

# **1995-13**      **Gibraltar Merchant Shipping (Safety, etc.)**

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Subsidiary Legislation made under ss.25, 118, 120(2), (3) and (8).

## **Gibraltar Merchant Shipping (Medical Stores) Regulations, 2000**

**LN.2000/004**

*Commencement*                      **29.6.2000**

**Transposing:**  
Directive 92/29/EEC

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### **ARRANGEMENT OF REGULATIONS**

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*In exercise of the powers conferred on it by sections 25, 118, 120(2), (3) and (8) of the Gibraltar Merchant Shipping (Safety, etc) Act 1993, and for the purpose of transposing into the law of Gibraltar Council Directive 92/29/EEC, the Government has made the following Regulations –*

**Title and Commencement.**

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Medical Stores) Regulations, 2000 and shall come into operation on such day as the Government may appoint by notice in the Gazette.

**Interpretation.**

2.(1) In these Regulations, unless the context otherwise requires–

“crew” means all persons including the master employed in any capacity on board a vessel;

“dangerous substances” means substances listed as such in Merchant Shipping Notice MSN 1707 (M+F);

“fishing vessel” means a vessel for the time being employed in sea-fishing for profit;

“Government ship” means a ship falling within Part VII of the Gibraltar Merchant Shipping (Registration) Act 1993.

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency of the Department of the Environment, Transport and the Regions of the United Kingdom;

“medical practitioner” means any person registered as a medical practitioner in Part I, Part IA or Part IB of the register established under section 7 of the Medical and Health Act 1997;

“medical stores” includes medicines, medical equipment and antidotes;

“Merchant Shipping Notice” means a Notice described as such, issued by the Government of the United Kingdom or the Maritime and Coastguard Agency, and includes a reference to any document amending or replacing that Notice which is considered by the United Kingdom Government to be relevant from time to time and is specified in a Merchant Shipping Notice;

“owner” in relation to a ship, means the registered owner of the ship unless the ship has been chartered by demise or is managed, either wholly or in part, by a person other than the registered owner under the terms of a management agreement; in that case “owner” includes the demise charterer or the person managing the ship as the case may be;

“Port” has the meaning given to it in the Port Act;

“Ship Captain’s Medical Guide” means the publication of that name published on behalf of the Maritime Coastguard Agency;

“tug” means a vessel constructed solely for the purpose of, and normally used for, providing external motive power for floating objects or vessels;

“voyage” means a journey from a port to the next port of call of a ship (which may be the same port).

(2) Any reference in these Regulations to the British Pharmacopoeia, the European Pharmacopoeia, or the British National Formulary shall in its application to a particular case be construed as a reference to the edition thereof current at, or not more than three months before, the time in question.

(3) Any reference in these Regulations to a publication (other than those mentioned in paragraph (2) of this regulation) includes a reference to any amendment thereof published before the date on which these Regulations are made (and, in the case of the United States Pharmacopoeia, means the edition current at such date, as so amended); and shall include any document amending the same, or shall mean any new edition thereof together with any document amending the same, which is considered by the Minister with responsibility for Health to be relevant from time to time and is specified in a Merchant Shipping Notice.

**Application.**

3. These Regulations apply to Gibraltar registered ships and Government ships other than—

- (a) pleasure vessels, used for non-commercial purposes and not manned by professional crews;
- (b) tugs operating in the Port.

**Carriage of medical stores.**

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4.(1) Every ship to which these Regulations apply shall carry on board medical stores in accordance with the Table below.

COLUMN 1	COLUMN 2
Description of ship	Category of medicines and medical stores
1. A sea-going ship (including fishing vessel) with no limitation on length of voyage.	Medical stores as specified in Category A of Merchant Shipping Notice MSN 1707 (M+F).
2. A sea-going ship (including a fishing vessel) making a voyage which is not more than 150 nautical miles from the nearest port with adequate medical equipment (or no more than 175 nautical miles from the nearest port with adequate medical equipment provided that in this case it remains continuously within range of helicopter rescue services).	Medical stores as specified in Category B of Merchant Shipping Notice MSN 1707 (M+F).
3. A ship staying very close to shore or with no cabin accommodation other than a wheelhouse.	Medical stores as specified in Category C of Merchant Shipping notice MSN 1707 (M+F).
4. A sea-going ship carrying a dangerous substance in its cargo, or any residue of a dangerous substance from an earlier cargo.	Medical stores as specified in Merchant Shipping Notice MSN 1707 (M+F) in relation to such ships.
5. A sea-going ship carrying more than 12 passengers but not a medical practitioner as a member of the crew.	Medical stores as specified in Merchant Shipping Notice MSN 1707 (M+F) in relation to such ships.

(2) The requirements in entries 4 and 5 are in addition to those in entry 1, 2 or 3 (as the case may be).

**Medical stores on board when these Regulations come into operation.**

5. It shall be sufficient compliance with regulation 4 for there to be kept, in place of any instrument or appliance thereby required to be kept on board the ship, an instrument or appliance designed to fulfill the same function, for so long as it remains in good serviceable

condition, if it was kept on board the vessel on the date on which these Regulations come into operation.

**Standards of medical stores.**

6. All medical stores required by these Regulations to be kept on board a vessel shall conform to the standards and requirements of the British National Formulary, the British Pharmacopoeia, the European Pharmacopoeia or the United States Pharmacopoeia and with the requirements and specifications of Merchant Shipping Notice MSN 1707 (M+F).

**Packaging and labelling of containers.**

7.(1) Without prejudice to any other enactment, any container of medical stores required by regulation 4 to be kept on board a ship—

- (a) shall have in English on a label the particulars specified in paragraph (3) of this regulation;
- (b) in the case of a container of tablets or capsules, shall be capable of reclosure to prevent ingress of moisture;
- (c) in the case of a container of disinfectant, shall not show deleterious reaction with the disinfectant after storage in normal conditions for six months;
- (d) in the case of a container of insecticide, shall be air-tight, water-tight, packed in a suitable and sturdy case and, if the container is a pressure canister, have a cap or other means of protecting the valve against accidental opening when the canister is not in use;
- (e) in the case of medicine or disinfectant not in the container supplied by its manufacturer, shall be packed in a sturdy, brown-coloured or non-translucent container.

(2) Any label referred to in paragraph (1)(a) of this regulation shall either be firmly affixed to the container and rendered resistant to moisture by varnish or other effective means or be an integral part of the container.

(3) The particulars required by paragraph (1)(a) of this regulation to be shown on labels are—

- (a) the ordering name by which the medical store is referred to in Merchant Shipping Notice MSN 1707 (M+F);

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- (b) any storage requirements laid down in any of the publications referred to in regulation 6, elsewhere in these Regulations or in Merchant Shipping Notice MSN 1707 (M+F);
- (c) if the medical stores are perishable, the expiry date as defined in regulation 9;
- (d) the name and address of the supplier of the medical stores, the product licence number and batch number;
- (e) in the case of any container of a disinfectant or of an antiseptic prescribed in any of the categories set out in the Merchant Shipping Notice MSN 1707 (M+F), the dilution recommended for any purpose stated thereon;
- (f) in the case of any container of an insecticide prescribed in any of the categories set out in Merchant Shipping Notice MSN 1707 (M+F), instructions for use and precautions to be taken as detailed in paragraph 6 of Schedule 6 to that Merchant Shipping Notice;
- (g) in the case of a container of hypochlorite, a notice indicating that the chemical may combust spontaneously and that the hypochlorite should be stored in a cool dark place; and
- (h) any further information required by Merchant Shipping Notice MSN 1707 (M+F).

**Storage of medicines.**

8.(1) Any medical store required to be carried by regulation 4 shall be stored in accordance with any instructions on its container or prescribed in Merchant Shipping Notice MSN 1707 (M+F).

(2) Any medicine which is a controlled drug shall, be stored in accordance with the requirements for controlled drugs contained in the Ship Captain's Medical Guide.

(3) Subject to paragraph (2), any medicine mentioned in paragraph (1), unless it is required to be kept in a refrigerator or in a first aid satchel or box, shall be stored—

- (a) if a ship is one to which the Merchant Shipping (Crew Accommodation) Regulations 1997 [S.I. 1997 No. 1508] or the Merchant Shipping (Crew Accommodation) (Fishing Vessels) Regulations [S.I. 1975 No. 2220] apply, in the medical cabinet; or

(b) otherwise in a cool, dry, locked cabinet or locked container.

(4) Any medical stores kept in a hyperbaric decompression chamber or otherwise in such a way as not to be readily accessible at all times to the master or any person authorised by him shall not be taken into account in respect of requirements of regulation 4.

**Replenishment of dated medicines.**

9. Where:

- (a) a vessel is required in pursuance of regulation 4 to have on board any medical stores in accordance with any of the categories set out in Merchant Shipping Notice MSN 1707 (M+F); and
- (b) any label required by regulation 7(1)(a) to be borne by any container of any such medical stores, indicates a date after which the medical store contained in it is not to be used (hereinafter called “the expiry date”),

that medical store shall be replaced at the earliest possible date after the expiry date, and in any event within three months of the expiry date shall, once replacements have been obtained, or after 3 months (whichever is the earlier), be disposed of in accordance with the Ship Captain’s Medical Guide.

**Carriage of guides.**

10. A ship to which these Regulations apply shall carry guides as to the use of medical stores required by regulation 4 to be carried on board it appropriate as to their categories, including in particular instructions for the use of antidotes, as specified in Merchant Shipping Notice MSN 1707 (M+F).

**Inspection of medicines and medical stores.**

11. The owner of a ship to which these Regulations apply shall ensure that the medical stores are inspected by a competent person or authority at least once a year to ensure that—

- (a) the ship is carrying the medical stores which it is required to carry by regulation 4;
- (b) such medical stores are correctly stored;

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- (c) any perishable medicines have been replaced in accordance with the requirements of regulation 9.

**Requirement for certain vessels to carry a medical practitioner.**

12. It shall be the duty of the owner of a Gibraltar registered ship having more than 100 persons on board and engaged on an international voyage of more than three days or on a voyage during which it is more than one and a half days sailing time from a port with adequate medical equipment carries a medical practitioner.

**Offences.**

13.(1) If any requirement of regulations 4 to 12 is contravened, the owner of the ship shall in respect of each contravention be guilty of an offence, punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(2) It shall be a defence for any person charged in connection with a contravention of regulation 4 to show that the deficiency was caused by medicines and medical stores being used for their proper purpose and that it has not been practicable to replace them.

(3) It shall be a defence for a person charged under this regulation, including a person charged by virtue of regulation 14, to show that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

14. Where an offence under these Regulations is committed, or would have been committed except for the operation of regulation 13(3), by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

**Inspection and detention of vessels.**

15. The Maritime Administrator or any person authorised by him may inspect any ship to which these Regulations apply and, if satisfied that there is a failure to comply in relation to that ship with the requirements of regulation 4, 6 or 7 of these Regulations, may detain the vessel until such requirements are met.