate of Permission to be reissued and, provided that the Maritime Administrator is satisfied that the applicable provisions of the Act generally and these Regulations are satisfied by and in respect of that ship and upon payment of the prescribed fee, he may reissue the Certificate of Permission subject to the time limits of section 33 in the same form as the original Certificate of Permission, but showing, as the date of registration the date of expiry of the original certificate and, as the date of expiry, the date of expiry of the reissued certificate and he shall enter the details of the reissue in the Register.

(5) The owner shall, where a Certificate of Permission is issued, inform the Maritime Administrator in writing of any modifications or amendments to the charter party within thirty days of such modifications or amendments being made.

Termination of Certificate of Permission.

49.(1) The Certificate of Permission or a reissued Certificate of Permission, as the case may be, shall cease to be valid—

This version is out of date

- (a) where the period for which the Certificate is issued, or reissued, as the case may be, expires without reissue; or
 - (b) the Certificate is revoked by the Maritime Administrator.
- (2) The Maritime Administrator shall revoke a Certificate of Permission if–
- (a) any of the conditions to be observed by virtue of section 33 and this Part are not so observed;
 - (b) the Maritime Administrator, after giving the owner and bareboat charterer a reasonable opportunity to make representations, concludes that it is in the interests of Gibraltar or Gibraltar shipping to do so;
 - (c) the charter party terminates or is terminated by one of the parties to it;
 - (d) the bareboat registration on the registry outside Gibraltar terminates or is terminated.
- (3) If the Certificate of Permission is revoked–
- (a) the Maritime Administrator shall inform in writing–
 - (i) the registry outside of Gibraltar on which the bareboat registration was made;
 - (ii) the ship owner or owners;
 - (iii) the bareboat charterer;
 - (iv) the mortgagees and holders of related instruments whose interests are recorded on the Register;
 - (b) unless the reason for revocation was the termination of the bareboat registration, the owner shall take all necessary steps to cause the bareboat charterer to terminate the bareboat registration of the ship on the registry outside of Gibraltar;
 - (c) if the Maritime Administrator is satisfied that the bareboat registration is terminated, he shall make an entry to that effect on the registration of the ship on the Register;

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

- (d) the owner shall, within seven days of the termination, lodge with the Maritime Administrator a declaration that the bareboat registration has been terminated on the registry outside Gibraltar and shall, within thirty days, lodge a certified transcript or extract from that registry showing the termination.

(4) Where the Maritime Administrator is satisfied that the requirement of paragraph (b) of subregulation (3) has been satisfied and the declaration required by paragraph (d) of that regulation has been lodged, and unless the registration on the Register is to be terminated, the Maritime Administrator shall prepare a Certificate of Registry, or a Provisional Certificate of Registry, as the case may be, in replacement of that Certificate of Registry surrendered in accordance with regulation 48(2) and shall issue to the owner the replacement Certificate of Registry or Provisional Certificate of Registry, as the case may be, and return to him the other documents lodged with the Maritime Administrator in accordance with that regulation.

Application of the Act and these Regulations to a ship in respect of which a Certificate of Permission is in effect.

50.(1) A ship bareboat registered out of Gibraltar shall be registered on the registry outside of Gibraltar in the name under which it is registered on the Register.

- (2) The name of the ship may be changed in accordance with the provisions of section 10 and these Regulations:

Provided that where the name is so changed, the name on the registry outside Gibraltar shall also be changed in compliance with subregulation (1).

(3) The owner shall immediately notify in writing the Maritime Administrator of the closure or lapse of the bareboat registration in the registry outside of Gibraltar and shall, within seven days of such closure or lapse, deliver to the Maritime Administrator a certified transcript or extract of that registration showing such closure.

(4) The provisions of Parts I, II, III., V, VI, and IX of the Act to the extent that they are not excluded or varied by section 33 or this Part, shall apply to the ship during the period in respect of which the Certificate of Permission, or a reissued Certificate of Permission, as the case may be, is valid as if the ship were not bareboat registered out of Gibraltar and all fees payable by virtue of the Act or these Regulations in respect of a ship registered on the Register and having either a Certificate of Registry or a Provisional Certificate of Registry shall be due notwithstanding that bareboat registration.

(5) The provisions of Parts I to VII inclusive, XI and XII of these Regulations to the extent that they are not excluded by section 33 or this Part shall apply to the ship during the period in

respect of which the Certificate of Permission, or a reissued Certificate of Permission, as the case may be, is valid as if the ship were not bareboat registered out of Gibraltar.

PART X.

REGISTRATION OF A SHIP UNDER CONSTRUCTION.

Application for registration of a ship under construction.

51.(1) An application for registration of a ship under construction on the Register of Ships under Construction shall be made to the Maritime Administrator and may be made in respect of any ship which, on completion of construction, may be registered on the Register and may be made at any stage of construction.

(2) An application under subregulation (1) shall be made—

(a) in the specified form;

(b) accompanied by information supplied by the builder which shall include—

- (i) the construction hull number of the ship;
- (ii) the intended length, breadth and depth of the ship;
- (iii) the intended capacity of the ship;
- (iv) the location of the construction;
- (v) the name and registered address of the shipbuilder;
- (vi) the reason for registration;
- (vii) a statement issued by the intended Classification Society of the Class Notation of the ship;
- (viii) any ship building contract, bill of sale, mortgage or related instrument to be recorded in respect of that ship; and
- (ix) the prescribed fee.

(3) The provisions of sections 7 and 12 and Parts I to IV inclusive VI, VII, XI and XII of these Regulations shall apply to the Register of Ships Under Construction, an application for

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 **Gibraltar Merchant Shipping (Ship Registration)** **Regulations 1997**

This version is out of date

registration on the Register of Ships under Construction and ships registered on that register in accordance with instructions made by the Maritime Administrator and to the extent required by those instructions there shall be added to the list of information contained in subregulation (2)(b) such other information as is necessary to comply with those instructions:

Provided that, where the owner of the ship during the period of registration is the builder, mortgagee or other person temporarily holding an interest in the building contract, the requirement in respect of a declaration of ownership shall not apply in respect of the builder but in respect of the purchaser or ultimate owner.

(4) The provisions of the Act and Part V in respect of–

- (a) the name of the ship;
- (b) the marking of the ship,

shall not apply to an application for registration under this regulation:

Provided that where the owner wishes to register the name of the ship on the Register of Ships under Construction or wishes to reserve a name the provision in respect of names shall apply.

Registration of ship under construction.

52. Where–

- (a) the requirements preliminary to registration on the Register of Ships under Construction contained in regulation 51 together with any specified by the Maritime Administrator have been satisfied; and
- (b) the prescribed fees have been received,

the Maritime Administrator shall enter on the Register of Ships under Construction the following information–

- (c) the name and registered address of the owner or owners specifying whether the owner is the builder, the purchaser or another person therein specified;
- (d) where there are more owners than one, the percentage interest of each owner in the ship or a share or part therein;
- (e) the name and registered address of the builder where he is not the owner;

- (f) the name and address of any registered agent in respect of the ship;
- (g) any ship building contract, bill of sale, mortgage or related instrument recorded in respect of the ship;
- (h) such information in respect of the construction and measurements of the ship as the Maritime Administrator shall deem appropriate;
- (j) the location in which the ship is being constructed,

as prescribed in Schedule 7.

Certificate of Registry of a Ship under Construction.

53. Where a registration has been made under regulation 52, the Maritime Administrator shall issue to the person by whom the application for registration was made a Certificate of Registry of a Ship under Construction which shall contain the particulars prescribed in Schedule 7.

Retention of documents on registration of a ship under construction.

54. Where a ship under construction is registered and a Certificate of Registry of a Ship under Construction issued in accordance with regulation 53, the Maritime Administrator shall retain in his possession in respect of that ship the documents required by regulation 51(2)(b) and (3) to accompany an application under that regulation, together with the application.

**PART XI.
TRANSITIONAL SHIPS.**

Application of the Act to transitional ships.

55. The provisions of—

- (a) the sections of the Act listed in Part I of Schedule 8;
- (b) those of these Regulations listed in Part II of Schedule 8;

shall not apply, or shall not apply to the extent specified in respect of that section, or that regulation, as the case may be, to ships to which Part VIII of the Act applies.

PART XII.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

OFFENCES AND PENALTIES.

Offences and penalties.

56.(1) Where—

- (a) the scale showing the draught of water of a registered ship is in any respect inaccurate so as to be likely to mislead, or
- (b) a registered ship is not maintained marked as required by regulation 14,

the owner or bareboat charterer is guilty of an offence.

(2) A person who—

- (a) conceals, removes, alters, defaces or obliterates, or
- (b) suffers any person under his control to conceal, remove, alter, deface or obliterate,

any marking required by regulation 14 to be maintained on a ship, is guilty of an offence.

(3) Any person who—

- (a) forges or fraudulently alters any register, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or any entry or endorsement made in or on any of those documents, or
- (b) who seeks to conceal that a ship in respect of which an application for registration is or has been made is a prohibited ship,

shall be guilty of an offence punishable on summary conviction by a fine at level 4 on the standard scale.

(4) Every person, who, in the case of a declaration made in the presence of or produced to a Maritime Administrator or a person properly appointed or authorised by him, or in any document or other evidence produced to such person for the purposes of these Regulations—

- (a) wilfully makes any false statement concerning the title to, or ownership of, or the interest existing in, any ship or share in a ship;

Gibraltar Merchant Shipping (Registration) 1995-12

Gibraltar Merchant Shipping (Ship Registration) 1997/158
Regulations 1997

This version is out of date

- (b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false,

shall be guilty of an offence punishable on summary conviction by a fine at level 4 on the standard scale.

(5) Where no specific offence and no penalty, or no specific penalty, is provided for, a failure to comply with the requirements of the Act or of these Regulations, shall be an offence by the person, other than the Maritime Administrator or a person appointed or authorised by him, so required and punishable—

- (a) in the case of an owner, bareboat charterer, registered agent or person on whom an obligation is imposed by reason of them ceasing to be an owner, bareboat charterer or registered agent, by a fine at level 4 on the standard scale;
- (b) in the case of a master, by a fine at level 3 on the standard scale;
- (c) in the case of any other person by a fine at level 2 on the standard scale.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration)
Regulations 1997

This version is out of date

SCHEDULE 1

Omitted

SCHEDULE 2

Regulations 28, 29, 41 and 42

RELEVANT COUNTRIES

1. United Kingdom
 2. Bermuda
 3. Cayman Islands
 4. Isle of Man
-

SCHEDULE 3

Regulation 16

ACCEPTED CLASSIFICATION SOCIETIES

Lloyds Register

American Bureau of Shipping

Bureau Veritas

DNV-AS

Registro Italiano Navale

Nippon Kaiji Kyokai (Class NK).

SCHEDULE 4

Regulation 20

ENTRY OF PROVISIONAL REGISTRATION AND PROVISIONAL CERTIFICATE
OF REGISTRY

Particulars to be recorded on the Register in respect of a provisional registration.
(Items marked * to be included in a Provisional Certificate of Registry)

1. *Ship's name**
2. *Ship's Official Number**
3. *Type of ship and material of construction**
4. *Approximate dimensions of ship**
5. *Particulars of engines and number of engines**
6. *Hull number**
7. *Approximate gross and net tonnage**
8. *Estimated maximum speed**
9. *Country of build**
10. *Year of build**
11. *Name and address of ship builder**
12. *Number of seamen and apprentices for whom there is certified accommodation**
13. *Owner's(s') name and address**
14. *Number of shares held in ship by each owner**
15. *Date and place of purchase of the ship by owner*
16. *Number of Provisional Certificate of Registry**
17. *Date ship provisionally registered**
18. *Date of Issue of Provisional Certificate of Registry**
19. *Date of Expiration of Provisional Certificate of Registry**
20. *Details of representative person, registered agent and responsible individual*
21. *Mortgages and related instruments recorded under Part V of the Act*

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

SCHEDULE 5

Regulation 24

ENTRY OF REGISTRATION AND CERTIFICATE OF REGISTRY

Particulars to be recorded on the Register in respect of a registration.
(Items marked * to be included in the Certificate of Registry)

1. *Ship's name**
2. *Ship's Official Number**
3. *IMO Number**
4. *Signal letters*/Radio Call Sign**
5. *Type of ship and material of construction**
6. *Dimensions of ship**
7. *Particulars of engines and number of engines**
8. *Hull number**
9. *Gross and net tonnage**
10. *Estimated maximum speed**
11. *Country of build**
12. *Year of build**
13. *Name and address of ship builder**
14. *Number of seamen and apprentices for whom there is certified accommodation**
15. *Owner's(s') name and address**
16. *Number of shares held in ship by each owner**
17. *Date and place of purchase of the ship by owner*
18. *Number of Certificate of Registry**
19. *Date ship registered**
20. *Date of Issue of Certificate of Registry**
21. *Date of Expiration of Certificate of Registry**
22. *Details of representative person, registered agent and responsible individual*
23. *Mortgages and related instruments recorded under Part V of the Act*

SCHEDULE 6

Regulation 36

**ENTRY OF BAREBOAT REGISTRATION AND CERTIFICATE OF BAREBOAT
REGISTRY**

Particulars to be recorded on the Register in respect of a bareboat registration.
(Items marked * to be included in the Certificate of Bareboat Registry)

1. *Ship's name and name of ship on primary registry**
2. *Ship's Official Number**
3. *IMO Number**
4. *Signal letters*/Radio Call Sign**
5. *Type of ship and material of construction**
6. *Dimensions of ship**
7. *Particulars of engines and number of engines**
8. *Hull number**
9. *Gross and net tonnage**
10. *Estimated maximum speed**
11. *Country of build**
12. *Year of build**
13. *Name and address of ship builder**
14. *Number of seamen and apprentices for whom there is certified accommodation**
15. *Bareboat Charterer's name and address**
16. *Country of primary registration*
17. *Duration of the charterparty*
18. *Time, date and place of filing of the charterparty*
19. *Owner's(s') name and address*
20. *Number of shares held in ship by each owner*
21. *Number of Certificate of Bareboat Registry**
22. *Date of bareboat registration**
23. *Date of Issue of Certificate of Bareboat Registry**
24. *Date of Expiration of Certificate of Bareboat Registry**
25. *Details of representative person, registered agent and responsible individual*

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration) Regulations 1997

This version is out of date

SCHEDULE 7

Regulation 53

ENTRY OF SHIP UNDER CONSTRUCTION REGISTRATION AND CERTIFICATE OF REGISTRY OF SHIP UNDER CONSTRUCTION

Particulars to be recorded on the Register of Ships under Construction in respect of a registration of a ship under construction.

(Items marked * to be included in the Certificate of Registry of a Ship under Construction)

1. *Proposed name of ship, if known**
2. *Name and address of ship builder**
3. *Type of ship and material of construction**
4. *Proposed dimensions of ship**
5. *Particulars of proposed engines and number of engines**
6. *Estimated gross and net tonnage**
7. *Estimated maximum speed**
8. *Place of build**
9. *Date of keel laying**
10. *Shipbuilder's Newbuild No.(Yard No./Hull No.)**
11. *Owner's(s') name and address specifying whether the owner is the builder, the purchaser or some other person therein specified**
12. *Number of shares intended to be held in ship by each owner**
13. *Number of Certificate of Registry of Ship under Construction**
14. *Date ship under construction registered**
15. *Date of Issue of Certificate of Registry of Ship under Construction**
16. *Date of Expiration of Certificate of Registry of Ship under Construction**
17. *Details of any registered agent*
18. *Details of any shipbuilding contract, bill of sale, mortgage or related instrument recorded on the Register of Ships under Construction in respect of the ship under construction*

SCHEDULE 8

Regulation 55

PROVISIONS NOT APPLICABLE TO TRANSITIONAL SHIPS

PART I

1. The following sections of the Act shall not apply to the extent specified in respect of each section to ships to which Part VIII of the Act applies, that is to say—

- (a) sections 7(1)(d), 9, 10(5) and (6), 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 32, 38, 40, 41, 56, 57, 58, 59, 60, 61 and 62;
- (b) Part VI in respect of matters arising prior to the date on which these Regulations have effect.

PART II

2. The following regulations shall not apply to the extent specified in respect of each regulation to ships to which Part VIII of the Act applies—

- (a) regulations 8, 9, 10 except where there is an application for a Certificate of Permission:

Provided that

- (i) the representative person appointed in accordance with section 204D of the Merchant Shipping Act in respect of any ship shall be deemed to be the registered agent and these Regulations shall apply to such person as if he were the registered agent of that ship appointed in accordance with these Regulations; and
 - (ii) these Regulations shall apply to a ship the registration of which has not been completed on the date on which these Regulations shall come into effect;
- (b) 12, 16 (a) and (b), 17, 18, 19, 20, 24, 25, 26, 51, 52, 53 and 54.

1995-12 Gibraltar Merchant Shipping (Registration)

1997/158 Gibraltar Merchant Shipping (Ship Registration)
Regulations 1997

This version is out of date

SCHEDULE 9

Regulation 2.

APPROVED COUNTRIES

The approved countries are-

- (a) Argentina;
- (b) Aruba;
- (c) Bahrain;
- (d) Brazil;
- (e) the Canary Islands;
- (f) China;
- (g) the Faroe Islands;
- (h) Haiti;
- (i) Israel;
- (j) Japan;
- (k) Liberia;
- (l) Madeira;
- (m) the Marshall Islands;
- (n) Monaco;
- (o) Panama;
- (p) South Korea;
- (q) Switzerland;

Gibraltar Merchant Shipping (Registration) 1995-12

Gibraltar Merchant Shipping (Ship Registration) 1997/158
Regulations 1997

This version is out of date

- (r) Suriname;
- (s) the United Arab Emirates; and
- (t) the United States of America.