

Subsidiary Legislation made under s.118.

**Gibraltar Merchant Shipping (Ship Recycling)
Regulations 2026**

LN.2026/228

Commencement **15.7.2026**

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In exercise of the powers conferred by section 118 of the Gibraltar Merchant Shipping (Safety, etc) Act 1993, and of all other enabling powers and in order to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar, the Minister, on behalf of the Government has made these Regulations-

**PART 1
PRELIMINARY**

Title.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Ship Recycling) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3.(1) In these Regulations —

“the Act” means the Gibraltar Merchant Shipping (Safety, etc.) Act 1993;

“the Administration” means the Gibraltar Maritime Administration;

“Approved List” means the list of ship recycling facilities approved for the purposes of regulation 18;

“competent authority” means a governmental authority or authorities designated by a state as responsible for ship recycling facilities;

“competent person” means a person with suitable qualifications, training, and sufficient knowledge, experience and skill for the performance of the specific work;

“the EU Regulation” means Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as amended from time to time;

“the EU Regulation as retained” means Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending

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Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as it forms part of the law of the United Kingdom by virtue of the European Union (Withdrawal) Act 2018, as amended by the Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019;

“European List” means the list of ship recycling facilities established and amended from time to time by the European Commission under Article 16 of the EU Regulation as it has effect in EU law;

“Gibraltar ship” means a ship registered in Gibraltar, or otherwise registered as a British ship with Gibraltar as its port of registry;

“gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention;

“hazardous material” means any material or substance which is liable to create hazards to human health and/or the environment;

“Hong Kong Convention” means the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009;

“IHM” or “inventory of hazardous materials” means the inventory of hazardous materials required by regulation 7;

“Implementation Date” has the meaning given in section 3(1) of the Treaty on Gibraltar and the European Union Act 2026;

“inventory certificate” means a ship-specific certificate issued in accordance with regulation 14;

“Minister” means the Minister with responsibility for the Port and Shipping;

“new ship” means a ship as defined in Article 3(1)(2) of the EU Regulation;

“ready for recycling certificate” means a ship-specific certificate issued in accordance with regulation 15;

“Recognised Organisation” or “RO” means an organisation authorised by the Administration for the purposes of survey and certification under these Regulations;

“ship” means a vessel of any type whatsoever operating or having operated in the marine environment, and includes submersibles, floating craft, floating platforms, self-elevating platforms, Floating Storage Units (FSUs), and Floating Production Storage and Offloading Units (FPSOs), as well as a vessel stripped of equipment or being towed;

“ship owner” means the natural or legal person registered as the owner of the ship, including the natural or legal person owning the ship for a limited period pending its sale or handover to a ship recycling facility, or, in the absence of registration, the natural or legal person owning the ship, or any other organisation or person, such as the manager or the bareboat charterer, who has assumed responsibility for the operation of the ship from the owner of the ship;

“ship recycling” means the activity of complete or partial dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing, for preparation for re-use or for re-use, whilst ensuring the management of hazardous and other materials, and includes associated operations such as storage and treatment of components and materials on site, but not their further processing or disposal in separate facilities;

“ship recycling facility” means a defined area that is a yard or facility used for the recycling of ships;

“ship recycling plan” means a plan developed by the operator of a ship recycling facility for each specific ship to be recycled under its responsibility, taking into account the relevant IMO guidelines and resolutions;

“statement of completion” means a confirmatory statement issued by the operator of a ship recycling facility that the ship recycling has been completed in accordance with these Regulations and the EU Regulation;

“United Kingdom List” means the list of ship recycling facilities published by the Secretary of State for Transport under Article 16 of the EU Regulation as retained.

(2) Words and expressions used in these Regulations which are also used in the EU Regulation shall, unless the context otherwise requires, have the same meaning as in the EU Regulation.

(3) References in these Regulations to Articles of the EU Regulation are references to the Articles of the EU Regulation as it has effect in EU law, unless otherwise stated.

Application.

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4. These Regulations apply to —

(a) Gibraltar ships, except —

- (i) any warship, naval auxiliary, or other ship owned or operated by a state and used, for the time being, only on government non-commercial service;
- (ii) ships of less than 500 gross tonnage; and
- (iii) ships operating throughout their life only in British Gibraltar Territorial Waters;

(b) in respect of regulation 17 ships other than Gibraltar ships calling at a port or anchorage of Gibraltar.

Designated competent authority.

5.(1) The Administration is the competent authority for the purposes of these Regulations.

(2) The Administration may, with the approval of the Minister, authorise any person or organisation to act on its behalf for the purposes of these Regulations.

PART 2

CONTROL OF HAZARDOUS MATERIALS AND INVENTORY REQUIREMENTS

Prohibition and restriction of hazardous materials.

6.(1) The installation or use on a Gibraltar ship of hazardous materials referred to in Annex I to the EU Regulation is prohibited or restricted in accordance with the control measures set out in that Annex.

(2) Subregulation (1) is without prejudice to other applicable legislation which may further restrict or prohibit the use of certain hazardous materials.

(3) For the purposes of subregulation (1), references to "Union law" in Article 4 of the EU Regulation shall be read as references to —

- (a) the EU Regulation as retained; and
- (b) any other retained EU legislation or Gibraltar domestic legislation applicable to the control of hazardous materials.

Inventory of hazardous materials.

7.(1) Each Gibraltar ship to which these Regulations apply shall have on board an inventory of hazardous materials which —

- (a) identifies at least the hazardous materials referred to in Annex I and Annex II to the EU Regulation contained in the structure or equipment of the ship (Part I of the IHM);
- (b) is specific to each ship; and
- (c) provides evidence that the ship complies with the prohibition or restriction on the installation or use of hazardous materials in accordance with regulation 6.

(2) The IHM shall be compiled taking into account the relevant guidelines adopted by the International Maritime Organization and the European Maritime Safety Agency.

(3) The IHM shall be properly maintained and updated throughout the operational life of the ship, reflecting new installations containing hazardous materials referred to in Annex II to the EU Regulation and relevant changes in the structure and equipment of the ship.

(4) In the case of existing ships, the IHM shall be developed by visual or sampling checks or both.

(5) Prior to recycling, the IHM shall, in addition to Part I referred to in subregulation (1)(a), contain —

- (a) the operationally generated waste present on board the ship (Part II of the IHM);
and
- (b) the stores present on board the ship (Part III of the IHM).

(6) The IHM must be verified by a surveyor from a Recognised Organisation authorised by the Administration, or by a surveyor of the Administration in the case of an unclassified ship.

Requirements for new ships.

8. A new Gibraltar ship that is within the scope of these Regulations must have on board a verified IHM before coming into service.

Requirements for existing ships.

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9. An existing Gibraltar ship that is within the scope of these Regulations must develop and hold a verified IHM in compliance with regulation 7.

PART 3

GENERAL REQUIREMENTS FOR SHIP OWNERS

General obligations of ship owners.

10.(1) The ship owner of a Gibraltar ship shall ensure that the ship is recycled only at a ship recycling facility included in the Approved List.

(2) Before any Gibraltar ship is sent for recycling, the ship owner shall —

- (a) provide the ship recycling facility with all relevant information about the ship necessary for the development of a ship recycling plan, including the IHM in accordance with regulation 7(5);
- (b) notify the Administration in writing of the intention to recycle the ship at a ship recycling facility on the Approved List, providing the documentation specified in regulation 12; and
- (c) ensure that the ship is surveyed and certified in accordance with Part 4 of these Regulations.

(3) The ship owner shall ensure that measures are taken on board the ship to minimise the quantity of cargo residues, remaining fuel oil, and operationally generated waste remaining on board prior to the ship entering any ship recycling facility.

Ship recycling plan.

11.(1) Prior to any recycling of a Gibraltar ship, a ship recycling plan shall be developed by the ship recycling facility taking into account —

- (a) the relevant provisions of the Hong Kong Convention;
- (b) the IMO Guidelines for the Development of the Ship Recycling Plan (Resolution MEPC.196(62)); and
- (c) the IHM, including Parts I, II, and III.

(2) The ship recycling plan shall be specific to each ship and shall ensure that the contents are consistent with the information contained in the ship's IHM.

(3) The ship recycling plan shall be approved by the competent authority of the state where the ship recycling facility is located.

Notification of intent to recycle.

12.(1) Before a Gibraltar ship is sent for recycling, the ship owner shall notify the Administration by submitting the following documentation —

- (a) Part I of the IHM, and Parts II and III if available at the time of notification;
- (b) all relevant information which the ship owner has sent to the ship recycling facility which would be used to produce a ship recycling plan; and
- (c) the ship recycling plan, if available at the time of notification.

(2) Notification under subregulation (1) shall be made by email to the Administration at such address as the Administration may from time to time designate.

**PART 4
SURVEYS AND CERTIFICATION**

Surveys.

13.(1) A Gibraltar ship to which these Regulations apply shall be subject to the following surveys —

- (a) an initial survey, before the ship is put in service or before the inventory certificate is issued for the first time, which shall include a complete survey of the ship to verify that Part I of the IHM complies with the requirements of these Regulations;
- (b) a renewal survey, at intervals specified by the Administration (not exceeding five years), which shall verify that Part I of the IHM complies with the requirements of these Regulations;
- (c) an additional survey, either general or partial according to the circumstances, which shall be conducted when —

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- (i) any change, replacement, or significant repair of the structure, equipment, systems, fittings, arrangements, and material has an impact on the IHM; and
- (ii) to ensure that Part I of the IHM has been amended as necessary to reflect any such change;
- (d) a final survey, which shall be conducted prior to the ship being taken out of service before the recycling of the ship and which shall verify that —
 - (i) the IHM complies with the requirements of these Regulations;
 - (ii) the ship recycling plan properly reflects the information contained in the IHM and complies with the requirements of the EU Regulation; and
 - (iii) the ship recycling facility where the ship is to be recycled is included in the Approved List.

(2) For existing Gibraltar ships intended for ship recycling, the initial survey and the final survey may be conducted at the same time.

(3) Surveys shall be carried out by a surveyor from a Recognised Organisation authorised by the Administration, or by a surveyor of the Administration in the case of an unclassified ship.

Inventory certificate.

14.(1) Upon the satisfactory completion of an initial survey or a renewal survey under regulation 13, an inventory certificate shall be issued to the ship.

(2) The inventory certificate shall be supplemented by Part I of the IHM.

(3) The inventory certificate shall be issued by the Recognised Organisation on behalf of the Administration, or by the Administration in the case of an unclassified ship.

(4) An inventory certificate issued by an EU Member State in accordance with Article 9 of the EU Regulation as it has effect in EU law shall be accepted by the Administration and regarded for the purposes of these Regulations as having the same validity as an inventory certificate issued under these Regulations.

(5) An inventory certificate issued by the United Kingdom in accordance with the EU Regulation as retained shall likewise be accepted by the Administration.

Ready for recycling certificate.

15.(1) Upon the satisfactory completion of a final survey under regulation 13(1)(d), a ready for recycling certificate shall be issued to the ship.

(2) The ready for recycling certificate shall be supplemented by —

- (a) the IHM, including Parts I, II, and III; and
- (b) the approved ship recycling plan.

(3) The ready for recycling certificate shall be issued by the Recognised Organisation on behalf of the Administration, or by the Administration in the case of an unclassified ship.

(4) A ready for recycling certificate issued by an EU Member State after a final survey in accordance with the EU Regulation as it has effect in EU law shall be accepted by the Administration and regarded for the purposes of these Regulations as having the same validity as a ready for recycling certificate issued under these Regulations.

(5) A ready for recycling certificate issued by the United Kingdom under the EU Regulation as retained shall likewise be accepted by the Administration.

Delegation to Recognised Organisations.

16.(1) The Administration may authorise Recognised Organisations to carry out surveys and to issue or endorse certificates on its behalf under these Regulations.

(2) An authorisation under subregulation (1) shall be granted only to organisations which are recognised in accordance with Regulation (EC) No 391/2009 or which are otherwise approved by the Administration as having the necessary competence and capacity.

(3) The Administration shall notify ship owners and the shipping industry of the Recognised Organisations authorised under subregulation (1) by means of a shipping guidance notice or other appropriate publication.

**PART 5
REQUIREMENTS FOR NON-GIBRALTAR SHIPS**

Requirements for non-Gibraltar ships calling at a port or anchorage of Gibraltar.

17.(1) This regulation applies to ships other than Gibraltar ships calling at a port or anchorage of Gibraltar.

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(2) A ship to which this regulation applies which is of 500 gross tonnage and above shall carry on board an inventory of hazardous materials which shall —

- (a) in the case of a ship flying the flag of an EU Member State, comply with the requirements of Article 12 of the EU Regulation; or
- (b) in the case of any other ship, identify at least the hazardous materials referred to in Annex I to the EU Regulation, as contained in the structure or equipment of the ship, and be compiled taking into account the relevant IMO guidelines.

(3) An inventory certificate issued by an EU Member State under the EU Regulation or a statement of compliance shall be accepted as evidence of compliance with subregulation (2)(a) or (b).

(4) A ship to which this regulation applies may be subject to inspection in the port or anchorage of Gibraltar by the Administration or a person authorised by it, for the purpose of verifying compliance with this regulation.

(5) Where an inspection under subregulation (4) reveals that a ship does not carry on board an IHM complying with this regulation, or that the condition of the ship or its equipment does not correspond substantially with the particulars of the IHM, the Administration may take the enforcement action specified in regulation 24.

PART 6

SHIP RECYCLING FACILITIES

Approved list of ship recycling facilities.

18.(1) The Administration shall establish and maintain an approved list of ship recycling facilities at which Gibraltar ships may be recycled (the "Approved List").

(2) The Approved List shall comprise —

- (a) ship recycling facilities included in the European List;
- (b) ship recycling facilities included in the United Kingdom List; and
- (c) any other ship recycling facilities which the Administration is satisfied meet the requirements set out in regulation 19 and the standards equivalent to those required by Article 13 of the EU Regulation.

(3) The Administration shall publish the Approved List and any updates thereto by means of a shipping guidance notice, on the Gibraltar Maritime Administration's website, or by such other means as the Administration considers appropriate.

(4) A Gibraltar ship within the scope of these Regulations shall not be recycled at a ship recycling facility unless that facility is included in the Approved List at the time of the commencement of recycling.

Requirements for ship recycling facilities.

19.(1) A ship recycling facility seeking inclusion on the Approved List under regulation 18(2)(c) shall demonstrate to the satisfaction of the Administration that it —

- (a) is authorised by the competent authorities of the state in which it is located to carry out ship recycling operations;
- (b) has implemented management systems, procedures, and techniques which are adequate to ensure that ship recycling operations are carried out safely and in an environmentally sound manner;
- (c) has established and maintains a ship recycling facility plan covering worker safety and training, protection of human health and the environment, emergency preparedness and response, and systems for monitoring, reporting, and record-keeping;
- (d) is capable of establishing and maintaining safe-for-entry and safe-for-hot-work conditions in ship spaces; and
- (e) otherwise complies with the requirements set out in Article 13 of the EU Regulation.

(2) The Administration may adopt guidance specifying the information and evidence to be provided by a ship recycling facility seeking inclusion on the Approved List under regulation 18(2)(c).

**PART 7
ENFORCEMENT AND OFFENCES**

Offences in respect of Gibraltar ships.

20.(1) A ship owner of a Gibraltar ship commits an offence if —

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- (a) any hazardous material referred to in Annex I to the EU Regulation is installed or used on the ship in a manner contrary to the control measures set out in that Annex in contravention of regulation 6;
- (b) the ship does not carry on board a verified IHM in compliance with regulation 6;
- (c) the ship owner does not comply with any requirement of regulation 10;
- (d) the ship has not been submitted for an initial, renewal, additional, or final survey when one is required under regulation 13;
- (e) the ship is sent for recycling at a ship recycling facility which is not included in the Approved List, in contravention of regulation 18(4); or
- (f) the ship owner fails to notify the Administration of the intention to recycle the ship as required by regulation 12.

(2) The master of a Gibraltar ship commits an offence if, being required to do so by these Regulations, the master fails to carry on board or to produce for inspection —

- (a) a valid inventory certificate; or
- (b) a valid ready for recycling certificate.

Offences in respect of non-Gibraltar ships.

21.(1) The master of a ship other than a Gibraltar ship commits an offence if, when the ship is in a port or anchorage of Gibraltar —

- (a) the ship does not carry on board an IHM or statement of compliance as required by regulation 17; or
- (b) the master fails to produce for inspection any IHM, inventory certificate, or statement of compliance as required by regulation 17.

Penalties and corporate liability.

22.(1) A person who is guilty of an offence under regulation 20 or regulation 21 is liable —

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or

- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

(2) A legal person commits an offence under these Regulations where an offence under regulation 20, 21 or 23 has been committed for the benefit of that legal person by an officer of that legal person, acting either individually or as part of an organ of that legal person.

(3) A legal person also commits an offence where the lack of supervision or control by an officer of that legal person has made possible the commission of an offence under regulation 20, 21 or 23 for the benefit of that legal person by a person under its authority.

(4) In subregulations (2) and (3), “officer”, in relation to a legal person, means a person who has a leading position within the legal person by virtue of—

- (a) a power of representation of the legal person;
- (b) authority to take decisions on behalf of the legal person; or
- (c) authority to exercise control within the legal person,

and includes a director, manager, secretary, chief executive or other similar officer of the legal person, or a person purporting to act in any such capacity.

(5) The liability of a legal person under subregulations (2) or (3) shall not preclude criminal proceedings against any natural person who commits, incites or is an accessory to the offence.

Environmental damage offence.

23.(1) A ship owner who, intentionally or by gross negligence, recycles or causes to be recycled a Gibraltar ship in contravention of these Regulations or of the requirements referred to in Article 6(2)(a) of the EU Regulation, where such recycling causes or is likely to cause—

- (a) death of, or serious injury to, any person; or
- (b) substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants,

commits an offence.

(2) For the purposes of subregulation (1), “gross negligence” means a gross breach of a duty of care which the person owed in all the circumstances, where the person’s conduct falls far below what could reasonably be expected.

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(3) A person who commits an offence under this regulation is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

(4) Where an offence under this regulation causes the death of a person, the offender is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(5) In this regulation, whether damage is or is likely to be substantial is to be interpreted in accordance with the Environmental Crime Regulations 2026.

Detention of ships.

24.(1) Where the Administration is satisfied that a Gibraltar ship or a non-Gibraltar ship at a port or anchorage of Gibraltar is in contravention of these Regulations, the Administration may detain the ship until the contravention is remedied.

(2) Where a ship is detained under subregulation (1), the Administration shall promptly inform the flag state of the ship (if other than Gibraltar) and, where the ship is flying the flag of an EU Member State, the relevant competent authority of that state.

(3) The provisions of the 1993 Act relating to the detention of ships shall apply with necessary modifications to any detention under this regulation.

Powers of inspectors.

25.(1) An inspector appointed by the Administration shall have the power to —

- (a) board and inspect any Gibraltar ship, or any ship at a port or anchorage of Gibraltar, for the purpose of verifying compliance with these Regulations;
- (b) require the production of any certificate, document, or record required to be kept or carried under these Regulations;
- (c) take samples of any material suspected of being a hazardous material;
- (d) take copies of or extracts from any document or record; and

- (e) require any person to provide information which the inspector reasonably considers necessary for the purposes of these Regulations.

(2) A person who —

- (a) intentionally obstructs an inspector in the exercise of any power conferred by subregulation (1); or
- (b) without reasonable excuse, fails to comply with any requirement imposed under subregulation (1);

commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART 8 MISCELLANEOUS

Reporting.

26.(1) The Administration shall maintain records of —

- (a) all Gibraltar ships to which these Regulations apply, including the status of their IHM and certification;
- (b) all surveys and inspections carried out under these Regulations; and
- (c) any enforcement action taken under these Regulations.

(2) The Administration shall report annually to the Minister on the implementation and enforcement of these Regulations.

Review.

27.(1) The Minister shall from time to time —

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

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(2) In carrying out the review, the Minister shall have regard to —

- (a) how the provisions of the EU Regulation are implemented in EU Member States;
- (b) how the provisions of the EU Regulation as retained are implemented in the United Kingdom;
- (c) any developments in the Hong Kong Convention and relevant IMO guidelines.

(3) The first report under this regulation shall be published before the end of the period of three years beginning with the date of coming into force of these Regulations.

(4) Reports under this regulation shall thereafter be published at intervals not exceeding five years.

Revocation and savings.

28.(1) To the extent that any provision of the following instruments applies ship recycling requirements to Gibraltar and is superseded by these Regulations, such provision is hereby revoked insofar as it has effect in Gibraltar —

- (a) the application to Gibraltar of the Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018 (SI 2018/1122) through the Gibraltar Merchant Shipping (Application of United Kingdom Provisions and Standards) Regulations 1997;
- (b) any provision of the Merchant Shipping (Port State Control) Regulations 2011 which gives effect to Regulation (EU) No 1257/2013 in Gibraltar, insofar as it is superseded by these Regulations.

(2) Notwithstanding subregulation (1) —

- (a) any certificate, authorisation, or approval granted, and any survey conducted, under or by virtue of any revoked provision and which is in force immediately before the coming into force of these Regulations shall continue to have effect as if granted or conducted under the corresponding provision of these Regulations until its expiry or until it is superseded by a certificate, authorisation, approval, or survey under these Regulations;
- (b) any proceedings for an offence committed before the coming into force of these Regulations may be continued as if these Regulations had not been made;

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- (c) any ship recycling facility included in the European List or the United Kingdom List immediately before the coming into force of these Regulations shall be deemed to be included in the Approved List for the purposes of regulation 18.

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SCHEDULE
Hazardous Materials

Regulation 7

For the purposes of these Regulations, the hazardous materials referred to in Annex I and Annex II to the EU Regulation are those set out in Annex I and Annex II to Regulation (EU) No 1257/2013, as amended from time to time.