

MERCHANT SHIPPING ACT

Principal Act

Act. No. 1935-09		<i>Commencement</i>	27.6.1935
		<i>Assent</i>	27.6.1935
Amending enactment	Relevant current provisions	Commencement date	
Act. 1950-11	s.162(2)		
1950-17	ss. 2, 181-185, 193(1)		
1951-12	ss. 122(1), 123(1)		
1952-16	—		
1954-19	ss. 14-15, 18(1)		
1960-13	s.221(1)		
1960-37	ss. 167, 180(3), 189, 192, 203		
1962-20	ss. 12(1), 57-61, 224		
1965-17	ss.68(1), 92(1), 102		
1969-06	ss.184(3)-(4)		
Notice of 1.8.1969	Sch. 1		
LN. 1971/053	s.184(2)		
1975/112	—		
1976/122	—		
1978/014	—		
1979/073	—		
1979/103	Sch. 1		
1980/066	—		
Act. 1981-03	s.45(1)		
LN. 1981/067	Sch. 1		
1982/038	Sch. 1		
Act. 1983-48	ss.2(1), 42(1), 100		
1984-15	s.221A		10.12.1984
LN. 1987/061	Sch. 1		19.3.1987
Act. 1987-04	ss.49(6), 204A, 222A, Sch.1		30.7.1987

Notes: *Rules of court made under s.148 and under other powers appear under the title Supreme Court.*

Delegation to the Captain of the Port of the powers of the Governor under s.220 by notice of 16 March 1964 appears under the title Interpretation and General Clauses.

Transposing:

EU Legislation/International Agreements involved:

Nairobi International Convention on the Removal of Wrecks, 2007

English sources

Merchant Shipping Act 1894 (57 & 58 Vict. c.60)

Merchant Shipping Act 1897 (60 & 61 Vict. c.59)

Wireless Telegraphy Act 1904 (4 Edw.7 c.24)

Merchant Shipping Act 1906 (6 Edw.7 c.48)

Merchant Shipping (Seaman's Allotment) Act 1911 (1 & 2 Geo.5 c.8)

Pilotage Act 1913 (2 & 3 Geo.5 c.31)

Merchant Shipping (Wireless Telegraphy) Act 1919 (9 & 10 Geo.5 c.38)

Merchant Shipping Acts Amendment Act 1923 (13 & 14 Geo.5 c.38)

Merchant Shipping (International Labour Conventions) Act 1925 (15 & 16 Geo.5 c.42)

Criminal Justice Act 1925 (15 & 16 Geo.5 c.86)

Merchant Shipping (Line-throwing Appliance) Act 1923 (18 & 19 Geo.5 c.40)

Merchant Shipping (Safety and Load Line Conventions) Act 1932 (22 & 23 Geo.5 c.9)

Milford Haven Conservancy Act 1958 (6 & 8 Eliz.2 c.23)

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO
MERCHANT SHIPPING.

Short title.

1. This Act may be cited as the Merchant Shipping Act.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

“Admiralty pilot” means any officer of the Royal Navy and any other person in the service of the Crown acting as a pilot under the orders of the Senior Naval Officer or of the officer performing the duties of Queen’s Harbour Master at Gibraltar;

“Bay of Gibraltar” means those waters commonly known as the Bay of Gibraltar and limited on the south by an imaginary straight line joining Europa Point and Carnero Point;

“foreign-going ship” includes every ship employed in trading or going between Gibraltar and some place or places situate beyond the following limits, that is to say, the continent of Europe between Lisbon and Valencia inclusive, and the continent of Africa between Agadir and Oran inclusive;

“home-trade ship” includes every ship employed in trading or going between Gibraltar and some place or places situate within the following limits, that is to say, the continent of Europe between Lisbon and Valencia inclusive, and the continent of Africa between Agadir and Oran inclusive;

“home-trade passenger ship” means every home-trade ship employed in carrying passengers;

“master” includes every person (except a pilot) having command or charge of any ship;

“Merchant Shipping Acts” mean the Acts of Parliament cited as the Merchant Shipping Acts, 1894 to 1979, and any Acts repealing or amending the same;

“passenger” includes any person carried in a ship other than the master and crew, and the owner, his family and servants, and persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by

reason of any circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled;

“pilot” means any person not belonging to a ship who has the conduct thereof; “Pilotage Administration Charge” means the charge payable ‘ to the Pilotage Authority to defray the expenses thereof;

“Pilotage Authority” means the Authority established under section 182; “Pilotage Fund” means the Fund established under section 184;

“seaman” includes every person (except masters, pilots and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

“superintendent” means the Captain of the Port, his deputy, clerks or other officers for the time being performing in Gibraltar the duties of a superintendent under the Merchant Shipping Acts or this Act;

“tons” and “tonnage” mean respectively tons and tonnage calculated in accordance with the rules for the time being in force for the measurement of ships under the Merchant Shipping Acts;

“vessel” includes any ship or boat, or any other description of vessel used in navigation;

“wages” includes emoluments.

(2) Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

(3) In this Act references to a ship constructed before or after any date shall be construed as references to a ship the keel of which has been laid before or after that date, as the case may be.

PART I. **MASTERS AND SEAMEN.**

Certificates of Competency.

Certificates of competency to be held by officers of ships.

3.(1) Every British foreign-going ship and every British hometrade passenger ship, when going to sea from Gibraltar, shall be provided with officers duly certificated according to the following scale:-

- (a) in any case with a duly certificated master;
- (b) if the ship is of one hundred tons burden or upwards, with **at** least one officer besides the master holding a certificate **not** lower than that of-
 - (i) mate in the case of a home-trade passenger ship;
 - (ii) second mate in the case of a foreign-going sailing **ship of** not more than two hundred tons burden; and
 - (iii) only mate in the case of any other foreign-going **ship**;
- (c) if the ship is a foreign-going ship, and carries more **than one** mate, with at least the first and second mate duly **certificated**;
- (d) if the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated;
- (e) if the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home-trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2) A person who-

- (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated; or
- (b) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

is guilty of an offence and is liable on conviction to a fine of £50.

(3) An officer shall not be deemed duly certificated, within the meaning of this section-

- (a) in respect of a foreign-going ship, unless he is the holder for the time being of a certificate of competency valid under the Merchant Shipping Acts; or
- (b) in respect of a home-trade ship, unless he is the holder for the time being of a certificate of competency valid under the Merchant Shipping Acts or this Act,

and in either case of a grade appropriate to his station in the ship, or of a higher grade.

(4) Notwithstanding any other provisions of this Act, a British ship carrying passengers and not proceeding outside the limits of the Bay of Gibraltar, shall be deemed to be duly provided with officers in pursuance of this section if it is provided with a duly certified coxswain instead of a master, and a duly certified engine driver of a steam or motor launch, as the case may be, instead of an engineer, and in such cases the provisions of this Act shall apply mutatis mutandis to coxswains and engine drivers as they apply to masters and engineers.

Grades of certificates of competency.

4. (1) Certificates of competency shall be granted under this Act for each of the following grades, that is to say:-

- master of a home-trade passenger ship;
- mate of a home-trade passenger ship;
- first class engineer of a home-trade passenger ship;
- second class engineer of a home-trade passenger ship;
- coxswain;
- engine driver of a steam launch;
- engine driver of a motor launch.

(2) A certificate of competency valid under the Merchant Shipping Acts for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home-trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship, but no certificate for a home-trade passenger ship shall entitle the holder to go to sea in the corresponding grade in a foreign-going ship.

Examination for certificates of competency.

5.(1) For the purpose of granting certificates of competency under this Act to persons desirous of obtaining the same, examinations shall be held at such places as the Governor may direct. (1894 c.60 s.96)

(2) The Governor may appoint times for the examinations and may appoint, remove and re-appoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as he may think expedient for the purpose of the examinations.

Fees on examination.

- (s.97) 6. An applicant for examination shall pay into the Treasury such fees, not exceeding those specified in Table K of Schedule 1, as the Governor may direct.

Grant of certificates on passing examination.

- (s.98) 7.(1) The Governor shall, subject as hereinafter mentioned, cause to be delivered to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, such a certificate of competency as the case requires.

(2) The Governor may in any case in which a report appears to him to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting a certificate.

Form and record of certificate.

(1894 c.60,
s.100)

8.(1) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

(2) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Governor may direct, by the Captain of the Port.

(3) Any such certificate and any record under this section shall be admissible in evidence in manner provided by the Merchant Shipping Acts.

Loss of certificate.

- (s.101) 9. If a person to whom a certificate of competency has been granted proves to the satisfaction of the Governor that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Governor shall, and in any other case may, upon payment of such fee (if any) as he may direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Captain of the Port, and to be delivered to him, and a copy purporting to be so certified shall have all the effect of the original.

Production of certificates of competency.

- 10.(1) The master of a foreign-going ship –

- (a) on signing the agreement with the crew before the superintendent shall produce to him the certificates of competency which the master, mates and engineers of the ship are by this Act required to hold; and
- (b) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

(2) The master or owner of every home-trade passenger ship except ships exclusively employed in trading in the Bay of Gibraltar shall produce to the superintendent within twenty-one days after the 30th day of June and the 31st day of December in every year the certificates of competency which the master, mates and engineers of the ship are by this Act required to hold.

Forgery of certificate of competency.

11. A person who –

(s.104)

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or
- (b) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or
- (c) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
- (d) fraudulently lends his certificate of competency or allows it to be used by any other person,

is guilty of an offence.

Engagement of Seamen.

Agreements with crew.

12.(1) The master of every British ship and of every ship of a foreign country which has no consular officer resident in Gibraltar, shall enter into

(s.113)

an agreement (in this Act called an agreement with the crew) in accordance with this Act with every seaman whom he carries to sea from Gibraltar:

Provided that this section shall not apply to the master of any ship of less than twenty-five tons exclusively employed in trading within thirty miles of Gibraltar.

(2) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home-trade ship, is guilty of an offence and is liable on conviction to a fine of £400.

Form, period, and conditions of agreements with crew.

(s.114) 13.(1) An agreement with the crew shall be in a form approved by the Governor, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

(2) The agreement with the crew shall contain as terms thereof the following particulars:—

- (a) either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world (if any) to which the voyage or engagement is not to extend;
- (b) the number and description of the crew, specifying how many are engaged as sailors;
- (c) the time at which each seaman is to be on board or to begin work;
- (d) the capacity in which each seaman is to serve;
- (e) the amount of wages which each seaman is to receive;
- (f) a scale of the provisions which are to be furnished to each seaman; and
- (g) any regulations as to conduct on board, and as to fines, short allowances of provisions, or other lawful punishment for misconduct which have been approved by the Governor as regulations proper to be adopted, and which the parties agree to adopt.

(3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case,

whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4) If the master of a ship registered at a port out of Gibraltar has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in Gibraltar, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Governor.

Special provisions as to agreements with crew of foreign-going ships.

14. The following provisions shall have effect with respect to the agreements with the crew made in Gibraltar in the case of foreign-going ships registered either within or without Gibraltar:— (s.115)

- (a) the agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of the superintendent;
- (b) the superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;
- (c) when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship;
- (d) where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion or other unforeseen cause, the engagement shall, when practicable, be made before the superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature;
- (e) the agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made

to extend over two or more voyages are in this Act referred to as running agreements;

- (f) running agreements shall not extend beyond the expiration of the period of six months from the date of the agreement, or the first arrival of the ship at Gibraltar after that date, or the discharge of cargo consequent on that arrival;
- (g) on every return to Gibraltar before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and a master who wilfully makes a false statement in any such endorsement, is guilty of an offence and is liable on conviction to a fine of £400;
- (h) the master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master;
- (i) the duplicate running agreement retained by the superintendent on the first engagement of the crew shall, if the ship is registered in Gibraltar, be deposited at the office of the Captain of the Port, and if the ship is registered in the United Kingdom shall be transmitted to the Registrar General of Shipping and Seamen in London.

Special provisions as to agreements with crew of home-trade ships.

(s.116) 15. The following provisions shall have effect with respect to the agreements with the crew of home-trade ships for which an agreement with the crew is required under this Act:—

- (a) agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement;
- (b) crews or single seamen may, if the master thinks fit, be engaged before the superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible,

cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature;

- (c) an agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master, and the provisions of this Act with respect to the making of the agreement shall apply accordingly;
- (d) agreements shall not extend beyond the expiration of the period of six months from the date of the agreement, or the first arrival of the ship at Gibraltar after that date or the discharge of cargo consequent on that arrival.

Changes in crew of foreign-going ship to be reported.

16.(1) The master of every foreign-going ship whose crew has been engaged before the superintendent shall, before finally leaving Gibraltar, sign and send to the superintendent, a full and accurate statement, in a form approved by the Governor, of every change which takes place in his crew before finally leaving Gibraltar, and that statement shall be admissible in evidence in manner provided by the Merchant Shipping Acts. (s.117)

(2) A master who fails without reasonable cause to comply with this section, is guilty of an offence and is liable on conviction to a fine of £5.

Delivery of agreements with crew of foreign-going ship.

17. The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at Gibraltar when Gibraltar is her final port of destination or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery, and if the master fails without reasonable cause so to deliver the agreement with the crew, he is guilty of an offence and is liable on conviction to a fine of £400. (s.118)

Delivery of agreements with crew of home-trade ship.

18.(1) The master or owner of a home-trade ship, except ships exclusively employed in trading in the Bay of Gibraltar, shall within twenty-one days after the expiration of any agreement with the crew made for the ship deliver or transmit to the superintendent such agreement. (s.119)

(2) A master or owner who fails without reasonable cause to comply with this section, is guilty of an offence and is liable on conviction to a fine of £400.

Copy of agreement to be made accessible to crew.

- (s.120) 19.(1) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures), to be posted up in some part of the ship which is accessible to the crew.

(2) A master who fails without reasonable cause to comply with this section, is guilty of an offence and is liable on conviction to a fine of £400.

Forgery of agreements with crew.

- (s.121) 20. A person who fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, and a person who assists in committing or procures to be committed any such offence, are likewise guilty of offences.

Alterations in agreements with crew.

- (s.122) 21. Every erasure, interlineation or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement.

- (s.123) 22. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Engagement of seamen in colonial and foreign ports.

- (s.124) 23.(1) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Where the master of a ship registered in Gibraltar engages a seaman in any of Her Majesty's dominions other than Gibraltar or at a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in Gibraltar shall apply subject to the following modifications:—

- (a) in any of Her Majesty's dominions the master shall engage the seaman before some officer being either a superintendent within the meaning of the Merchant Shipping Acts or, if there is no such superintendent, an officer of customs;
- (b) at any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer;
- (c) the officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.

(2) A master who fails to comply with this section is guilty of an offence and is liable on conviction to a fine of £400.

Rating of seamen.

24.(1) A seaman shall not be entitled to the rating of A. B., that is to say, of an able-bodied seaman, unless he has served at sea for three years before the mast, but the employment of fishermen in decked fishing vessels registered under the First Part of the Merchant Shipping Act, 1894, shall only count as sea service up to the period of two years of that employment, and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to two or more year's sea service on board of decked fishing vessels so registered.

(1894 c.
60, s.126;
1906 c.
48,s.58(2))

(2) The service may be proved by certificates of discharge, by a certificate of service from the Registrar General of Shipping and Seamen, specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

(3) The superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A.B. on the agreement with the crew unless the seaman gives such satisfactory proof as is required by this section of his title to be so rated, and a seaman who, for the purpose of obtaining a rating as A.B., makes any false statement or false representation, is guilty of an offence and is liable on conviction to a fine of £400.

Notice of disrating of seamen.

(1906 c.
48,s.59)

25.(1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official log book a statement of the disrating, and furnish the seaman with a copy of the entry, and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections 31 and 32.

Discharge of Seamen

Discharge before the superintendent.

(1894 c. 60, s.127) 26.(1) When a seaman serving in a British foreign-going ship, whether registered within or without Gibraltar, is on the termination of his engagement discharged in Gibraltar, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of the superintendent.

(2) The master or owner of a ship who acts in contravention of this section, is guilty of an offence and is liable on conviction to a fine of £400.

(3) If the master or owner of a home-trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Certificate of discharge and return of certificate to officer on discharge.

(s.128) 27.(1) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Governor, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he is guilty of an offence and is liable on conviction to a fine of £400.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he is guilty of an offence and is liable on conviction to a fine of £400.

Reports of seaman's character.

(s.129) 28. Where a seaman is discharged before the superintendent, the master shall make and sign, in a form approved by the Governor, a report of the conduct, character and qualifications of the seaman discharged, or may state

in such form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).

False or forged certificate of discharge or report of character.

29. A person who—

(s.130)

- (a) makes a false report of character under this Act, knowing the same to be false; or
- (b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or
- (c) assists in committing, or procures to be committed, any of such offences; or
- (d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

is guilty of an offence.

Payment of Wages.

Payment of wages before superintendent.

30.(1) Where a seaman is discharged before the superintendent, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within Gibraltar in any other manner, he is guilty of an offence and is liable on conviction to a fine of £100. (s.131)

(2) If the master or owner of a home-trade ship so desires, the seaman of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

Master to deliver account of wages.

31.(1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Governor, of the seaman's wages, and of all deductions to be made therefrom on any account whatever. (s.132)

(2) The account shall be delivered—

- (a) where the seaman is not to be discharged before the superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and
 - (b) where the seaman is to be discharged before the superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.
- (3) The master of a ship who fails without reasonable cause to comply with this section, is guilty of an offence and is liable on conviction to a fine of £100.

Deductions from wages of seamen.

- (s.133) 32.(1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 31, except in respect of a matter happening after the delivery.

(2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

33. *Repealed.*

Time of payment of wages for home-trade ships.

- (s.135) 34.(1) The master or owner of every home-trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two day's pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days' double pay.

- (3) Any sum payable under this section may be recovered as wages.

Settlement of wages.

35.(1) Where a seaman is discharged, and the settlement of his wages completed, before the superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Governor, of all claims in respect of the past voyage or engagement, and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.

(1894 c.
60,s.133;
1906
c.48,s.60)

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by the Merchant Shipping Acts.

(4) Where the settlement of a seaman's wages is by this Ordinance required to be completed through or in the presence of the superintendent, no payment, receipt or settlement made otherwise than in accordance with this Ordinance shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5) Upon any payment being made by a master before the superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid, and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

(6) Notwithstanding anything contained in this section, a seaman may except from the release signed by him under this section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall subsection (4) apply to any payment, receipt or settlement made with respect to any such claim or demand.

Decision of questions by superintendent.

36. (1) Where in the case of a foreign-going ship a question as to wages is raised before the superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed £5, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final, but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before the

superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted, and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp. A document purporting to be the submission or award shall be admissible as evidence thereof.

Power of superintendent to require production of ship's papers.

(1894 c. 60,s.138) 37.(1) In any proceedings under this Act before the superintendent relating to the wages, claims or discharge of a seaman, the superintendent may require the owner or his agent, or the master or any mate or other member of the crew, to produce any log books, papers or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of an examine any of those persons, being then at or near the place, on the matter.

(2) A person so required who fails, without reasonable cause, to comply with the requisition, is guilty of an offence and is liable on conviction to a fine of £100.

Rule as to payment of British seamen in foreign money.

(s.139) 38. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance notes restricted.

(s.140) 39.(1) Where an agreement with the crew is required to be made in a form approved by the Governor, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

(2) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(3) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from Gibraltar shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be

deducted from the seaman's wages, and a person shall not have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

40.(1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made. (s.141)

(2) Where the agreement is required to be made in a form approved by the Governor, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one-half unless it is otherwise agreed between the seaman and the master) of his wages in favour of a near relative.

(3) Allotment notes shall be in a form approved by the Governor.

(4) For the purposes of the provisions of this Act with respect to allotment notes, "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman.

Further provisions as to allotment notes.

41.(1) A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew, and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment. (1906 c. 48,s.62; 1911 c.8,s.1)

(2) Notwithstanding the other provisions of this Act, by agreement with the master an allotment note may be granted to a seaman providing for—

- (a) payment of a greater sum than one-half of the wages;
- (b) payment at a period earlier than one month from the date of the agreement with the crew and at intervals more frequent than one month,

Right of Suing On allotment notes.

42.(1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the (1894 c. 60, s.143)

engagement was made, or from any agent of the owner who has authorized the allotment, in the same court and manner in which wages of seamen not exceeding £50 may be recovered under this Act.

(2) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorized agent, and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

- (a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required; or
- (b) by a certified copy of some entry in the official log book to the effect that he has left the ship; or
- (c) by a credible letter from the master of the ship to the same effect; or
- (d) by such other evidence as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid,

Rights of seamen in respect of Wages.

Right to wages etc., when to begin.

- (1894 c. 60, s.155) 43. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages and salvage not to be forfeited.

- (s.156) 44.(1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage, and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the

remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not to depend on freight.

45.(1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned. (s.157)

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by the Merchant Shipping Acts with respect to the wages of a seaman who dies during a voyage.

Wages on termination of service by wreck or illness.

46.(1) Where the service of a seaman terminates before the date contemplated in the agreement, by reason of his being left on shore at any place abroad under a certificate granted as provided by sections 30 and 36 of the Merchant Shipping Act, 1906, or of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period. (1894 c. 60, s.158; 1925 c..42, s. 1)

(2) Where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything in subsection (1), but subject to the provisions of subsection (3), be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(3) A seaman shall not be entitled to receive wages under subsection (2) if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under that subsection in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(4) In subsections (2) and (3), “seaman,” in the case of a ship which is a fishing-boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

Wages not to accrue during refusal to work or imprisonment.

- (1894 c. 60, s.159) 47. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Forfeiture of wages, etc., of seaman when illness caused by his own default.

- (s.160) 48. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Expenses of medical attendance in case of injury or illness.

- (1906 c. 48, s.34; 1923 c.40,s.1) 49.(1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2) The provisions of subsection (1) shall apply to an illness of venereal disease but shall not apply to any other illness due to a seaman's own wilful act or default or to his own misbehaviour.

(3) If the master or a seaman is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequent returns to his duty, the expense of the removal and of providing the necessary medical advice and attendance and medicine, and of his maintenance while away from the ship shall be defrayed in like manner.

(4) The expense of all medicines, surgical and medical advice, and attendance, given to a master or seaman whilst on board his ship shall be defrayed in like manner.

(5) In all other cases any reasonable expenses incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman who dies whilst on service, shall if duly proved, be deducted from the wages of the seaman.

(6) In addition to the obligations imposed by the preceding sub-sections the owner shall be responsible to defray all expenses in respect of repatriation of the master or any seaman belonging to a ship which has been shipwrecked or otherwise has foundered, or who has been discharged for any cause or reason for which he or they cannot be held responsible.

Costs of procuring punishment may be deducted from wages.

50. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding £3, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment. (1894 c. 60, s.161)

Compensation to seamen improperly discharged.

51. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof, before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned. (s.162)

Restriction on sale of, and charge upon, Wages.

52.(1) As respects wages due or accruing to a seaman or apprentice to the sea service— (s.163)

- (a) they shall not be subject to attachment or arrestment from any court;
- (b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;
- (c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and
- (d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance or arrestment thereof.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Summary proceedings for wages.

(1894 c. 60, s.164) 53. A seaman or apprentice to the sea service, or a person duly authorized on his behalf, may as soon as any wages due to him, not exceeding £50, become payable, sue for the same in a summary manner in Gibraltar if his services were terminated in Gibraltar, or if he has been discharged at Gibraltar, or if any person on whom the claim is made is or resides in Gibraltar, and the order made by the court in the matter shall be final.

Remedies of master for Wages, disbursements and other liabilities.

(s.167) 54. The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages,

(3) If in any Admiralty proceeding in the Supreme Court touching the claim of a master in respect of wages, or of such disbursements or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Forgery of documents, etc. , for purpose of obtaining property of deceased seamen.

(s.180) 55. A person who, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service—

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or

- (b) makes use of any document which has been so forged or fraudulently altered; or
- (c) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or
- (d) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,

is guilty of an offence and is liable on conviction to imprisonment for five years, or on summary conviction to imprisonment for six months.

Appointment of medical inspectors, etc., and fees for services thereof.

56. The Governor shall have the power—

(1894 c.
60, s.205)

- (a) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and
- (b) of appointing inspectors of ships' provisions, of medicines, medical stores and anti-scorbutics, of charging fees for examinations by those inspectors, and of determining the remuneration to be paid to those inspectors.

Official Logs.

Official logs to be kept and to be evidence.

57.(1) An official log shall be kept in every ship, except home-trade ships not exceeding 150 gross tons, in the appropriate form for that ship approved by the Governor.

(2) The Governor shall approve forms of official log-books which may be different for different classes of ships, so that each form shall contain proper spaces for entries required by this Act.

(3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book shall be duly filled up.

(4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made

on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log-book shall be signed by the master and by the mate or some other of the crew; and also—

- (a) if it is an entry of illness, injury or death, shall be signed by the surgeon or medical practitioner on board, if any;
- (b) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master;
- (c) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorized to receive the seaman into that service.

(6) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence.

Entries required in official logbook.

58. The master of a ship for which an official log is required by this Act shall enter or cause to be entered in the official log-book the following matters:—

- (a) every conviction by a legal tribunal of a member of his crew and the punishment inflicted;
- (b) every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply, if any, made to the charge;
- (c) every offence for which punishment is inflicted on board and the punishment inflicted;
- (d) a statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars;

- (e) every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted, if any;
- (f) every case of death happening on board and the cause thereof;
- (g) every birth happening on board, with the sex of the infant and the names of the parents;
- (h) every marriage taking place on board, with the names and ages of the parties;
- (i) the name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof;
- (j) the wages due to any seaman who enters Her Majesty's naval service during the voyage;
- (k) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom;
- (l) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and the sum received for it;
- (m) every collision with any other ship, and the circumstances under which the same occurred;
- (n) any casualty or accident of which a report is required to be made under this Act;
- (o) any other matter directed by this Act to be entered.

Offences in respect of official logs.

59.(1) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master is guilty of an offence and is liable on conviction for each offence to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine of £400.

(2) A person who makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than

twenty-four hours after that arrival, is guilty of an offence and is liable on conviction for each offence to a fine of £400.

(3) A person who wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, is guilty of an offence and is liable on conviction for each offence to imprisonment for two years or a fine of £1000.

Delivery of official logs to the superintendent.

60.(1) The master of every ship for which an official log-book is required by this Act shall, upon the discharge of the crew, deliver the official log-book of the voyage to the superintendent before whom the crew is discharged.

(2) The master of a ship who fails without reasonable cause to comply with this section is guilty of an offence and is liable on conviction to a fine of £400.

Official logs to be sent to superintendent in case of transfer of ship or of loss.

61.(1) Where, by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship, the master or owner of the ship shall, if the ship is then in Gibraltar, within one month and, if she is elsewhere, within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book, if any, duly made out to the time of the cessation.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book, if any, duly made out to the time of the loss or abandonment.

(3) The master or owner of a ship who fails without reasonable cause to comply with this section is guilty of an offence and is liable on conviction to a fine of £400.

Provisions as to Discipline.

Misconduct endangering life or ship.

(1894 c.
60, s.220) 62. A master, seaman or apprentice belonging to a British ship who, by wilful breach of duty or by neglect of duty or by reason of drunkenness, –

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

is guilty of an offence.

Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion.

63.(1) A person who secretes himself and goes to sea in a ship without the consent of either the owner, consignee or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, is guilty of an offence and is liable on conviction to a fine of £400, or to imprisonment for four weeks. Such person found on board without consent may be taken before the magistrates' court without warrant, and such court may hear the case, and, on proof of the offence, convict the offender. (s.237)

(2) Every seafaring person whom the master of a ship is, under the authority of this or any other enactment, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

Documents to be handed over to successor on change of master.

64. (1) If during the progress of a voyage the master is removed or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he is guilty of an offence and is liable on conviction to a fine of £1000. (1894 c. s.60, s.258)

(2) His successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Application of Part I.

65. This Part shall apply to such ships or classes of ships and the owners, masters and crews thereof as the Governor may declare by notice in the Gazette to the extent specified in such notice.

PART II.
PASSENGER SHIPS.

Interpretation of Part II.

66. For the purposes of this Part –

(1894 c. s.60, s.267; 1906 c.48,s.13) “passenger steamer” means every British steamship carrying passengers to and from Gibraltar and every foreign steamship (whether originally proceeding from Gibraltar or from a port out of Gibraltar) which carries passengers to or from Gibraltar but shall not include any open motor boat used solely in the Bay of Gibraltar, or any vessel used solely in the port of Gibraltar.

Passengers landed or embarked by means of tenders.

(1906 c.48,s.15) 67. Where a passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender, she shall be deemed to be taking the passengers on board from, or landing the passengers at Gibraltar, and passengers conveyed in a tender to or from a ship at Gibraltar shall for the purposes of this Part be deemed to be passengers carried from or to Gibraltar.

Survey of Passenger Steamers.

(1894 c.60, s.271; 1964 c.47,s.17) **Annual survey of passenger steamers.**

68.(1) Every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part; and no ship (other than a steam ferry boat working in chains or a ship in respect of which there is a certificate in force issued by the Captain of the Port under rules made under the Port Act¹ or a motor boat licensed under those rules) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is one in respect of which the Governor has exempted the ship from the requirements of this subsection.

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(2) A passenger steamer attempting to ply or proceed to sea or on any voyage or excursion may be detained until such certificate is produced to the Captain of the Port.

(3) Provided that, while a steamer is an emigrant ship within the meaning of the Merchant Shipping Acts, and the provisions of those Acts as to the survey of the hull, machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

Mode of survey and declaration of survey.

69.(1) The owner of every passenger steamer to which section 68 applies shall cause the same to be surveyed by a ship surveyor of ships and an engineer surveyor of ships, and in the case of a sea-going passenger steamer required to be provided with a wireless telegraphy installation by a wireless telegraphy surveyor. (1894 c.60, s.272; 1932 c.9,s.9)

(2) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Governor.

(3) The declaration of the ship surveyor shall contain statements of the following particulars:—

- (a) that the hull of the steamer is sufficient for the service intended and in good condition;
- (b) that the boats, life buoys, lights, signals, compasses and shelter for deck passengers, are such, and in such condition, as are required by this Act;
- (c) the time (if less than one year) for which the hull and equipments will be sufficient;
- (d) the voyages or class of voyages on which as regards construction and equipments the steamer is in the surveyor's judgment fit to ply;
- (e) the number of passengers which the steamer is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; those numbers to be subject to such conditions and variations according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires; and

- (f) that the certificates of the master and mate or mates are such as are required by this Act.

(4) The declaration of the engineer surveyor shall contain statements of the following particulars:—

- (a) that the machinery of the steamer is sufficient for the service intended, and in good condition;
- (b) the time (if less than one year) for which the machinery will be sufficient;
- (c) that the safety valves and appliances for the prevention, detection and extinction of fire are such and in such condition as are required by this Act;
- (d) the limit of the weight to be placed on the safety valves;
- (e) the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply; and
- (f) that the certificates of the engineer or engineers of the steamer are such as are required by this Act.

(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars:—

- (a) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply;
- (b) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules made under section 92; and
- (c) that the certificates of the wireless telegraphy operators and watchers are such as are required by those rules.

Transmission of declaration.

(1894 c.60, s.273) 70.(1) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Governor.

(2) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding fifty pence for

every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Issue of passenger steamer's certificate.

71. On the receipt of the declarations of survey, the Governor shall, if satisfied that this Part has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating according to the declarations – (s.274)

- (a) the voyages or class of voyages in which the steamer is fit to ply; and
- (b) the number of passengers which the steamer is fit to carry distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Appeal to court of survey.

72. (1) If the owner of a steamer feels aggrieved by the declaration of survey of a ship or engineer surveyor or wireless telegraphy surveyor, or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey in manner directed by the rules of court made under section 151. (1894 c.60, s.275; 1932 c.9, s.9(3))

(2) On any such appeal the court of survey shall report to the Governor on the question raised by the appeal and the Governor when satisfied that the requirements of the report and of the foregoing provisions of this Part have been complied with, may grant a passenger steamer's certificate.

(3) Subject to any order made by the court of survey the costs of and incidental to the appeal shall follow the event.

(4) A ship or engineer surveyor or wireless telegraphy surveyor in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Transmission of certificate.

73.(1) The Governor shall transmit the passenger steamer's certificate in duplicate to the Captain of the Port. (1894 c.60, s.276)

(2) The Captain of the Port shall cause notice of the transmission to be given to the master or owner or his agent, and on the owner, master or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

(3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the Captain of the Port, and that due notice of the transmission was given to the owner, master or agent.

Fees for certificate.

- (s.277) 74. The grantee of a passenger steamer's certificate shall pay the prescribed fees.

Duration of certificates.

- (s.278) 75.(1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after notice is given by the Governor to the owner, agent or master of the steamer, that the Governor has cancelled it.

(2) If a passenger steamer is absent from Gibraltar at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to Gibraltar.

Cancellation of certificates.

- (s.279) 76.(1) The Governor may cancel a passenger steamer's certificate where he has reason to believe –
- (a) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or
 - (b) that the certificate has been issued upon false or erroneous information; or
 - (c) that since the making of the declaration, the hull, equipment or machinery have sustained any injury, or are otherwise insufficient.
- (2) In every such case the Governor may require the owner to have the hull, equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before he re-issues the certificate or grants a fresh one in lieu thereof.

Alteration of ships and additional surveys.

77.(1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipment or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Governor containing full particulars of the alteration, and, if notice is not so given, the owner or master of the steamer is guilty of an offence and is liable on conviction to a fine of £1000. (1932 c.9,s.3)

(2) If the Governor has reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies –

- (a) any such alteration as aforesaid has been made in the hull, equipment or machinery of the steamer; or
- (b) the hull, equipment or machinery of the steamer have sustained any injury, or are otherwise insufficient,

the Governor may, without prejudice to his powers under section 76, require the steamer to be again surveyed to such extent as he thinks fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under section 71.

(3) This section applies to every passenger steamer, whether British or foreign, in respect of which any such certificate as aforesaid is for the time being in force, and for the purpose of this section, “alteration,” in relation to the hull, equipment or machinery of a steamer, includes the renewal of any part thereof.

Delivery up of certificate.

78.(1) The Governor may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as he directs. (1894 c.60, s.280)

(2) An owner or master who fails without reasonable cause to comply with such requirement, is guilty of an offence and is liable on conviction to a fine of £400.

Posting up of certificate.

79.(1) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all (s.281)

persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.

(2) The owner or master who fails without reasonable cause to comply with this section, is guilty of an offence and is liable on conviction to a fine of £400.

(3) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof is liable to a fine of £400, and the master is liable to a further fine of £200.

Penalty for forgery of a certificate or declaration.

(s.282) 80. A person who –

- (a) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate,

is guilty of an offence.

Penalty for carrying passengers in excess.

(s.283) 81. The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and if he does so, he is guilty of an offence and is liable on conviction to a fine of £50 and also to an additional fine of fifty pence for every passenger above the number so allowed, or if the fare of any passenger on board exceeds fifty pence, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

Overcrowding of passenger steamers.

(1906 c.48,s.22) 82. If a passenger steamer has on board at any place a number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the passenger steamer's

certificate, the owner or master of the steamer shall be deemed to have received those passengers on board at that place.

Penalty on master or owner for non-compliance with provisions as to passenger steamers.

83. If the provisions of this Part which require a passenger steamer to be surveyed and to have a passenger steamer's certificate are not complied with in the case of any such steamer, the master or owner of the steamer is guilty of an offence and, without prejudice to any other remedy or penalty, is liable on conviction to a fine of £10 for every passenger carried from or to Gibraltar, and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer, is liable to a like penalty for every passenger so taken on board or landed. (s.21)

Exemption from survey, etc., of passenger steamer in certain cases.

84. (1) Where a ship is a passenger steamer within the meaning of this Part and a valid and subsisting certificate issued by a competent authority is produced, which the Governor is satisfied has been issued after official survey at a port in the United Kingdom, any British possession or foreign country, in accordance with requirements substantially equivalent to those in this Act, the Governor may dispense with any further survey of the ship, in respect of any requirements so complied with. (1894 c.60, s.363; 1932 c.9, s.17)

(2) Where there is also produced in respect of such passenger steamer a certificate issued by or under the authority of the government of the country to which the steamer belongs showing the number of passengers which the steamer is fit to carry, and the Governor is satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in Gibraltar, the steamer shall not require a passenger certificate in pursuance of this Act and the certificate so produced shall have effect as a passenger steamer's certificate.

General Equipment of Passenger Steamers.

Equipment of passenger steamers with compasses, deck shelters and safety appliances.

85.(1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the ship surveyor and according to such rules as may be issued by the Governor. (1894 c.60, s.285; 1932 c.9, s.5)

(2) A home-trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Governor, having regard to the nature of the passage, the number of deck passengers to be carried,

the season of the year, the safety of the ship, and the circumstances of the case, may require.

(3) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(4) If a passenger steamer plies or goes to sea from Gibraltar without being equipped as required by this section, then, for each matter in which default is made, the owner (if in fault) is guilty of an offence and is liable on conviction to a fine of £400, and the master (if in fault) is guilty of an offence and is liable to a fine of £200.

Prohibition of increasing weight on safety valve.

(1894
c.60,
s.286) 86. A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor and, if he does so, he is guilty of an offence and in addition to any other liability he may incur by so doing, is liable on conviction to a fine of £1000.

Keeping Order in Passenger Steamers.

Offences in connection with passenger steamers.

(s.287) 87.(1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force, that is to say:—

- (a) if any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer;
- (b) if any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at Gibraltar, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;
- (c) if any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger;

- (d) if any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer;
- (e) if any person having gone on board the steamer at Gibraltar, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted Gibraltar, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;
- (f) if any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof;
- (g) if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare, and with intent to avoid payment thereof;
- (h) if any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer; and
- (i) if any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer,

the person so offending is for each offence liable on conviction to a fine of £100, but that liability shall not prejudice the recovery of any fare payable by him.

(2) A person on board any such steamer who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, is guilty of an offence and is liable on conviction to a fine of £100.

(3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all

convenient despatch before the magistrates' court to be dealt with according to law.

(4) A person who commits an offence against this section and who on the application of the master of the steamer, or any person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, is guilty of an offence and is liable on conviction to a fine of £100, and the fine shall be paid to the owner of the steamer.

Power to exclude drunken passengers on home-trade passenger steamers.

(1894 c.60, s.288) 88. The master of any home-trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place, and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

Returns of Passengers.

Return to be furnished by masters of ships as to passengers.

(1906 c.48, s.76) 89.(1) The master of every ship, whether a British or foreign ship, which carries any passenger to Gibraltar from any place out of Gibraltar, or from Gibraltar to any place out of Gibraltar shall furnish to the Captain of the Port in such manner as he may direct a return giving the total number of any passengers so carried, distinguishing, if so directed, the total number of any class of passengers so carried, and giving, if the Captain of the Port so direct, such particulars with respect to passengers as may be for the time being required by the Captain of the Port.

(2) Any passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(3) If the master of a ship fails to make a return as required by this section, or makes a false return, and if any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section, or gives any false information for the purpose, the master or passenger is guilty of an offence and is liable on conviction for each offence to a fine of £400.

PART III.

WIRELESS TELEGRAPHY ON SHIPS.

Interpretation of Part III.

90. In this Part, "passenger steamer" means a steamer which carries more than twelve passengers.

Wireless telegraphy requirements.

91. Every sea-going British ship registered in Gibraltar being a passenger steamer or a ship of 1,600 tons gross tonnage or upwards shall be provided with a wireless telegraph installation, and shall maintain a wireless telegraph service which shall be at least sufficient to comply with the rules made for the purpose under this Part, and shall be provided with one or more certified operators and watchers, at least, in accordance with those rules:

Provided that the Governor may exempt from the obligations imposed by this Part any ships or classes of ships if he is of opinion that, having regard to the nature of the voyages on which the ships are engaged, or other circumstances of the case, the provision of a wireless telegraph apparatus is unnecessary or unreasonable.

Wireless telegraphy rules.

92.(1) The Governor may make rules-

- (a) requiring the master of a ship to enter in the official log-book such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless telegraph service, as may be specified in the rules;
- (b) making provision as to the certificates to be held by, and the duties of, operators and watchers;
- (c) prescribing the nature of the wireless telegraph installation to be provided, of the services to be maintained, and the number, grade and qualifications of operators and watchers to be carried;
- (d) prescribing requirements for such portable radio apparatuses boats or life rafts may be required to carry by the rules for life-saving appliance.

(2) Rules made under subsection(!) may further require that the wireless telegraph installation to be provided on passenger steamers of 5,000 tons gross tonnage or upwards shall include a wireless direction finding apparatus.

Offences.

93. (1) If the provisions of this Part or of any rules made thereunder relating to the equipment of ships with wireless telegraph apparatus and the number, grade and qualifications of operators and watchers to be carried' are not complied with, the master or owner of the ship is guilty of an offence and is liable on conviction to a fine of £500, and any such offence may be prosecuted summarily, but if the offence is prosecuted summarily the fine shall not exceed £100.

(2) If the master of a British ship registered in Gibraltar fails to comply with the requirements of any rule, other than one relating to the equipment of the ship with wireless telegraph apparatus and the number, grade and qualifications of operators and watchers to be carried for which a penalty is hereinbefore provided, or if any operator or watcher on any such ship contravenes the said rules he is guilty of an offence and is liable on conviction to a fine of £10.

Duty of persons in charge in wireless stations.

94. Every person in charge of a wireless telegraph station in Gibraltar which is under the control of the Governor, or which is established or installed under a licence granted under the Wireless Telegraphy Ordinance, shall on receiving the signal prescribed by the Board of Trade for indicating that a message is about to be sent under section 24 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Governor, shall transmit the message in such manner as may be required by the Governor, and compliance with this subsection shall be deemed to be a condition of every licence granted under the Wireless Telegraphy Ordinance or any law passed in substitution therefor:

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed under the Merchant Shipping Acts.

Inspection of ships to see that provisions relating to wireless telegraphy are complied with.

95. (1) A surveyor of ships appointed under this Ordinance may inspect any ship for the purpose of seeing that she is properly provided with a wireless telegraph installation and certified operators and watchers in conformity with this Ordinance and for the purpose of that inspection shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(2) If the surveyor finds that the ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency and also pointing out what in his opinion is requisite to remedy the same.

(3) Every notice so given shall be communicated in the manner directed by the Governor to the Captain of the Port and the ship shall be detained until a certificate under the hand of any such surveyor is produced to the effect that the ship is properly provided with wireless telegraph installation and certified operators and watchers in conformity with this Part.

Survey of ships other than passenger steamers by wireless telegraphy surveyors.

96. The owner of every British ship of 1,600 tons gross tonnage or upwards registered in Gibraltar, not being a passenger steamer or a ship exempt from the obligations imposed by this Part, shall, before the ship first proceeds to sea from Gibraltar and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections 69, 70 and 72 shall apply accordingly.

Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

97. (1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in Gibraltar not being a passenger steamer, the Governor shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to such ship issue a certificate stating that the ship complies with the requirements of this Part relating to wireless telegraphy, and any certificate issued under this subsection is hereafter in this Part referred to as a wireless telegraphy certificate

(2) Where any ship is exempted from the obligations imposed by this Part, the Governor, on the application of the owner of the ship shall issue an exemption certificate stating that the ship is exempted from the requirements of this Part relating to wireless telegraphy and specifying the voyages on which, and conditions (if any) on which, the ship is so exempted, and any certificate issued under this subsection is hereafter in this Part referred to as a wireless telegraphy exemption certificate.

No proceeding to sea without certificate.

98. (1) No ship to which this section applies shall proceed to sea from Gibraltar unless there is in force in respect of the ship-

(a) in the case of a ship being a passenger steamer, either-

(i) a passenger certificate showing that the vessel complies with the requirements of this Part relating to wireless telegraphy; or

(ii) a wireless telegraphy exemption certificate,

being a certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;

(b) in the case of a ship not being a passenger steamer, either –

(i) such certificate as would be required in her case by the foregoing provisions of this Part if she were a passenger steamer; or

(ii) a wireless telegraphy certificate; or

(iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea from Gibraltar in contravention of this section, -

(a) in the case of a ship being a passenger steamer, the master or owner of the steamer is guilty of an offence and, without prejudice to any other remedy or penalty under this Ordinance, is liable on conviction for each offence to a fine of £10 for every passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer is guilty of an offence and for each offence is liable on conviction to a like penalty for every passenger so taken on board; and

(b) the case of a ship not being a passenger steamer, the master or owner of the ship is guilty of an offence and for each offence is liable on conviction to a fine of £100.

(3) The master of every ship to which this section applies shall produce to the Captain of the Port or to any person authorized by him in that behalf before the ship proceeds to sea from Gibraltar, the certificate required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and the ship may be detained until such certificate is so produced.

(4) Where a wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship is guilty of an offence and is liable on conviction to a fine of £100.

(5) This section applies to British ships registered in Gibraltar, being passenger steamers or being ships of 1,600 tons gross tonnage or upwards.

Miscellaneous provisions as to wireless certificates.

99.(1) A wireless telegraphy certificate or exemption certificate issued by the Governor shall not be in force for more than one year from the date of its issue, nor after notice is given by the Governor to the owner, agent or master of the ship in respect of which it has been issued, that the Governor has cancelled the certificate.

(2) If a British ship registered in Gibraltar, in respect of which any such certificate has been issued, is absent from Gibraltar at the date when the certificate expires, the Governor, or any person authorized by him for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to Gibraltar, but no such extension shall have effect for a period exceeding five months from the said date.

(3) Every such certificate shall be in such form as may be prescribed by rules made by the Governor, and any such certificate purporting to be duly signed by or on behalf of the Governor shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned in section 719 of the Merchant Shipping Act, 1894.

(4) The following sections of this Ordinance shall apply to and in relation to every such certificate issued by the Governor in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, sections 73, 74, 76, 78 and 79.

Provisions of Act in addition to existing provisions.

100. The obligations imposed by this Part shall be in addition to and not in substitution for, the obligations as to wireless telegraph imposed by section 231 of the Criminal Offences Ordinance, sections 3 and 4 of the Wireless Telegraphy Ordinance, or any Order in Council applying any of the provisions of or the regulations made under the Wireless Telegraphy Act, 1904, or the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to British ships whilst on the high seas.

Application of Part III to ships not registered in Gibraltar.

101. (1) Subject to the other provisions of this section, this Part shall apply to ships other than British ships registered in Gibraltar while they are at Gibraltar in like manner as they apply to British ships so registered.

(2) Where in respect of such passenger steamer or ship of 1,600 tons gross tonnage or upwards registered in the United Kingdom, any British possession or foreign country there is produced a valid and subsisting certificate issued by a competent authority, that such ship is wholly exempt from or complies with the provisions of the law relating to wireless telegraphy for the time being in force in the country to which the ship belongs, then, if the Governor is satisfied that such certificate has been granted substantially in the same manner and upon the same grounds as in the case of a British ship registered in Gibraltar, -

- (a) the ship shall be exempt from the provisions of this Part if the certificate shows that the ship is wholly exempt;
- (b) the following provisions of this section shall apply to the ship in lieu of the provisions of this Part, if the certificate shows that the ship complies with the provisions of the law relating to wireless telegraphy for the time being in force in the country to which it belongs.

(3) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watches carried on the ship correspond substantially with the particulars stated in the certificate.

(4) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

(5) Every notice so given shall be communicated in manner directed by the Governor to the Captain of the Port and to the consular officer at Gibraltar for the country to which the ship belongs and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

PART IV.

SAFETY AT SEA.

Life-Saving Appliances.

Rules as to life-saving appliances.

102. The Governor may make rules (in this Act called rules for life-saving appliances) with respect to all or any of the following matters, namely:
- (a) the arranging of British ships registered in Gibraltar into classes, having regard to the services in which they are employed, to the nature and duration of the voyage, and to the number of persons carried; (1894 c.60, s.427; 1928 c.40,s.1; 1932 c.9,s.5(1))
 - (b) the number and description of the boats, life-boats, life-rafts, line throwing appliances, life jackets and life buoys to be carried by British ships registered in Gibraltar, according to the class in which they are arranged, and the mode of their construction, also the equipments to be carried by the boats and rafts, and the methods to be provided to get the boats and other life-saving appliances into the water which methods may include oil for use in stormy weather;
 - (c) the quantity, quality and description of buoyant apparatus to be carried on British ships registered in Gibraltar, either in addition to or in substitution for boats, life-boats, life-rafts, life-jackets and life-buoys;
 - (d) the marking of boats, life-boats, life-rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;
 - (e) the manning of boats and life-boats and the qualifications and certificates of life-boat men;
 - (f) the provision to be made for mustering the passengers and crew and for embarking them in the boats and life-boats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);
 - (g) the practicing of boat drills;
 - (h) the assignment of specific duties to each member of the crew in the event of emergency;
 - (i) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire;
 - (j) the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire.

Duties of owners and masters as to carrying life-saving appliances.

(1894
c.60,
s.428) 103. It shall be the duty of the owner and master of every British ship registered in Gibraltar to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

Penalty for breach of rules.

104. (1) In the case of any ship—

- (1894
c.60,
s.430;
1932
c.9,s.5(2))
- (a) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship; or
 - (b) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master; or
 - (c) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion; or
 - (d) if such appliances are not kept so as to be at all times fit and ready for use; or
 - (e) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with,

the owner of the ship (if in fault) and the master of the ship (if in fault) are guilty of offences and on conviction the owner is liable to a fine of £400 and the master to a fine of £200.

(2) Nothing in the foregoing enactments with respect to lifesaving appliances shall prevent any person from being liable under any other provision of this Act, or otherwise, to any other or higher fine or punishment than is provided by those enactments, provided that a person shall not be punished twice for the same offence.

(3) If the court before whom a person is charged with an offence punishable under those enactments thinks that proceedings ought to be taken against him for the offence under any other provision of this Act, or

otherwise, the court may adjourn the case to enable such proceedings to be taken.

Survey of ship with respect to life-saving appliances.

105.(1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts. (1932 c.9,s.5(3))

(2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect such rules have not been complied with, and what, in his opinion, is required to rectify the matter.

(3) Every notice so given shall be communicated in manner directed by the Governor to the Captain of the Port, and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.

Power to apply rules as to life-saving appliances to foreign ships in certain cases.

106. Sections 103 to 105 (both inclusive) shall apply to all foreign ships while they are at Gibraltar as they apply to British ships: (1906 c. 48,ss.4 & 6)

Provided that the Governor may direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to the Governor to be as effective as the provisions of this Part, on proof that those provisions are complied with in the case of that ship:

Provided also that those provisions shall not affect any foreign ship not bound to Gibraltar which comes into Gibraltar for any purpose other than the purpose of embarking or landing passengers or taking in or disembarking cargo or taking in bunker coal or oil fuel or any material for the purpose of refuelling or taking in water or stores.

General Equipment.

Adjustment of compasses and provision of hose.

107.(1) Every British sea-going steamship registered in or being at Gibraltar, if employed to carry passengers, shall have her compasses properly adjusted from time to time and every such British sea-going steamship not used wholly as a tug shall be provided with a hose capable of (1894 c. 60,s.432)

being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

(2) If any such British sea-going steamship plies or goes to sea from Gibraltar and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) and the master (if in fault) are guilty of offences and on conviction the owner is liable to a fine of £400 and the master to a fine of £200.

Placing undue weight on safety valve.

(1894 c. 60,s.433). 108. A person shall not place an undue weight on the safety valve of any steamship, and if he does so he is, in addition to any other liability he may incur by so doing, guilty of an offence and liable on conviction to a fine of £1000.

Provision of signals of distress and inextinguishable lights.

(s.435). 109.(1) Where a ship is a sea-going passenger steamer, within the meaning of Part II, the ship shall be prodded to the satisfaction of the Governor –

- (a) with means for making any signals of distress prescribed by Her Majesty in Council under the Merchant Shipping Acts; and
- (b) with a proper supply of lights inextinguishable in water and fitted for attachment to life-buoys.

(2) If any such ship goes to sea from Gibraltar without being provided as required by this section, then for each default in any of the above requisites, the owner (if in fault) and the master (if in fault) are guilty of offences and on conviction the owner is liable to a fine of £400 and the master to a fine of £200.

Dangerous Goods.

Restrictions on carriage of dangerous goods.

(1894 c. 60,s.446). 110.(1) A person shall not send or attempt to send from Gibraltar by any vessel, British or foreign, and a person not being the master or owner of the vessel, shall not carry or attempt to carry from Gibraltar in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2) A person who fails without reasonable cause to comply with this section, is guilty of an offence and on conviction is liable for each offence to a fine of »£400 « or, if he shows that he was merely an agent in the shipment of any such goods, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, then of £100.

(3) For the purpose of this Part, “dangerous goods” mean aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitroglycerine, petroleum, any explosives within the meaning of the Explosives Act² and any other goods which are of a dangerous nature.

Penalty for misdescription of dangerous goods.

111. A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, leaving Gibraltar any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and a person who acts in contravention of this section is guilty of an offence and is liable on conviction to a fine of £5000. (s.447)

Power to deal with goods suspected of being dangerous.

112.(1) The master or owner of any vessel, British or foreign, may refuse to take on board at Gibraltar any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact. (s.448).

(2) Where any dangerous goods, or any goods which in the judgment of the master or owner of the vessel are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

Forfeiture of dangerous goods improperly sent or carried.

113.(1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, at Gibraltar, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, the magistrates’ court may declare those goods, and any package or receptacle in which they are contained, to be, and they

² 1960-10

shall thereupon be, forfeited, and when forfeited shall be disposed of as the court directs.

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong, nevertheless the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before they are forfeited.

Saving for other enactments relating to dangerous goods.

(1894 c. 60,s.450). 114. The provisions of this Part relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in those provisions shall be deemed to authorize any person to be sued or prosecuted twice in the same matter.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

(s.458) 115.(1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

Power to detain unsafe ships, and procedure for detention.

(1894 c. 60,s.459; 1897 c.59,s.1(1)) 116.(1) Where a British ship, being at Gibraltar, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipment or machinery, or by reason of undermanning, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed

or for ascertaining the sufficiency of her crew, and either finally detained or released as follows:—

- (a) the Governor, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed;
- (b) when a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Governor may, if he think fit, appoint some competent person or persons to survey the ship and report thereon to the Governor;
- (c) the Governor on receiving the report may either order the ship to be released or, if in his opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship, as the Governor thinks necessary for the protection of human life, and the Governor may vary or add to any such order;
- (d) before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after the service the owner or master of the ship may appeal to the court of survey in manner directed by the rules of court made under section 151;
- (e) where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Governor shall cause the ship to be detained or released accordingly, but if they differ, the Governor may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section;
- (f) where a ship has been provisionally detained, the Governor may at any time, if he thinks it expedient, refer the matter to the court of survey;

- (g) the Governor may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) Any person appointed by the Governor for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Governor has under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3) A detaining officer shall forthwith report to the Governor any order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6) The Captain of the Port shall be a detaining officer for the purposes of this Act and, in addition, the Governor may appoint any other fit persons to act as detaining officers, and may remove any such officers. A detaining officer shall be paid such salary or remuneration (if any) as the Governor may direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(7) A detaining officer and a person authorized to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

Liability for costs and damages.

(1894 c. 60, s.460) 117.(1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part as an unsafe ship, the Government shall be liable to pay the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part, the owner of the ship shall be liable to pay to the Government its costs of and incidental to the detention and survey of

the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purpose of this section the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Government, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to the Registrar of the Supreme Court who shall, on request by the Governor, ascertain and certify the proper amount of those costs.

(4) An action for any costs or compensation payable by the Government under this section may be brought in the Supreme Court against the Attorney-General in a suit instituted by the plaintiff against the Attorney-General as defendant, and the rules of court for the time being in force shall apply to such suit.

Power to require from complainant security for costs.

118.(1) Where a complaint is made to the Governor or a detaining officer that a British ship is unsafe, the Governor may, if he thinks fit, require the complainant to give security to the satisfaction of the Governor for the costs and compensation which the Government may become liable to pay as hereinafter mentioned. (s.461)

(2) Such security shall not be required where the complaint is made by one-fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Governor or the detaining officer frivolous or vexatious, and the Governor or such officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Government is liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incurs or is liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

119.(1) Where a foreign ship being at Gibraltar is unsafe by reason of the defective condition of her hull, equipments or machinery, or by reason of overloading or improper loading, or by reason of undermanning, the provisions of this Part with respect to the detention of ships shall apply to that foreign ship as it she were a British ship, with the following modifications:— (1894 c. 60,s.462; 1897 c.59,s.1(2) ; 1906 c.48,s.s.2 & 6)

- (i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs;
- (ii) where a ship has been provisionally detained, the consular officer, on the request that the owner or master of the ship, may require that the person appointed by the Governor to survey the ship shall be accompanied by such person as a consular officer may select, and in that case, if the surveyor and that person agree, the Governor shall cause the ship to be detained or released accordingly, but if they differ, the Governor may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is hereinafter provided in the case of a British ship; and
- (iii) where the owner or master of the ship appeals to the court of survey, the consular officer, on his request may appoint a competent person to be assessor in the case in lieu of one of the assessors who would otherwise be appointed by the Governor under section 149.

(2) Nothing in the foregoing provisions of this section shall affect any foreign ship not bound for Gibraltar which comes into Gibraltar for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal or oil fuel or any material for the purpose of refuelling, or taking in water or stores.

Survey of ships alleged by seamen to be unseaworthy.

(1894 c.
60, s.463)

120.(1) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in its power to satisfy itself concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence it may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Governor, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court and having no interest in the ship, her freight or cargo, to survey the ship, and to answer any question concerning her which the court thinks fit to put.

(4) Such surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before it in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(6) The costs (if any) of the survey shall be determined by the Governor according to a scale of fees to be fixed by him.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand, or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Government.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Government, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the proceeding before the court under this section, such compensation for his detention as the court may award.

PART V.

PROVISIONS RELATING TO LOAD LINES.

Implementation of Part V.

121. In this Part –

“conditions of assignment” mean such of the load line rules as are made to give effect to Part 2 of Annex 1 of the Load Line Convention;

“country to which the Load Line Convention applies, “ means –

- (a) a country the government of which has been declared by an Order in Council under section 65 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to have ratified, or acceded to, to the Load Line Convention, and has not been so declared to have denounced that Convention;
- (b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article 21 thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

“international voyage” means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, so however that for the purpose of this definition-

- (a) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
- (b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;

“Load Line Convention” means the International Load Line Convention signed in London on the 5th day of July, 1930, and set out in the Second Schedule to the Merchant Shipping (Safety and Load Line Conventions) Act, 1932;

“load line rules” mean the load line rules made by the Board of Trade and for the time being in force under the Merchant Shipping Acts;

“prescribed” means prescribed by the load line rules.

Ships exempt from Part V.

122. (1) The following ships are exempt from this Part namely:-

- (a) ships engaged solely in trading in the Bay of Gibraltar;
- (b) ships exempted under subsection (2);
- (c) ships solely engaged in fishing;
- (d) pleasure yachts; and
- (e) ships of less than one hundred and fifty tons gross tonnage.

(2) The Governor may, on such conditions as he thinks fit, exempt from this Part-

- (a) any ship plying on international voyages between the near neighbouring ports of two or more countries, if the Governor and the governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the provisions of this Part to ships so plying; and
- (b) any ship plying on any other voyage between near neighbouring ports if the Governor is satisfied as aforesaid.

Classification of ships for purpose of Part V.

123. (1) Ships which are not exempt from this Part by virtue of section 122 are hereafter in this Ordinance referred to as load line ships. and are divided into-

- (a) international load line ships which carry cargo or passengers; and
- (b) local load line ships which do not carry cargo or passengers.

(2) International load line ships belonging to countries to which the Load Line Convention applies, are hereafter in this Ordinance referred to as Load Line Convention ships.

Marking of deck-line and load lines.

124. (1) No British load line ship registered in Gibraltar, being a ship constructed after the 30th day of June, 1932, shall proceed to sea unless-

- (a) the ship has been surveyed in accordance with the load line rules;
- (b) the ship complies with the conditions of assignment;
- (c) the ship is marked on each side with a mark (hereafter in this Ordinance referred to as a deck-line) indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Ordinance referred to as load lines) indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules;
- (d) the deck line and load lines are of the description required by the load line rules. the deck-line is in the position required by those rules. and the load lines are of the number required by such of those rules as are applicable to the ship: and
- (e) the load lines are in the position required by such of the load line rules as are applicable to the ship.

(2) No British load line ship registered in Gibraltar, being a ship constructed before the 1st day of July, 1932, shall proceed to sea unless-

- (a) the ship has been surveyed and marked in accordance with paragraphs (a), (c) and (d) of subsection (1);
- (b) the ship complies with the conditions of assignment in principle and also in detail. so far as. in the opinion of the Governor, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section: and
- (c) the load lines are either in the position required by paragraph (e) of subsection (1) or in the position required by the tables used by the Board of Trade on the 31st day of December 1906. for fixing the position of load lines, subject to such modifications of those tables and of the applications thereof approved by the Board of Trade under section 438 of the Merchant Shipping Act, 1894, as were in force immediately before the 5th day of July. 1930.

(3) If any ship proceeds or attempts to proceed to sea from Gibraltar in contravention of this section, the master or owner thereof is guilty of an offence and is liable on conviction to a fine of £100.

(4) Any ship attempting to proceed to sea from Gibraltar without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section 116.

Inspection of ships with respect to load line.

125. A ship surveyor or engineer surveyor may inspect any British load line ship registered in Gibraltar for the purpose of seeing that the provisions of this Part have been complied with in the case of the ship, and for the purpose of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

Issue of load line certificates and effect thereof.

126. (1) Where a British load line ship registered in Gibraltar has been surveyed and marked in accordance with the foregoing provisions of this Part and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee-

- (a) in the case of an international load line ship, a load line certificate hereafter in this Ordinance referred to as a Load Line Convention certificate; and
- (b) in the case of a local load line ship, a load line certificate hereafter in this Ordinance referred to as a United Kingdom load line certificate.

(2) Every such certificate shall be issued either by the Board of Trade or by such other person as may be authorized in that behalf by the Board of Trade and shall be issued in such form and manner as may be prescribed by the load line rules.

(3) Where a load line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purpose of the foregoing provisions of this Part be deemed to have been surveyed as required by those provisions, and, if the deck-line and load lines on the ship are of the number and description required by the load line rules and the position of the deck-line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Duration, renewal and cancellation of certificates.

127. (1) Every load line certificate issued in pursuance of section 126 shall, unless it is renewed in the manner prescribed by the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(2) The Governor shall cancel any such load line certificate in force in respect of a ship, if he has reason to believe that –

- (a) material alterations have taken place in the hull or super-structures of the ship which affect the position of the load lines; or
- (b) the fittings and appliances for the protection of openings. The guard rails. the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(3) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force. Having regard to subsection (2), and if the ship is not so surveyed, the Governor shall cancel the certificate:

Provided that the Governor. if he thinks fit in any particular case, may extend the period of one year.

(4) Where any such load line certificate has expired or been cancelled, the Governor may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs, and the ship may be detained until such requirement has been complied with, and an owner or master who fails without reasonable cause to comply with such requirement, is guilty of an offence and is liable on conviction to a fine of £10.

(5) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed under this Ordinance.

Insertion of particulars as to load line in agreements with crew.

128. (1) Before an agreement with the crew of any British load line ship registered in Gibraltar, in respect of which a load line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load line

specified in the certificate, and if he fails to do so, he is guilty of an offence and is liable on conviction to a fine of £20.

(2) In the case of a British load line ship registered in Gibraltar being a foreign going ship. the superintendent shall not proceed with the engagement of the crew until-

- (a) there is produced to him a load line certificate for the time being in force in respect of the ship; and
- (b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Submersion of load line of ships not registered in Gibraltar.

129. (1) The provisions of section 44 of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, as applied to British load line ships registered in Gibraltar, shall apply to load line ships not registered in Gibraltar, while they are at Gibraltar, subject to the following modifications, namely:-

- (a) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of the said section except after an inspection by a ship surveyor or engineer surveyor as hereinafter provided; and
- (b) the expression "the appropriate load line," in relation to any ship not registered in Gibraltar, shall mean-
 - (i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspection as aforesaid a valid Load Line Convention certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded; and
 - (ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

(2) For the purposes of this section, "a valid Load Line Convention certificate" means a valid and subsisting certificate issued by a competent

authority in accordance with the requirements of the Load Line Convention to a ship belonging to a country to which such convention applies.

Inspection of ships not registered in Gibraltar.

130. The provisions of section 125 shall apply to load line ships, other than British ships registered in Gibraltar while they are at Gibraltar, as they apply to British load line ships registered in Gibraltar.

Inspection and control of Convention ships.

131. (1) A ship surveyor or engineer surveyor may go on board any Load Line Convention ship when at Gibraltar, for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.

(2) If a valid Load Line Convention certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing-

- (a) that the ship is not loaded beyond the limits allowed by the certificate;
- (b) that the position of the load lines on the ship corresponds with the position specified in the certificate; and
- (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines,

and for the purpose of any such inspection the surveyor shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner thereof under the law for the time being in force relating to the submersion of load lines on ships.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraph (c) of subsection (2) that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose

of section 116 (in the case of a British ship) or for the purpose of section 119 (in the case of a foreign ship):

Provided that where the ship has been detained under either section 116 or 119 the Governor shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid Load Line Convention certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part have been complied with, as if the ship were a British ship registered in Gibraltar.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

(8) For the purposes of this section, "a valid Load Line Convention certificate" means a valid and subsisting certificate issued by a competent authority in accordance with the requirements of the Load Line Convention to a ship belonging to a country to which such convention applies.

132. Omitted.

PART VI.

SPECIAL PROVISIONS RELATING TO PART III AND PART V.

Notice to be given to consular officer where proceedings taken in respect of foreign ship.

133. Where any foreign ship is detained under Part III or Part V, and where any proceedings are taken thereunder against the master or owner of any such ship, notice shall forthwith be served on the consular officer at Gibraltar for the country to which the ship belongs and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken. (1932 c. 9, s.69)

Cost of detaining ships.

134. Where a ship is detained in pursuance of any provision of Part III or Part V which provides for the detention of a ship until a certain event occurs, section 117(2) shall apply as if the ship had been finally detained within the meaning of that subsection. (s.70)

PART VII.
SPECIAL SHIPPING INQUIRIES
AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

General power of inquiry or investigation into shipping casualties and conduct of officers.

(1894 c. 60,s.478) 135.(1) Inquiries or investigations may be made under this Part as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates or engineers of ships, in the following cases, namely:—

- (a) where a shipwreck or casualty occurs to a British ship on or near the coasts of Gibraltar or to a British ship in the course of a voyage to Gibraltar; or
- (b) where a shipwreck or casualty occurs in any part of the world to a British ship registered in Gibraltar; or
- (c) where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Gibraltar; or
- (d) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Gibraltar, or on board a British ship in the course of a voyage to Gibraltar; or
- (e) where the incompetency or misconduct has occurred on board a British ship registered in Gibraltar; or
- (f) when the master, mate or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in Gibraltar.

(2) A court authorized to make any such inquiry or investigation shall have the same jurisdiction over the matter in question as if it had occurred within its ordinary jurisdiction, but subject to all provisions, restrictions and conditions which would have been applicable if it had so occurred.

(3) No such inquiry or investigation shall be held into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate or

engineer has been cancelled or suspended by a naval court under powers conferred by the Merchant Shipping Acts.

(4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter an inquiry or investigation with reference to the same matter shall not be held under this section.

(5) The court or tribunal holding an inquiry or investigation under this section shall have the same power of cancelling and suspending certificates (whether issued under this Act or the Merchant Shipping Acts), and shall exercise those powers in the same manner as a court or tribunal holding a similar investigation or inquiry in the United Kingdom.

(6) The Board of Trade may order the rehearing of any such inquiry or investigation held in Gibraltar in like manner as they may order the rehearing of a similar investigation or inquiry in the United Kingdom, but if an application for rehearing either is not made or is refused, an appeal shall lie from any order or finding of the court holding the inquiry to the High Court in England:

Provided that an appeal shall not lie—

- (a) from any order or finding on an inquiry into a casualty affecting a ship registered in Gibraltar; or
- (b) from a decision affecting the certificate of a master, mate or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of the Merchant Shipping Acts.

Preliminary inquiry into shipping casualties.

136.(1) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the Captain of the Port or any other person appointed for the purpose by the Governor, (1894 c. 60,s.465)

(2) For the purposes of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under the Merchant Shipping Acts.

Formal investigation of shipping casualties.

137.(1) A person authorized as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Governor so directs, (1894 c. 60,s.466)

apply to the magistrates' court to hold a formal investigation, and that court shall thereupon hold the formal investigation.

(2) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering or other special skill or knowledge, to be appointed by the Governor.

(3) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(4) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as is in his power.

(5) The court after hearing the case shall make a report to the Governor containing a full statement of the case and of the opinion of the court thereon, accompanied by such report of, or extracts from, the evidence, and such observations as the court thinks fit.

(6) Each assessor shall either sign the report or state in writing to the Governor his dissent therefrom and the reasons for that dissent.

(7) The court may make such order as the court thinks fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced in a summary manner.

(8) The Governor may, if in any case he thinks fit so to do, pay the costs of any such formal investigation.

(9) For the purposes of this section the court holding a formal investigation shall have the powers of the magistrates' court.

(10) In accordance with Article 19 of Part 7 of the British Commonwealth Merchant Shipping Agreement, 1931*, a formal investigation shall not be held into a casualty occurring to ship registered in another part of the Commonwealth save at the request, or with the consent of, the government of that part in which the ship is registered:

Provided that this restriction shall not apply when a casualty occurs on or near the coasts of Gibraltar, or whilst the ship is wholly engaged in trading in the Bay of Gibraltar.

Method of conducting formal investigations.

* Cmnd. 3994. This agreement is deemed terminated with effect from 7 April 1982.

138.(1) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have an opportunity of making a defence. (1894 c. 60, s. 466(11) & (12))

(2) Formal investigations into shipping casualties under section 137 shall be held in the court ordinarily used as the magistrates' court.

Inquiry in case of loss of life from fishing vessel's boat.

139. When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Governor may, if he thinks fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly. (s.468)

Power as to Certificates of Officers and Others.

Power of the Governor as to certificate.

140. The Governor may suspend or cancel the certificate granted under section 7 to any person if it is shown that the grantee has been convicted of any offence. (s.469)

Power of court of investigation or inquiry as to certificate.

141. (1) The certificate of a master, mate or engineer whether granted under the Merchant Shipping Acts or this Act may be cancelled or suspended— (s.470)

- (a) by a court holding a formal investigation into a shipping casualty under this Part, if the court finds that the loss or abandonment of, or serious damage to, any ship, or loss of life has been caused by his wrongful act or default:

Provided that the court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court; or

- (b) by a court holding an inquiry under this Part, into the conduct of a master, mate or engineer if it finds that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under Part V of the Merchant Shipping Act, 1894.

(2) Where any case before any such court involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion

of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) The court shall in all cases send a full report on the case with the evidence to the Governor, and shall also, if it determines to cancel or suspend any certificate, send the certificate cancelled or suspended to the Governor with its report.

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

Inquiry into conduct of certificated officer.

(1894 c. 60,s.471) 142.(1) If the Governor, either upon the report of the Captain of the Port or otherwise, has reason to believe that any master, mate or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under Part V of the Merchant Shipping Act, 1894, the Governor may cause an inquiry to be held by the magistrates' court, the Captain of the Port or some other person designated by the Governor.

(2) Where an inquiry is held by the Captain of the Port or a person appointed by the Governor, the Captain of the Port or such person—

- (a) shall hold the inquiry with the assistance of a competent legal assistant appointed by the Governor;
- (b) shall have all the powers of a Board of Trade inspector under the Merchant Shipping Acts;
- (c) shall give any master, mate or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear;
- (d) may make such order with regard to the costs of the inquiry as he thinks just; and
- (e) shall send a report upon the case to the Governor.

(3) Where the inquiry is held by the magistrates' court the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this Part of this Act:

Provided that, if the Governor so directs, it shall be the duty of the person who has brought the charge against the master, mate or engineer to the notice of the Governor, to conduct the case and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

Removal of master by Supreme Court.

143.(1) The Supreme Court may remove the master of any ship within the jurisdiction of the court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary. (1894 c. 60,s.472)

(2) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one-third or more of the crew of the ship.

(3) The court may appoint a new master instead of the one removed but, where the owner, agent or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent or consignee.

(4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

Delivery of certificate cancelled or suspended.

144.(1) A master, mate or engineer whose certificate is cancelled or suspended by any court or by the Governor shall deliver his certificate— (1894 c. 60, s.473)

- (a) if cancelled or suspended by a court to that court on demand; and
- (b) if not so demanded, or if it is cancelled or suspended by the Governor, to the Governor, or as the Governor directs.

(2) A master, mate or engineer who fails to comply with this section, is guilty of an offence and is liable on conviction to a fine of £400.

Power of Governor to restore certificate.

145. The Governor may, if he thinks that the justice of the case requires it, re-issue and return the certificate granted under this Act of a master, mate or engineer which has been cancelled or suspended, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade. (s.474)

*Rehearing of Investigation and Inquiries,***Rehearing of inquiries and investigations.**

- (s.475) 146.(1) The Governor may, in any case where under this Part a formal investigation into a shipping casualty, or an inquiry into the conduct of a master, mate or engineer has been held, order the case to be reheard either generally or as to any part thereof, and shall do so—
- (a) if new and important evidence which could not be produced at the investigation or inquiry has been discovered; or
 - (b) if for any other reason there has in his opinion been ground for suspecting that a miscarriage of justice has occurred.
- (2) The Governor may order the case to be reheard by the court or person by whom the case was heard in the first instance, or by a person appointed for the purpose, and the case shall be so reheard accordingly.
- (3) Where on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate or engineer, and an application for a rehearing under this section has not been made or has been refused, an appeal shall lie from the decision to the Supreme Court.
- (4) Any rehearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules of court made in relation thereto under the powers contained in this Part.

*Supplemental Provisions as to Investigations and Inquiries.***Appeal from decision on investigation as to shipping casualties.**

- (1906
c.48,s.66) 147. Where on any investigation or inquiry under the provisions of this Part, the court finds that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for rehearing has not been made under section 146, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under that section against a decision with respect to the cancelling or suspension of his certificate.

Rules of Court.

148. The Chief Justice may make rules of court for carrying into effect the enactments relating to formal investigations and to any rehearing of, or appeal from, any investigation or inquiry held under this Part and in particular with respect to the procedure, the summoning of the parties, the persons allowed to appear, the notice to those parties or persons affected, and the amount and application of fees. (1894 c.60, s.479(1))

Constitution of court of survey.

149. The court of survey shall consist of the Chief Justice or other person appointed by the Governor, sitting with two assessors (who shall be persons of nautical, engineering or other special skill and experience) also appointed by the Governor. (s.487(1))

Power and procedure of court of survey.

150.(1) The court of survey shall hear every case in open court. (s.488)

(2) Each member of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under the Merchant Shipping Acts.

(3) The court may appoint any competent person or persons to survey the ship and report thereon to the court,

(4) Each member of the court and any person appointed by the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipment and cargo, and may require the unloading or removal of any cargo, ballast or tackle, and any person who wilfully impedes such member of the court or person in the execution of the survey, or fails to comply with any requisition made by him, is guilty of an offence and is liable on conviction to a fine of £200.

(5) The court shall have the same power as the Governor has to order the ship to be released or finally detained, but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(6) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Governor, may attend at any inspection or survey made in pursuance of this section.

(7) The court shall send its report to the Governor and each assessor shall either sign the report or report to the Governor the reasons for his dissent,

Rules for procedure of court of survey, etc.

- (s.489) 151. The Chief Justice may make rules of court to carry into effect the provisions of this Act with respect to the court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, and the amount and application of fees.

Payments to Officers of Courts.

Payments to officers of courts.

- (1894
c.60,s.491) 152. There may be paid out of the Consolidated Fund to any member of a court of survey or investigation under this Part, or to any other officer or person appointed for the purpose of any court of survey or investigation under this Part, such remuneration (if any) as the Governor may direct.

PART VIII.
WRECK AND SALVAGE.
Vessels in Distress.

Interpretation.

- (s.510) 153. In this Part, unless the context otherwise requires,—
- “wreck” includes jetsam, flotsam, lagan and derelict found in or on the shores of Gibraltar;
- “salvage” includes all expenses, properly incurred by the salvor in the performance of the salvage services.

Duty of receiver where vessel in distress.

- (s.511) 154. (1) Where a British or foreign vessel is wrecked, stranded or in distress at any place on or near the coasts of Gibraltar, the receiver of wreck shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part referred to as shipwrecked persons) and of the cargo and apparel of the vessel.
- (2) A person who wilfully disobeys the directions of the receiver is guilty of an offence and is liable on conviction to a fine of £400, but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Powers of receiver in case of vessels in distress.

155.(1) The receiver may, with a view to such preservation of shipwrecked persons, or of the vessel, cargo or apparel— (s.512)

- (a) require such persons as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any vessel near at hand to give such aid with his men or vessel, as maybe in his power;
- (c) demand the use of any motor vehicle, wagon, cart or other vehicle or any draught animal that may be near at hand.

(2) A person who refuses without reasonable cause to comply with any such requisition or demand, is guilty of an offence and is liable on conviction to a fine of £200, but a person shall not be liable to pay any duty or licence in respect of any such motor vehicle, wagon, cart or other vehicle or animal, by reason only of the use of the same under this section.

Power of receiver to suppress plunder and disorder by force.

156.(1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended. (1894 c.60,s.514)

(2) The receiver may use force for the suppression of any such plundering, disorder or obstruction and may command all Her Majesty's subjects to assist him in so using force.

(3) If any person is killed, maimed or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed or hurt.

Exercise of powers of receiver in his absence.

157.(1) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any revenue officer, justice, commissioned officer on full pay in the naval, military or air service of Her Majesty, may do anything by this Part authorized to be done by the receiver. (s.516)

(2) Any person acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver, but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Examination in respect of ships in distress.

(s.517) 158.(1) Where any ship, British or foreign, is or has been in distress on the coasts of Gibraltar, the receiver of wreck shall, as soon as conveniently may be, examine on oath (and he is hereby empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters, that is to say:—

- (a) the name and description of the ship;
- (b) the name of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered; and
- (g) such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The receiver of wreck shall take the same down in writing and shall send one copy thereof to the Governor and another copy to the Principal Clerk at Lloyd's in London.

(3) The receiver of wreck shall, for the purposes of such examination, have all the powers of a Board of Trade inspector under the merchant shipping Acts.

Dealing with Wreck.

Provision as to wreck found in Gibraltar.

159.(1) Where any person finds or takes possession of any wreck within the limits of Gibraltar or finds or takes possession of any wreck outside the limits of Gibraltar and brings that wreck within the limits of Gibraltar, he shall,—

(1894
c.60,s.518;
1906
c.48,s.72)

- (a) if he is the owner thereof, give notice to the receiver stating that he has found or taken possession of the same, and describing the marks by which the same may be recognized;
- (b) if he is not the owner thereof, as soon as possible deliver the same to the

(2) A person who fails without reasonable cause, to comply with subsection (1) is guilty of an offence and is liable on conviction to a fine of £100, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed or, if it is unclaimed to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

Penalty for taking wreck at time of casualty.

160.(1) Where a vessel is wrecked, stranded or in distress at any place on or near the coasts of Gibraltar, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

(1894
c.60,s.519)

(2) A person, whether the owner or not, who secrets or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorized by him to demand the same, is guilty of an offence and is liable on conviction to a fine of £100.

(3) The receiver or any person authorized as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

Notice of wreck to be given by receiver.

161. Where a receiver takes possession of any wreck he shall within forty-eight hours—

(s.520)

- (a) cause to be posted at the Port Office a description of the wreck and of any marks by which it is distinguished; and
- (b) if in his opinion the value of the wreck exceeds £20 also transmit a similar description to the Principal Clerk at Lloyd's in London.

Claims of owners to wreck.

(1894 c.60,s.521) 162.(1) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where a foreign ship or any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of Gibraltar, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into Gibraltar, the consul of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorized in that behalf, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wrecked ship or of such articles.

Immediate sale of wreck by receiver in certain cases.

(s.522) 163. A receiver may at any time sell any wreck in his custody, if in his opinion—

- (a) it is under the value of £5; or
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, fights and liabilities as if the wreck had remained unsold.

Rights of Crown to and disposal of unclaimed wreck.

164. (1) Her Majesty is entitled to all unclaimed wreck to which this Part relates.

(ss.523 & 525) (2) Where no owner establishes a claim to any wreck in the possession of a receiver, within one year after it came into his possession, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Governor may in each case, or by any general rule, determine) into the Treasury for the benefit of the crown.

Removal of wreck by receiver and recovery of expenditure.

165.(1) Where any vessel is sunk, stranded or abandoned at Gibraltar in such manner as, in the opinion of the receiver, to be, or likely to become, an obstruction or danger to navigation or to cause by means of silting or otherwise any obstruction to the navigation of any craft whatsoever, the receiver may— (s.530)

- (a) take possession of, and raise, remove or destroy the whole or any part of the vessel;
- (b) light or buoy any such vessel or part until the raising, removal or destruction thereof; and
- (c) sell, in such manner as he may think fit any vessel or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto under this section, and the receiver shall hold the surplus (if any) of the proceeds in trust for the persons entitled thereto:

Provided as follows:—

- (i) a sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper; and
- (ii) at any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the receiver of the fair market value thereof, to be ascertained by agreement between the receiver and the owner, or failing agreement by some person to be named for the purpose by the Governor, and the sum paid to the receiver as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(2) Any expenditure incurred by the receiver in removing any vessel or part thereof or other property as provided for by this section, and which is not recovered out of the proceeds of the sale of such vessel or part thereof or other property shall be a debt due to the Crown by the owner or agent of the

vessel and may be sued for the recovered in the Supreme Court in the name of the Attorney-General.

Powers of removal to extend to tackle, cargo, etc.

(1894
c.60,s.532) 166. The provisions of this Part relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel in the same manner as if it were included in the word “vessel,” and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof or any other property recovered therefrom, shall be regarded as a common fund.

Protection of Crown interests in wrecks.

(1958
c.23,s.7) 167.(1) Without prejudice to section 219, the powers conferred on the receiver by sections 165 and 166 shall not be exercisable—

- (a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;
- (b) except with the consent of the Senior Naval Officer, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty, but which, at the time when the vessel was sunk, stranded or abandoned—
 - (i) had been required to be placed at the disposal of Her Majesty or of a Government department; and
 - (ii) was appropriated to the service, under the direction and control of the Admiralty, of Her Majesty’s ships of war.

(2) The receiver shall give notice in writing to the Senior Naval Officer of any decision of the receiver to exercise in relation to any vessel any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the receiver a case of emergency, shall not proceed with the exercise thereof—

- (a) except with the consent of the Senior Naval Officer before the expiration of a period of fourteen days from the giving of the notice; or

- (b) if before the expiration of that period there is served on the receiver a direction by the Senior Naval Officer that those powers shall not be exercised in relation to that vessel except in such case as aforesaid,

and where in any such case the receiver proceeds to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on him as aforesaid, he shall not in the exercise of those powers use any explosives and, if before the expiration of the period aforesaid such a direction is served on him, shall not be entitled to exercise the power of sale conferred by section 165:

Provided that—

- (i) the receiver shall not be required to give notice under this subsection in respect of any vessel in respect of which he has received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this and subsection (3) to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Senior Naval Officer for the purposes of this proviso.

(3) Where a direction is served in respect of any vessel under paragraph (b) of subsection (2) the receiver may from time to time apply to the Senior Naval Officer for the reimbursement of any expenses reasonably incurred by him in marking, lighting, watching, buoying, controlling or giving warning to shipping of the presence of that vessel.

(4) In this section “Senior Naval Officer” means the Senior Naval Officer at Gibraltar and the person appointed by the Admiralty to be Queen’s Harbour Master for Gibraltar.

Offences in Respect of Wreck.

Taking wreck to foreign port.

168. A person who takes into any foreign port any vessel stranded, derelict or otherwise in distress, found on or near the coast of Gibraltar, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck

(1894
c.60,s.535)

so found and there sells the same, is guilty of an offence and is liable on conviction to imprisonment for five years.

Interfering with wrecked vessel or wreck.

(s.536) 169.(1) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and a person who acts in contravention of this subsection is guilty of an offence and is liable on conviction to a fine of £50, and the master of the vessel may repel him by force.

(2) A person shall not—

- (a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near the coasts of Gibraltar, or of any part of the cargo or apparel thereof, or of any wreck; or
- (b) secrete any wreck, or deface or obliterate any marks thereon; or
- (c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near the coasts of Gibraltar, or any part of the cargo or apparel thereof, or any wreck,

and a person who acts in contravention of this subsection is guilty of an offence and is liable on conviction to a fine of £50, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

Summary procedure for concealment of wreck.

(1894 c.60,s. 537) 170.(1) Where a receiver suspects or receives information that any wreck is secreted or in possession of some person who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any justice of the peace for a search warrant, and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof may enter any house or other place, wherever situate, and also any vessel, and search for, and seize and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case £5 as the receiver may allow.

Salvage.

Salvage payable for saving life.

171.(1) Where services are rendered wholly or in part within Gibraltar waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel registered in Gibraltar, there shall be payable to the salvor by the owner of the vessel, cargo or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

Salvage of cargo of wreck.

(1894
c.60,s.546)

172.(1) Where any vessel is wrecked, stranded or in distress at any place on or near the coasts of Gibraltar, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel or wreck, a reasonable amount of salvage to be determined in case of dispute by the Supreme Court in the Admiralty jurisdiction.

(2) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

Valuation of property by receiver.

s.551).

173.(1) Where any dispute as to salvage arises, the receiver may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3) There shall be paid in respect of the valuation by the person applying for the same such fee as the Governor may direct.

Detention of property liable for salvage by a receiver.

(1894
c.60,s.552)

174.(1) Where salvage is due to any person under this Act, the receiver shall—

- (a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and
- (b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Subject as hereinafter mentioned, the receiver shall detain the vessel and the cargo and apparel or the wreck (hereinafter referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.

(3) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds £200 and any question is raised as to the sufficiency of the security, to the satisfaction of the Supreme Court.

(4) Any security given for salvage in pursuance of this section to an amount exceeding £200 may be enforced by the Supreme Court in the same manner as if bail had been given in that court.

Sale of detained property by receiver.

(s.553). 175.(1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases, that is to say:—

- (a) where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due; or
- (b) where the amount is disputed and within one month of the decision of the Supreme Court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Apportionment of salvage under £200 by receiver.

(s.555). 176.(1) Where the aggregate amount of salvage payable in respect of salvage services rendered in Gibraltar has been finally determined, either in manner provided by this Act or by agreement, and does not exceed £200,

but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Appointment of Receiver of Wreck.

Appointment of receiver of wreck and his deputy.

177.(1) The Captain of the Port shall be the receiver of wreck (in this Part referred to as a receiver) and shall perform the duties of a receiver under this Part.

(2) The Governor may appoint one or more deputy receivers of wreck who, in the absence of the receiver, shall, for the purposes of this Act, be deemed to be a receiver and have all the powers and perform all the duties of a receiver.

Fees of Receiver of Wreck.

Receivers' fees.

(1894
c.60,s.567)

178.(1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Twentieth Schedule to the Merchant Shipping Act, 1894, such fees not exceeding the amounts therein mentioned as may be directed by the Governor, but a receiver shall not be entitled to any remuneration other than those payments.

(2) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Governor, and the decision of the Governor shall be final.

(4) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Consolidated Fund.

Duties on Wreck.

Provisions as to duty on wrecked goods.

(s.569). 179.(1) All wreck brought to or coming into Gibraltar shall be subject to the same duties as if the same were imported, and if any question arises as to the origin of the goods they shall be deemed to be the produce of such country as the Financial and Development Secretary may on investigation determine.

(2) The Minister responsible for finance shall permit all goods, wares and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination and all goods, wares and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped, but the Financial and Development Secretary shall take security for the due protection of the revenue in respect of those goods.

PART IX.
PILOTAGE.

Examination and licensing of pilots.

180.(1) The Captain of the Port may appoint and licence pilots for the purpose of conducting ships within the waters of Gibraltar:

Provided that-

- (a) no person shall be appointed or licensed as a pilot unless he shall, after due examination, have obtained a certificate of competency from a Board of Examiners appointed by the Governor; and
- (b) an applicant for examination as a pilot shall pay into the Treasury such fees as the Governor may from time to time direct.

(2) A person who acts as a pilot upon any ship to which he does not belong without being duly licensed is guilty of an offence and is liable on conviction to a fine of £50.

(3) For the purpose mentioned in subsection (2) an Admiralty pilot shall be deemed to have been appointed and licensed under the provisions of this section, but, save as aforesaid, nothing in this section shall apply to an Admiralty pilot or be held to make the employment of pilots by masters and owners of ships compulsory.

Rules.

181. The Governor may by rules made under this Act-

- (a) determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise to be required from persons applying to be licensed by the Captain of the Port as pilots, provide for the examination of such persons, and fix the term for which a licence is to be in force, and the conditions under which a licence may be renewed;
- (b) fix the limit (if any) on the number of pilots to be licensed, and provide for the method in which and the conditions under which the list of pilots is to be filled up;
- (c) provide generally for the good government of pilots licensed by the Captain of the Port, and of apprentices, and in particular for ensuring their good conduct and constant attendance to and effectual performance of their duties, whether at sea or on shore;
- (d) provide for the punishment of any breach of any rules made for the good government of licensed pilots or apprentices by the infliction of fines not exceeding £20 (to be recoverable as fines are recoverable under the Merchant Shipping Acts) by the Captain of the Port without prejudice to his powers under the Act to revoke or suspend the licence in the case of any such breach of rules;
- (e) fix the rates of payments to be made in respect of the services of a licensed pilot and provide for the collection of pilotage dues;
- (f) provide, if and so far as it appears to the Governor to be generally desired by the pilots, for bonds (the penalty of which

shall not in any case exceed £100) being given by pilots for the purpose of the provisions of this Act limiting pilots' liability;

- (g) regulate the amount payable to the Pilotage Authority in respect of the Pilotage Administration Charge;
- (h) provide for the manner in which the accounts of the Pilotage Fund shall be kept and for other matters relating to the Fund.

Establishment of a Pilotage Authority.

182.(1) There shall be established a Pilotage Authority (hereinafter referred to as "the Authority") which shall consist of such person or persons as the Governor may from time to time designate. Unless and until any other appointment is made the Captain of the Port shall be the Pilotage Authority.

(2) The Authority may sue and be sued by the name of the Gibraltar Pilotage Authority, and may for all purposes be described by that name.

Functions of the Authority.

183.(1) Subject to the provisions of this Ordinance and to the approval of the Governor the Authority may purchase or otherwise acquire and use such boats, offices, telephones and other equipment and accessories and employ such staff and do all such things as may be necessary for the efficient functioning of the pilotage service in Gibraltar.

(2) For these purposes the Authority shall, subject to the provisions of section 184, have control of the Pilotage Fund as hereinafter provided and may authorize such disbursement therefrom as may be required.

Pilotage Fund.

184.(1) There shall be established a Fund, to be called the Pilotage Fund, for the payment of the expenses of the Authority, into which shall be paid all moneys derived from the Pilotage Administration Charge.

(2) The Authority shall prepare and submit to the Governor for his approval not later than the 15th day of March in every year the estimates of its revenue and expenditure for the forthcoming financial year. The estimates shall be prepared and submitted in such form as may be prescribed, and no expenditure shall be lawful unless it is approved by the Governor.

(3) The Governor may by order direct that such excess in the Pilotage Fund as shall appear to him to exceed the amount necessary for the purposes

for which the Fund is established shall be paid to the Gibraltar Pilots Association.

- (4) The Principal Auditor shall be the auditor of the Pilotage Fund.

Pilots' register.

185.(1) The Authority shall keep a register in which shall be entered the name of every pilot licensed under the provisions of this Ordinance.

(2) The Authority shall remove from the register the name of every licensed pilot who has died or who has been absent from Gibraltar for more than three years or whose licence has been suspended or revoked.

Licensing of pilots not to involve any liability.

186. The grant or renewal of a licence to a pilot by the Captain of the Port under the powers given to him by this Act does not impose any liability on him or the Government for any loss occasioned by any act or default of the pilot.

Suspension or revocation of a pilot's licence.

187. The Captain of the Port may suspend or revoke any pilot's licence granted by him if it appears to him, after giving the holder thereof an opportunity of being heard, that he has been guilty of any offence against this Act or of any breach of any rule made by the Government under section 181 or of any other misconduct affecting his capability as a pilot, or that he has failed in or neglected his duty as a pilot, or that he has become incompetent to act as pilot. A licence, if so revoked, shall cease to have effect, and, if so suspended, shall cease to have effect for the period for which it is suspended.

Appeal by pilot against action of Captain of the Port in suspending, &c., pilot's licence.

188.(1) If a pilot is aggrieved by the suspension or revocation by the Captain of the Port of his licence, or by the refusal or failure of the Captain of the Port to renew his licence, or by the refusal or failure of the Captain of the Port who has obtained possession of his licence to return it to him, or by the imposition upon him by the Captain of the Port of a fine exceeding £2, he may appeal to the magistrates' court.

(2) For the purpose of hearing the appeal, the magistrates' court shall sit with an assessor of nautical and pilotage experience selected and summoned by the court.

(3) Objection may be taken to any person to be summoned as an assessor, either personally or in respect of his qualification, and by either party to the appeal.

(4) The court may confirm or reverse the suspension or revocation of the licence, or make such order in the case as may seem just, and such decision shall be final, unless special leave to appeal from the same to the Supreme Court on a question of law or a question of mixed law and fact is given by the court, or by the Supreme Court, and in such case the decision of the Supreme Court shall be final.

(5) The costs incurred by the Captain of the Port under this section shall be paid out of the Consolidated Fund upon a warrant of the Governor.

(6) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may be made by the Governor.

Declaration as to draught, of ship.

189. (1) A licensed pilot or Admiralty pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and the master shall comply with any such request.

(2) The master of a ship who refuses to comply with any such request of a pilot or Admiralty pilot, or makes or is privy to any other person making any false statement to the pilot or Admiralty pilot in answer to the request, is guilty of an offence and is liable on conviction to a fine of £50.

Limitation of pilots' liability where bond is given.

190.(1) A licensed pilot, who has given a bond in conformity with rules made for the purpose under this Part, shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Any bond given by a pilot in conformity with rules made for the purpose under this Part shall not be liable to stamp duty, and a pilot shall not be called upon to pay any expense in relation to the bond other than the actual expense of preparing the same.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability. and. upon payment by the pilot of that amount into court, may distribute that amount ratably among the

several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the court thinks just.

Licensed pilot to produce licence to employer.

191.(1) Every licensed pilot when acting as such, shall be provided with his licence and shall if requested produce it to any person by whom he is employed or to whom he offers his services as pilot.

(2) A licensed pilot who refuses to produce his licence in accordance with this section, is guilty of an offence and is liable on conviction to a fine of £10.

Penalty on fraudulent use of licence.

192. A person who, not being a licensed pilot or Admiralty pilot for Gibraltar, falsely represents himself to be a licensed pilot or Admiralty pilot for Gibraltar, either by means of using a licence which he is not entitled to use or by any other means, is guilty of an offence and is liable on conviction to a fine of £20.

Characteristics of pilot boats.

193.(1) Every pilot shall provide himself with a boat which is certified by the Authority as fit for the purpose for which it is to be used. Every such boat and every boat used by the Authority shall be distinguished by the following characteristics, namely:-

- (a) in all parts a black colour, painted or tarred outside, with the word "Gibraltar" painted in white letters at least one inch broad and three inches high on each bow and beneath, a painted representation of a flag of two colours, the upper horizontal half being white and the lower half, red; and
- (b) when afloat, a flag (in this Act referred to as a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colours, the upper horizontal half being white, and the lower half, red, to be placed at the mast head, or on a sprit or staff, or in some equally conspicuous situation.

(2) It shall be the duty of the pilot to see that his boat possesses all the above characteristics, and that the pilot flag is kept clean and distinct, so as to be easily discerned at a reasonable distance and a pilot who fails, without

reasonable cause, to comply with the requirements of this section is guilty of an offence and is liable on conviction to a fine of £20.

Penalty on ordinary boat displaying pilot flag.

194. A pilot flag, or a flag so nearly resembling a pilot flag as to be likely to deceive, shall not be displayed on any ship or boat not having a licensed pilot on board, and, if any such flag is displayed on any such ship or boat, the master of that vessel is, unless in the case of the display of a flag likely to deceive he proves that he had no intention to deceive, guilty of an offence and is liable on conviction to a fine of £50.

Penalty on pilot endangering ship, life or limb.

195. A pilot who, when piloting a ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, -

- (a) does any act tending to the immediate loss, destruction or serious damage of the ship, or tending immediately to endanger the life or limb of any person on board the ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or limb,

is guilty of an offence.

Penalty on person obtaining charge of ship by misrepresentation.

196. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains, or endeavours to obtain, the charge of that ship, that person and every person procuring, abetting or conniving at the commission of the offence are, in addition to any liability for damages, guilty of offences and are each liable on conviction to a fine of £100.

Offences by pilots.

197.(1) A licensed pilot who-

- (a) himself keeps, or is interested in keeping by any agent, servant or other person, any premises licensed for the sale of intoxicating liquors, or sells or is interested in selling any intoxicating liquors or tobacco; or

- (b) has an interest directly or indirectly in the business of a ship chandler or water boat owner; or
- (c) commits any fraud or offence against the revenue of Gibraltar or the laws relating thereto; or
- (d) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels; or
- (e) lends his licence; or
- (f) acts as pilot whilst suspended; or
- (g) acts as pilot when in a state of intoxication; or
- (h) employs, or causes to be employed, on board any ship which he is piloting any boat, anchor, cable, or other store, matter or thing beyond what is necessary for the service of that ship, with intent to enhance the expenses of pilotage for his own gain or for the gain of any other person; or
- (i) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any ship within the limits for which he is licensed, upon the signal for a pilot being made by that ship, or upon being required to do so by the master, owner, agent or consignee thereof, or by the Captain of the Port or any boarding officer of the Port Department, or by any naval officer acting in the discharge of his duties; or
- (j) unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship; or
- (k) refuses, otherwise than on reasonable ground of danger to the ship, when requested by the master, to conduct the ship which he is piloting into Gibraltar; or
- (l) quits the ship, which he is piloting, before the service for which he was engaged has been performed and without the consent of the master of the ship; or
- (m) wilfully or by neglect disobeys any lawful orders of the Captain of the Port made or given for the control of licensed pilots in the exercise of their duties; or

- (n) whilst in the exercise of his duties as pilot, canvasses, solicits or procures from any ship or vessel any business for himself or for any other individual whatsoever, or carries on, or undertakes, directly or indirectly, any trade or business other than that of a pilot,

is, in addition to any liability for damages, guilty of an offence and liable on conviction to a fine of £100.

(2) A person who procures, aids, abets or connives at the commission of any offence under this section, is, in addition to any liability for damages, guilty of an offence and liable on conviction to a fine of £100.

Recovery of pilotage dues.

198.(1) The following persons shall be liable to pay pilotage dues for any ship for which the services of a licensed pilot are obtained, namely:-

- (a) the owner or master;
- (b) as to pilotage inwards, such consignees or agents as have paid or made themselves liable to pay any other charge on account of the ship in port; and
- (c) as to pilotage outwards, such consignee or agents as have paid or made themselves liable to pay any other charge on account of the ship in port,

and those dues may be recovered in the same manner as fines of like amount under the Merchant Shipping Acts, but that recovery shall not take place until a previous demand has been made in writing.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Receiving or offering improper rates of pilotage.

199. A licensed pilot shall not demand or receive, and a master shall not offer to pay to any licensed pilot, dues in respect of pilotage services at any other rates, whether greater or less, than the rates which may be demanded by law, and a pilot or master who acts in contravention of this section is guilty of an offence and is liable on conviction to a fine of £10.

Pilotage rate for leading ships.

200. If any boat or ship, having on board a licensed pilot, leads any ship which has not a licensed pilot on board when the last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading the last-mentioned ship shall be entitled to the full pilotage rate for the distance run as if he had actually been on board and had charge of that ship.

Limitation of liability of Admiralty pilots.

201.(1) An Admiralty pilot acting as pilot on board any vessel, British or foreign, shall not be liable for neglect or want of skill beyond the sum of £100, and the amount payable on account of pilotage in respect of the voyage or service in which he was engaged when he became so liable.

(2) Where any proceedings are taken against an Admiralty pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made or apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability, and, upon payment by the pilot of that amount into court, may distribute that amount ratably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the court thinks just.

Liability of owner or master in case of a vessel under pilotage.

202. Notwithstanding anything contained in any law for the time being in force, the owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Application of Part IX to Admiralty pilots.

203.(1) Subject to the provisions of subsection (2), the provisions of this Part shall not apply to Admiralty pilots.

(2) Section 180, subject to the provisions thereof, and sections 189, 192, 201 and 202 shall apply to Admiralty pilots.

PART X.

EMPLOYMENT OF ALIENS IN BRITISH SHIPS.

Aliens as masters of British ships.

204. (1) No person other than A British subject shall be employed as master or shall act as master of a British ship registered in Gibraltar:

Provided that the Governor may be writing under his hand or under the hand of the Deputy Governor exempt any person from the provisions of this subsection, for such time and subject to such conditions as he may see fit.

(2) A person who acts as master of a ship or employs any person as master of a ship contrary to the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for six months and to a fine of £2000 .

(3) Where the owner of any ship, or his servant, or agent, employs a master in contravention of this section, the ship in respect of which the offence is committed (if under 250 tons burden) and her equipment shall be liable to forfeiture to Her Majesty, without prejudice to any penalty which may be imposed under subsection(2).

(4) Section 76 of the Merchant Shipping Act, 1894, as amended by any subsequent enactment, shall apply to ships which have become subject to forfeiture under this Part in like manner as it applies to ships subject to forfeiture under Part I of that Act.

(5) In any proceedings under this section a certificate given by the Commissioner of Police that the person named therein British subject shall be conclusive.

PART XA
REGISTRATION

Power to refuse registration.

204A.(1) Notwithstanding the provisions of Part I of the Merchant Shipping Act 1894, relating to the registration of British ships, the Governor may-

- (a) direct the Registrar to refuse to register under that Part any ship in respect of which an application for registration has been received, unless the Governor is satisfied that every share in the ship is owned by a qualified person person, and that having regard to the safety, health and welfare of the master and seamen employed thereon, it is not detrimental to the interests of Gibraltar or iaternational merchant shipping, for the ship to be registered in Gibraltar;

- (b) direct the Registrar to strike off the register any ship which does not comply with any statutory provision relating to registration, manning requirements, seaworthiness and the general safety of ships, the safety, health and welfare of the master and seamen employed thereon, the prevention of pollution, or with any requirement imposed by any international convention. Before exercising this power, the Registrar will inform the owner, at the owner's address on the register, and any ship's representative person, of his intention to do so after a period of thirty days has elapsed from the date of such notice in default of action being taken by the owner satisfactorily to rectify the situation giving rise to the right to exercise such power;
- (c) direct the Registrar to strike off the Register (subject to the same notice provided for in the preceding paragraph) any registered ship for which a representative person is required, if satisfied that-
 - (i) at any time there is no representative person for such ship; or
 - (ii) the nominated representative person is not, and has no real presence in Gibraltar; or
 - (iii) any penalty or other financial obligation imposed on the owner, for any contravention of this Act, notice of the same having been duly given to the owner or to the representative person, has not been paid, a period of more than three months has expired since the giving of such notice, and there is no appeal outstanding against such penalty;
- (b) by order prescribe classes of ships which the Registrar shall refuse to register under Part I.

(2) A representative person shall be appointed for any ship owned by a body corporate which does not have its principal place of business in and is not established in Gibraltar; and the Registrar shall refuse to register any such ship unless at the time of application for registration the owner nominates a representative person resident in Gibraltar.

(3) Notwithstanding the provisions of Section 53 of the Merchant Shipping Act 1894, and application made for the transfer of the registration of a ship to which that Act applies from any port outside of Gibraltar, at which such ship is registered, to Gibraltar, shall not be granted except with the approval of the Governor.

(4) In sub-section (1)-

"qualified person" means-

- (a) a British Citizen, a Commonwealth Citizen, a British Dependant Territories Citizen, or a British Subject under the British Nationality Act 1981; or
- (b) a body corporate established under and subject to the Laws of Gibraltar and having its principal place of business there, or established under and subject to the Laws of the United Kingdom or some other part of Her Majesty's dominions, and having its principal place of business in the United Kingdom or some other part of Her Majesty's dominions.

"Registrar" means the Captain of the Port.

(5) In sub-section (2)-

"Representative person" means an individual or a body corporate, and is derived from the United Nations Agreement on conditions for the registration of ships. Such person shall be entered on the register and all process served upon him by the normal or regular applicable method of service shall for all purposes be conclusively deemed to have been duly served.

(6) For the avoidance of doubt it is hereby declared that in the event of any inconsistency between the provisions of Part I of the Merchant Shipping Act 1894 and this Act the provisions of Part I of the Merchant Shipping Act 1894 shall, to the extent of such inconsistency, be deemed to be repealed.

PART XI. LEGAL PROCEEDINGS.

Prosecution of offences .

(1894 c.60, s.680) 205. Subject to any special provisions of this Act –

- (a) an act or omission which is declared by any section of this Act to be an offence but for which no penalty is therein prescribed may be tried on indictment or summarily and
 - (i) if tried on indictment, is punishable by imprisonment for two years or by a fine;
 - (ii) if tried summarily, is punishable by imprisonment for six months or by a fine of £1000;

- (b) an offence under this Act made punishable with imprisonment for any term not exceeding six months or by a fine not exceeding £1000, shall be prosecuted summarily.

Legal proceedings.

206. Except where other express provision is made in this Act, legal proceedings under this Act may be taken in the name of the Attorney-General, the Financial and Development Secretary or the Captain of the Port.

General penalty.

207. An infringement of any of the provisions of this Act or any rules made thereunder which is not therein expressly declared to be an offence is an offence punishable by a fine of £400.

Enforcing detention of ship.

208. (1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval, military or air service of Her Majesty, or any officer of the Port Department or any revenue officer, may detain the ship, and if the ship after detention or after service on the master of any notice or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, are guilty of offences and are each liable on conviction to a fine of £100. (1894 c.60,s.692)

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty is any officer authorized to detain the ship, or any surveyor or officer of the Port Department or any revenue officer, the owner and master of the ship—

- (a) are guilty of offences and are each liable on conviction, if tried on indictment, to a fine of £100 or, if tried summarily, to a fine of £10 for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to Gibraltar;
- (b) are each liable to pay the expenses of and incidental to the officer or surveyor being so taken to sea, which expenses may be recovered in like manner as the fine.

(3) Where any provision of this Act or the Merchant Shipping Acts, provides that a ship may be detained until any document is produced to the

proper officer of customs, the proper officer shall mean unless the context otherwise requires, the Captain of the Port.

Sums ordered to be paid leviable by distress on ship.

(1894
c.60,s.69
3; 1925
c.86,s.29
).

209.(1) Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, if the party so directed to pay the same is the master or owner of the ship, and the same is not paid at the time and in manner prescribed in the order, the court may, in addition to any other powers it may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

*Act.1961
No.24*

(2) Where a warrant of distress is issued under this section for the purpose of levying any amount ordered to be paid on the conviction of the master of a ship, section 185 of the Criminal Procedure Act (which relates to the detention of the defendant pending the return to a warrant of distress), shall apply as though the distress were to be levied on the goods of the defendant.

Service of documents.

(1894
c.60,s.69
6).

210.(1) Where for the purposes of this Act any document is to be served on any person, that document may be served –

- (a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode;
- (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship where there is no master, and the ship is in Gibraltar, on the managing owner of the ship or, if there is no managing owner, on some agent of the owner resident in Gibraltar, or where no such agent is known or can be found, by fixing a copy thereof to the mast of the ship.

(2) A person who obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy is guilty of an offence and is liable on conviction to a fine of £2000.

(3) The owner or master of a ship who is party or privy to such obstruction is guilty of an offence.

PART XII. SUPPLEMENTAL.

General Control.

Superintendence of merchant shipping by Port Department.

211. The Port Department shall be the department to undertake the general Superintendence of all matters relating to merchant shipping and seamen, and is authorized to carry into execution the provisions of this Act and of all enactments relating to merchant shipping and seamen for the time being in force, except where otherwise therein provided. (s.713)

Governor may prescribe forms.

212. Subject to any special provisions of this Act, the Governor may have prepared and sanction forms for any licence, certificate, book, instrument or paper required under this Act other than those required under Part I of the Merchant Shipping Act, 1894, and may make such alterations in these forms as he may think fit. (1894 c.60, s.720(1))

Offences as to use of forms.

213. (1) A person who – (s.722)

- (a) forges, assists in forging, or procures to be forged, the seal or any other distinguishing mark of the Governor or the Captain of the Port on any form issued under this Act; or
- (b) fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form,

is guilty of an offence.

(2) A person who, –

- (a) when a form approved by the Governor is, under Part I, required to be used, uses without reasonable cause a form not purporting to be a form so approved; or
- (b) prints, sells or uses any document purporting to be a form approved by the Governor, knowing the same not to be the

form approved for the time being, or not to have been prepared or issued by the Governor or the Captain of the Port,

is guilty of an offence and is liable on conviction to a fine of £100.

Surveyors of Ships.

Appointment of surveyors.

(1894 c.60,s.724;
1906 c.48,s.75;
1932 c.9,
s.8) 214. (1) The Governor may appoint either generally or for special purposes, and on special occasion, any person he thinks fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a ship surveyor or as an engineer surveyor or as a wireless telegraphy surveyor.

(2) The Governor may also appoint a surveyor-general of ships for Gibraltar and such other officers in connection with the survey of ships and matters incidental thereto as the Governor thinks fit, and a person may be appointed as any one or more of the classes of surveyors mentioned in subsection (1).

(3) The Governor may remove any surveyors of ships and fix and alter their remuneration, and may issue instructions as to the performance of their duties, and in particular as to the manner in which surveys of passenger steamers are to be made, as to the notice to be given by the Captain of the Port when surveys are required, and as to the payment of any expenses incurred by surveyors in the execution of their duties, and may by such instructions determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(4) A surveyor of ships who demands or receives directly or indirectly any fee, remuneration or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Governor, is guilty of an offence and is liable on conviction to a fine of £1000.

(5) The duties of a surveyor of ships shall be performed under the superintendence of the Captain of the Port, and in accordance with the instructions issued by the Governor,

Power of surveyor for purpose of survey of ships.

(1894 c.60,
s.725) 215.(1) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments or articles on board thereof, or any certificates of the master, mate or engineer to which the provisions of this Act or the Merchant Shipping Acts or any of the

regulations made thereunder apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of any accident to the ship or for any other reason he considers it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2) A person who hinders any surveyor of ships from going on board any steamship or otherwise impedes him in the execution of his duties under this Act or the Merchant Shipping Acts, is guilty of an offence and is liable on conviction to a fine of £400.

Returns by surveyors to the Governor.

216.(1) Surveyors of ships shall make such returns to the Governor as the Governor may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them. (s.726)

(2) The owner, master or engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) An owner, master or engineer who, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, is guilty of an offence and is liable on conviction to a fine of £200.

Obstruction of Inspectors.

Penalty for obstructing inspectors in the execution of their duty.

217. A person who wilfully impedes any person having the powers of a Board of Trade inspector under the Merchant Shipping Acts, in the execution of his duty, whether on board a ship or elsewhere, is guilty of an offence and is liable on conviction to a fine of £10, and may be seized and detained by the person having the powers of an inspector, or by any person or persons whom that person may call to his assistance, until he can be conveniently taken before the magistrates' court. (s.730)

General.

Application of Act to ships propelled by electricity.

218. Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such (1894 c.60,s.743)

modifications (if any) as the Governor may prescribe for the purpose of adaptation.

Exemption of H.M.'s ships, etc.

- (s.741) 219. This Act shall not, except where specially provided, apply to ships belonging to Her Majesty or the Government.

Dispensing powers of the Governor.

- (1906 c. 48,s.78) 220. The Governor may, if he thinks fit, and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement contained in, or prescribed in pursuance of, this Act, or dispense with observance of any such requirement in the case of any ship, if he is satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as or more effective than, actual compliance with the requirement.

Application of the Merchant Shipping Acts.

221.(1) It is hereby declared that in addition to the provisions of the Merchant Shipping Acts which expressly or by necessary implication apply to Gibraltar, all the provisions of the said Acts, in so far as the same may be applicable, shall apply to Gibraltar, mutatis mutandis, in all matters relating to shipping and seamen not expressly provided for by this Act:

Provided that the provisions of subsections (2), (5), (6) and (7) of section 2 of the Merchant Shipping (Liability of Shipowners and Others) Act, 1958, shall not apply to Gibraltar and nothing contained in section 503 of the Merchant Shipping Act, 1894, as amended by section 2 of the aforesaid Act shall be construed to limit the liability of the owner or agent of any vessel under the provisions of section 165 of this Act or in respect of any damage (however caused) to harbour works or harbour basins.

(2) It is hereby declared that the provisions of the Shipowners' Negligence (Remedies) Act, 1905, shall apply to Gibraltar, mutatis mutandis.

Application of collision Regulations to hovercraft and seaplanes

221A.(1) Without prejudice to the Admiralty Waters (Gibraltar) Order 1972 or any regulations made or thing done thereunder, the provisions of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983, modified as in this Section and in Schedule 2 to the Merchant Shipping (Distress Signals and Prevention of Collisions)

(Overseas Territories) Order 1983 (which regulations by virtue of that Order, hereinafter referred to as "the Order", extend to Gibraltar) shall apply to hovercraft and to seaplanes on the surface of the water, wherever they may be, being hovercraft or seaplanes registered in Gibraltar, and to other hovercraft and other seaplanes on the surface of the water while they are within Gibraltar or the territorial waters thereof.

(2) Accordingly Schedule 2 to the Order is modified as follows: -

- (a) in regulation 1 (2) (a) (ii) the words "hovercraft or seaplane" shall be inserted after the word "vessel" wherever that word appears;
- (b) in regulation 1(4) all the words after "ships" in sub-paragraph (a) and the whole of paragraph (b) shall be deleted;
- (c) in regulation 1 (5) (c) all the words after "revoked" shall be deleted;
- (d) in regulation 2, the words ",hovercraft and seaplanes" shall be inserted after the word "vessels" wherever that word appears, and all the words after "thereof" shall be deleted;
- (e) in regulation 3, the words ",hovercraft and seaplanes" shall be inserted after the word "vessels";
- (f) in regulation 4, the words ",hovercraft and seaplanes" shall be inserted after the word "vessels" where that word appears;
- (g) in regulation 5(1) all the words down to and including "conduct of the vessel" shall be deleted and the following words substituted -

"Any contravention of or failure to comply with these Regulations shall be an offence on the part of the owner or master of the vessel or hovercraft or the captain of the seaplane or any person for the time being responsible for the conduct of the vessel, hovercraft or seaplane."

(3) In this section "hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle

Disposal of fees, etc.

222. (1) The fees specified in Schedule I are hereby declared to be payable in Gibraltar to and for the use of Her Majesty in respect of any of the matters to which this Act or the Merchant Shipping Acts relate, and in the absence of any other express provision all such fees shall be paid in the first instance to the Captain of the Port who shall pay the same into the Consolidated Fund.

(2) The Governor may from time to time by notice in the Gazette add to, vary or revoke any of the fees specified in Schedule 1.

Annual tonnage tax.

222A.(1) There shall be paid in like manner to the fees referred to in section 222, and before the first day of January in each year, an annual tonnage tax at the rates specified in Table N of Schedule 1, in respect of ships registered in Gibraltar.

Provided that during the period beginning on the date of commencement of this Act and ending on the 31st December 1987, the tonnage tax in respect of any ship shall be calculated at such rate as would be applicable under sub-section (2) if that ship was first registered after the 31st January 1987.

(2) When a ship is first registered, after the thirty first day of January in any year, the annual tonnage tax for that year shall be calculated at the rate of one twelfth of the full annual tonnage tax for that ship for each complete month or proportion thereof of that year.

(3) The Governor may implement the provisions of Section 204A(c)(iii) of this Act in the event of any failure to pay the appropriate annual tonnage tax.

(4) The Governor may from time to time, by notice in the Gazette, add to, otherwise vary or revoke the annual tonnage tax specified in Table N of Schedule 1

Rule-making Powers.

223. In addition to the powers hereinbefore given in that behalf, the Governor may make rules for the better and more effective carrying out the provisions of this Act and may impose for the breach thereof penalties of a fine of £50 and imprisonment for six months.

Power of Governor to make rules, etc.

224.(1) The power conferred on the Governor by this Act to make rules, to fix fees and to approve forms shall include a power to declare that any rules or regulations made, fees fixed or forms approved under the Merchant

Shipping Acts shall be deemed to be rules made, fees fixed or forms approved under this Act and thereupon such rules, regulations, fees or forms shall apply to Gibraltar mutatis mutandis or subject to such modifications or amendments as the Governor may specify, and it shall be lawful for any court to construe any such rules, regulations, fees or forms with such verbal alterations not affecting the substance as may be deemed expedient to render the same applicable to local circumstances and to any matters before the court:

Provided always that such construction shall not be inconsistent with the provisions of this Act.

(2) Unless and until the Governor shall make other rules under this Act, it is hereby declared that the rules hereinafter mentioned including amendments as made from time to time and, in the event of any such rules being revoked, such successor rules as may be made by the Minister of Transport in the United Kingdom under the powers conferred by the Merchant Shipping Acts shall apply to Gibraltar, mutatis mutandis, and subject to the modifications hereinafter specified that is to say:—

- (a) the Merchant Shipping (Radio) Rules, 1952, substituting the word "Goveror" for the words "Minister" and "Postmaster General" throughout the said rules;
- (b) the Merchant Shipping (Life-Saving Appliances) Rules, 1958, in so far as they relate to ships of Classes I, II, VII, VII(A), IX, IX(A), X, XI and XII. Further, so much of the said rules as relate to ships of Class VIII shall only apply in Gibraltar to such steamships of 150 gross tons and upwards; so much of the said rules as relate to ships of Class X shall be extended to apply also in Gibraltar to non-passenger steamers of up to 150 gross tons engaged on voyages within home trade limits; (in the case of such vessels of under 70 feet in length but not under 50 feet in length, and vessels of under 50 feet in length but not under 40 feet in length paragraphs (6) and (8) respectively of Rule 17 shall be deemed to apply); and so much of the said rules as relate to ships of Class IV shall apply in Gibraltar to steamships carrying passengers in the Bay of Gibraltar outside the limits of the port and throughout the said rules there shall be substituted the words "Captain of the Port" for the word "Minister";
- (c) the Merchant Shipping (Fire Appliances) Rules, 1952, in so far as they relate to ships of Classes I, II, VII, VII(A), IX, IX(A), X, XI and XII. Further, so much of the said rules as relate to ships of Class VII shall only apply in Gibraltar to such steamships of 150 gross tons and upwards; so much of the said

rules as relate to ships of Class X shall be extended to apply also in Gibraltar to non-passenger steamers of up to 150 gross tons engaged on voyages within home trade limits; and so much of the said rules as relate to ships of Class IV shall apply in Gibraltar to steamships carrying passengers in the Bay of Gibraltar outside the limits of the port and throughout the said rules there shall be substituted the words "Captain of the Port" for the word "Minister";

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- (d) the Shipping Casualties and Appeals and Re-hearings Rules, 1923.

(3) Unless and until the Governor shall issue other instructions under section 214 of this Act the instructions issued from time to time by the Minister of Transport under section 724 of the Merchant Shipping Act, 1894, shall, subject to the provisions of Schedule 2 and to such other variations as are necessary in consequence of the application to Gibraltar of any rules and regulations of the Minister of Transport in modified or amended form in pursuance of this Act, be deemed to be instructions issued by the Governor under section 214.

SCHEDULE 1

TABLE A.

(1) TONNAGE MEASUREMENT.

Fees for the measurement of ships tonnage.

1. The fees prescribed in this part of Table A when relating to a Gibraltar registered ship include payment for the survey and certification under Section 6 and the inspection of markings under Section 7(1) of the Merchant Shipping Act, 1894.

2. The fees payable in this part of Table A are fixed fees except where otherwise stated.

3. In this part of Table A:

"The Regulations" means the Merchant Shipping (Tonnage) Regulations, 1967 as applicable to Gibraltar by the Merchant Shipping (Tonnage) Overseas Territories Order, 1971 and references to specific regulations shall be construed accordingly.

"Sister Ship" means a ship which corresponds in all major respects relevant to the measurement for tonnage with a ship the tonnage of which has been previously ascertained under the Regulations, and for which the calculation for tonnage is available to the Certifying Authority, and to which prior to the commencement of its measurement for tonnage, application is made in writing by or on behalf of the owner of the ship requesting it to be treated as a sister ship.

Tabular scale of fees

Where the Ship-

Exceeds: tons	Does not exceed: tons	Fee £
	90	306
90	180	459
180	270	610
270	450	705
450	900	1,016
900	1,450	1,267
1,450	1,800	1,399
1,800	2,700	1,530
2,700	3,600	1,780
3,600	4,500	2,033
4,500	6,000	2,285

Merchant Shipping

This version is out of date

6,000	7,000	2,547
7,000	8,000	2,797
8,000	9,000	3,050
9,000	10,000	3,299
10,000	11,000	3,493
11,000	12,000	3,682
12,000	13,000	3,880
13,000	14,000	4,064
14,000	15,000	4,263
15,000	16,000	4,448
16,000	17,000	4,579
17,000	18,000	4,699
18,000	19,000	4,763
19,000	20,000	4,950

Exceeds: tons	Does not exceed: tons	Fee £
20,000	21,000	5,081
21,000	22,000	5,212
22,000	23,000	5,333
23,000	24,000	5,464
24,000	25,000	5,595
25,000	27,500	5,847
27,500	30,000	6,098
30,000	32,500	6,361
32,500	35,000	6,609
35,000	40,000	7,114
40,000	45,000	7,629
45,000	50,000	8,263
50,000	55,000	8,896
55,000	60,000	9,530
60,000		10,165

Service

For the measurement of tonnage of a ship in accordance with Part II of the Regulations (i.e. the International Tonnage Convention 1969)

For the measurement of tonnage of a sister ship in accordance with Part II of the Regulations (i.e. the International Tonnage Convention 1969) or a foreign ship with an International Tonnage Certificate (1969) on transfer to the United

Fee

70% of the appropriate fee specified in the preceding tabular scales of fees.

the fee will be determined by the amount of work involved charged at an hourly rate of £41.50 subject to a maximum of the appropriate fee specified in the preceding tabular scales of fees.

Kingdom register

Service

For the measurement of a ship in accordance with either Schedule 5 Part I paragraph 2(2) (single tonnage) or Schedule 5 Part III paragraph 12 (modified tonnage) of the Regulations.

For the measurement of tonnage of a sister ship in accordance with either Schedule 5 Part I paragraph 2(2) (single tonnage) or Schedule 5 Part III paragraph 12 (modified tonnage) of the Regulations.

For the measurement of tonnage of a ship in accordance with Schedule 5 Part III paragraph 13 (alternative tonnage of the Regulations).

For the measurement of tonnage of a sister ship in accordance with Schedule 5 Part III paragraph 12 (alternative tonnage) of the Regulations.

For the measurement of tonnage of a ship in accordance with Part VI of the Regulations (gross tonnage for Interim Scheme for Tonnage Measurement for certain ships)

For the measurement of tonnage of a sister ship in accordance with Part VI of the Regulations (gross tonnage for Interim Scheme for Tonnage Measurement for certain ships)

Fee

The appropriate fee specified in the preceding tabular scales of fees.

the fee will be determined by the amount of work involved charged at an hourly rate of £41.50 subject to a maximum of the appropriate fee specified in the preceding tabular scales of fees.

150% of the appropriate fee.

The fee will be determined by the amount of work involved charged at an hourly rate of £41.50 subject to a maximum of the appropriate fee specified in the preceding tabular scales of fees.

80% of the appropriate fee specified in the preceding tabular scales of fees.

The fee will be determined by the amount of work involved charged at an hourly rate of £41.50 subject to a maximum of the appropriate fee specified in the preceding tabular scales of fees.

<i>Service</i>	<i>Fee</i>
Measurement for British tonnage of a pleasure yacht of under 13.7 metres (45 feet) in overall length in accordance with Schedule 5, Part IV and Appendix 5 of the Regulations.	
For measurement or re-measurement carried out in Gibraltar.	£107.00 maximum fee.
For measurement or re-measurement carried out outside Gibraltar.	£214.00 maximum fee.
For the measurement of tonnage of a ship in accordance with Schedule 5 Part I paragraph 2(3) of the Regulations (girthing of a loaded ship).	50% of the appropriate fee specified in the preceding tabular scales of fees.
For the re-measurement of a ship for tonnage purposes, verification of changes to any of the registered particulars or any other services associated with tonnage measurement.	The fee will be determined by the amount of work involved charged at an hourly rate of £41.50 subject to a maximum of the appropriate fee specified in the preceding tabular scale of fees.
For a copy of a tonnage certificate (British or International)	18.75
For a hand written copy of either a Panama Canal or Suez Canal Tonnage Certificate	78.00
In special cases where details of tonnage calculations are to be supplied:	
Calculations containing up to 4 pages	17.80
Every additional page	1.27

(2) CREW ACCOMMODATION - MERCHANT SHIPS

In this part of Table A-

"The Regulations" means the Merchant Shipping (Crew Accommodation) Regulations 1978.

Service

£

Fees for the inspection of crew accommodation on registry or re-registry in a ship:

where the ship:

does not exceed 2,000 tons £665.00 plus an additional £111.00 for each 50 tons or part thereof by which the ship exceeds 50 tons.

is 2,000 tons or over but does not exceed 30,000 tons £4,995 plus an additional £310 for each 1,000 tons or part thereof by which the ship exceeds 2,000 tons.

is 30,000 tons or over £13,850.00
Other fees for the inspection of crew accommodation in Merchant Ships: No maximum

For the inspection of crew accommodation in consequence of alterations or repairs other than an inspection described below:- no maximum

For the inspection of crew accommodation in consequence of an increase in the number of persons accommodated in any sleeping room The appropriate maximum fee specified in the preceding tabular scales of fees.

For the inspection of crew accommodation:

Whenever there is reason to believe that any provision of the regulations has been contravened or that any of the conditions on which a ship has been exempted has not been satisfied; or

At the request of any person or The appropriate maximum fee specified in the preceding

persons who are properly tabular scales of fees.
 representative of the owners of
 the ship or of the seamen
 concerned

Fees chargeable by the Port
 Department for any of the
 services specified to be carried
 out at a port outside Gibraltar
 by a ship surveyor not
 employed by the Department
 but specially appointed for the
 purpose under the Merchant
 Shipping Act:

For arranging the appointment	66 2/3 of the appropriate maximum fee specified in the preceding tabular scales of fees. (The fee in each case is in addition to the fee payable for the service to the specially appointed surveyor or his employer).
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Fees for acceptance of
 materials and fittings for crew
 accommodation in respect of:

fresh water generators
 sewage disposal units
 automatic chlorination units
 (sterilisers)
 units to increase pH value of
 water

galley ovens

shower mixing valves

corrosion inhibitors	no maximum
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Fees for acceptance of deck
 sheathings

For the inspection of a deck sheathing and consideration of the report of tests carried out by an independent authority	a fixed fee of £294.00. (This fee is in addition to the fee charged by the testing authority.)
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TABLE B

Registration and Miscellaneous services.

The fees in this Table are fixed fees and are payable to the Gibraltar Government General Account.

<i>Service</i>	<i>£</i>
Fees for registration, transfer and mortgage of ships and inspection of register book	
(1) the first registry, or registry anew or re-registry of a ship or the transfer of registry of a ship from one port to another:	
Where the ship:	
does not exceed 1,500 tons	145.00
exceeds 1,500 tons	210.00
(2) The registry of the transfer of ownership of a ship by bill of sale or by transmission or of the mortgage of a ship or the transfer or the discharge of such a mortgage:	
Where the ship:	
does not exceed 1,500 tons	45.00
exceeds 1,500 tons	80.00
(3) For each inspection of the register book	5.00

TABLE C

(1) Fees for copies of, extracts from, or searches for documents

(i) The fees are not charged to Gibraltar Government departments, British Government departments, Police Authorities or to Consuls or other Representatives of foreign governments when the inspection etc. is required for official purposes.

(ii) The crew agreement and/or list of crew and official log book of a ship are regarded as constituting one record.

For a certified copy of the particulars entered by the registrar in the register book on the registry of a ship, or for a certified copy of a transcript of registry, together with a certified statement showing the ownership of the ship at the time being	15.00
For a certificate that a ship is not entered on the Central British Register	9.50
For certified copy of any declaration or document, a copy of which is made evidence by the Merchant Shipping Acts or for a certified copy of or extracts from a document declared by the Merchant Shipping Acts to be admissible in evidence:	
if the declaration or document relates to the registry of a ship, for each folio of 90 words or a part thereof	3.50
in any other case, for each page or portion thereof	3.00
For reference to the Port Department	5.00
For the inspection of a ship's record:	
at the Registry of Shipping and Seamen, Cardiff	3.00
forwarded on request to a Marine Office	4.50
For a search in registers and records on behalf of applicant	the estimated cost of the labour.
For a certified statement of service at sea:	
Voyages completed in	

merchant ship between 1940 and 1972:	
first voyage	3.50
Subsequent voyages	1.25
All other voyages including fishing service:	
for the first voyage in a Crew List	3.50
for a subsequent voyage in the same Crew List per voyage	1.25
For a certified extract respecting birth or death including search for up to 5 years	4.60
For any other certified extract or copy of a document:	
each page or portion thereof	3.00
(2) Issue and renewal of certificates, etc.	
Note: Certificates lost by shipwreck, or fire at sea, will be replaced free of charge.	

Fees for Seaman's Documents:	
British Seamen's Cards: for the issue of a British Seamen's Card and a replacement on loss or damage, unless through circumstances beyond the holder's control when no charge is made	6.80
Discharge Books: for the issue of a Discharge Book and a replacement on loss or damage, unless through circumstances beyond the holder's control when no charge is made	6.80
For the entry of voyages in discharge book per voyage	4.00
For a copy of a certificate of competency or service as master, mate, skipper, second hand or engineer	9.00
For a copy of a certificate as tugsmaster	9.00
For a copy of a radar maintenance certificate	9.00

For a copy of a certificate of competency as compass adjuster	9.00
For a copy of a certificate of competency as a yachtmaster	9.00
For a copy of a lifeboatman certificate	5.80
For a copy of an efficient deck hand certificate	5.80
For a copy of a ship's cook certificate	5.80
For a copy of a certificate of competency as A.B.	5.80

TABLE D.

Fees for change of name of a ship

Note: The form of application for permission to change the name of a ship can be obtained from:

THE REGISTRAR BRITISH SHIPS
PORT DEPARTMENT
NORTH MOLE
GIBRALTAR.

For authorising the change of name of a British registered ship	55.00
The fee covers the inspection of markings, the change of name on the load line certificate, and on the Suez and Panama certificates, and in the case of ships holding passenger certificates the issue of fresh declarations and passenger certificates showing the new name and any alterations in the ownership and port of registry. The fee also covers: the replacement or endorsement of safety certificates, safety equipment certificates, safety radio certificates, British tonnage certificates or exemption certificates.	

For authorising the change of name of a British registered pleasure yacht under 13.7 metres (45 feet) overall length	25.00
Fees of Receivers of Wreck	
Note:	
(a) In addition to these fees, the expenses incurred by the Receiver of Wreck will be payable.	
(b) All fees and expenses are payable to the Receiver.	
For wreck taken by Receiver into his custody	7½ % of the value thereof
For the services rendered by a Receiver, in respect of any vessel in distress, not being a wreck, or in respect of the cargo or other articles belonging thereto.	£40 for each day during which the Receiver is employed in that service.

TABLE E

Fees for signal letters

Note:

(a) This fee covers the endorsement of the letters upon the vessel's certificate of registry.

(b) The fee is payable to the Gibraltar Government General Account

6.00

For the allotment of signal letters

TABLE F

The fee for the inspection of the markings of a ship is £5.00 for each visit by the Surveyor.

No separate fee is chargeable for the inspection of the markings if the ship is undergoing at the time survey for tonnage measurement incidental to registry or re-registry or survey for change of name and only one visit is required to enable the Surveyor to certify the carving or marking note.

TABLE G.

Fees for deck manning and for survey of ships alleged to be unseaworthy

(Sections 459, 462 and 463 of the Merchant Shipping Act 1894).

For inspection on the application of the owner of a Gibraltar registered ship and for the issue of a Safe Deck Manning Certificate in connection with Merchant Shipping Notice No. M.1041.

Conversion of existing Safe Deck Manning Certificate to Safe Manning Certificate for ships of 350KW or over

a fixed fee of £60.

Conversion of existing Safe Deck Manning Certificate to Safe Manning Certificate for ships under 350kW

a fixed fee of £10.00

New application for a Safe Manning Certificate for ships of 350kW or over

a fixed fee of £135.00

New application for a Safe Manning Certificate for ships under 350kW or over

a fixed fee of £75.00

For the issue of exemptions from deck and engineer officer certification requirements

a fixed fee of £63.00

For the survey of a ship which is detained (other than upon complaint of the crew) on account of overloading, improper loading, insufficient ventilation of coal cargoes, undermanning or defective equipment (such as chronometers or charts):

(a) upon final detention, or

(b) when it appears that a ship provisionally detained was, at

the time of detention, unsafe For the survey of a ship which is detained (other than upon the complaint of the crew) on account of defective hull or machinery.	no maximum
(a) upon final detention, or (b) when it appears that a ship provisionally detained was, at the	no maximum
time of detention, unsafe For the survey of a ship upon the complaint of the crew: (a) if the survey is carried out by a Port Department surveyor, or (b) if the survey is carried out by a person appointed for that purpose either by the Port Department or the Court	no maximum
Fees for survey of ships detained under sections 3, 4 5 or 14 of the Merchant Shipping (Load Lines) Act 1967	
For the survey of a ship because the appropriate load line is submerged	no maximum
For the survey of a ship for being unmarked or improperly marked with load lines	no maximum
Fees for the inspection of magazines and other spaces for the stowage of goods of Class I For the inspection of a vessel, her compartments and magazines for the purpose of seeing that they comply with the recommendations of the Standing Advisory Committee on the Carriage of Dangerous Goods in Ships including the issue of certificates stating that:	
(a) Compartments are suitable and	

(b) Magazines are properly constructed	no maximum
For the presence of a surveyor at a pre-stowage conference on the stowing of explosives	no maximum
For a certified copy of each certificate	a fixed fee of £18.75.
Fees for the inspection of the stowage of goods of Class I	
For the inspection of the stowage of explosives and the issue of a certificate stating the stowage is in accordance with the recommendations of the Standing Advisory Committee on the	no maximum
Carriage of Dangerous Goods in Ships	
For a certified copy of the certificate	a fixed fee of £18.75
Fees for examination and survey of a bulk chemical tanker under the IMCO Code for the Construction and Equipment of ships carrying Dangerous Chemicals in Bulk	
Note:	
(a) The fees include the issue of a Certificate of Fitness in appropriate cases.	
(b) A "new" or "existing" ship in this service is as defined in paragraph 1.7 of the Code:	
For the initial examination and survey of a "new" ship; or an "existing" ship in respect of the requirements of paragraph 1.7.3 (a), (b), (c) and (d) of the Code:	
"New" ship (including 10 chemicals):	
not exceeding 10,000 tons	£11,246.00
exceeding 10,000 tons	£113,019.00
For each chemical in excess of 10 chemicals	no maximum
"Existing" ship (including 10	

chemicals):

not exceeding 10,000 tons	£5,429.00
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exceeding 10,000 tons	£6,371.00
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For each chemical in excess of 10 chemicals	no maximum
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For examination of stability requirements of an "existing" ship in respect of the requirements of Chapter 2 of the Code	no maximum
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For the survey of a ship in respect of the requirements of paragraph 1.6.1, of the Code regarding safety equipment provisions	£1,250.00
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For the examination and survey of a ship for the renewal of the certificate	50% of the appropriate maximum fee.
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For each additional chemical not included on a previous certificate	no maximum
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Fees for examination and survey of bulk gas carriers under the IMCO Codes for the Construction and Equipment of ships carrying Liquified Gases in Bulk and for Existing ships carrying Liquified Gases in Bulk

Note:

(a) The fees include the issue of a Certificate of Fitness in appropriate cases.

(b) When application for survey is made the appropriate accumulative fee will be charged if no fee has previously been paid

New Ship Code.

For the initial examination and survey of a ship as defined in paragraph 1.2.2 or 1.2.3 of the Code in respect of paragraph 1.6.1(a) of the Code:

not exceeding 5,000 tons	9,141.00
exceeding 5,000 tons but not exceeding 25,000 tons	18,282.00
exceeding 25,000 tons	27,423.00
For the examination and survey of a ship for the renewal of the certificate in accordance with paragraph 1.6.1 (b) of the Code	50% of the appropriate maximum fee.
For the survey of a ship in respect of the requirements of paragraph 1.6.1(c) of the Code	1,250.00
Existing ship code	
For examination and survey of a ship in respect of the requirements of paragraph 1.6:1 (b) of the Code operative after 1 October 1982 where the requirements prior to that date have previously been completed.	
not exceeding 5,000 tons	1,385.00
exceeding 5,000 tons but not exceeding 25,000 tons	2,770.00
exceeding 25,000 tons	4,155.00
For examination and survey of a ship in respect of the full requirements of the Code as specified in paragraph 1.6.1(a) and (b) of the Code.	
not exceeding 5,000 tons	8,255.00
exceeding 5,000 tons but not exceeding 25,000 tons	16,509.00
exceeding 25,000 tons	24,764.00
For the periodical examination and survey of a ship for the renewal of the certificate in accordance with paragraph 1.6.1(c) of the Code	50% of the appropriate maximum fee.
For the survey of a ship in respect of the requirements of paragraph 1.6.1(d) of the Code	1,250.00

Either Code

For each additional products
not included on a previous
certificate. no maximum

Fees for examining grain
loading information

For the purpose of this section
a "sister ship" will be
regarded as a ship in which
the capacities of the cargo
spaces, their associated
structure and any grain
fittings provide identical
stowages of those of another
ship. For the examination of
grain loading information in
respect of IMCO Equivalent
Regulations:

Single Deck Ships:

Not more than 100 metres in
length 1,607.00

Over 100 metres in length 2,382.00

Multi-decked ships

Not more than 100 metres in
length 2,382.00

Over 100 metres in length 3,213.00

A ship using saucer stowages
only in lieu of feeders 626.00

A sister ship having
arrangements identical with
any of the items above 415.00

For examining and certifying
a copy of the grain loading
information subsequent to the
original examination no maximum

For an alteration of addition
to the grain loading
information no maximum

For an inspection on a ship of
any alteration in the
arrangements for fittings for
the carriage of grain cargoes
necessitating an alteration in no maximum

the grain loading information	
For examination of grain loading information for a Home Trade and/or Middle Trade ship for the purpose of a letter of approval:	
the initial application for a letter	427.00
a subsequent application for a letter, where any alteration is made to the grain loading information	no maximum
a subsequent application for a letter where no alteration is made to the grain loading information	a fixed fee of £77.50
Fees for approving coal cargo surface ventilation, timber deck cargo securing arrangements and designs of fittings:	no maximum

TABLE H.**PART I.****Passenger Ships**

Fees for passenger certificate and safety certificates

Note:

(a) Where a safety certificate is referred to, this includes a qualified safety certificate together with a corresponding exemption certificate.

(b) Except where otherwise stated the fees cover all necessary visits which the surveyor has to make in order to complete the survey. The fees for the survey for the issue of a passenger certificate, safety certificate or passenger certificate combined with a safety certificate cover the survey of the hull, boilers and propelling machinery (including tests of the materials), and the inspection of the equipment of the ship including the lights and sound signals.

(c) The fees are exclusive of any fee which may be payable for the survey of a radio installation under Table J.

(d) The fee for the Survey for the issue of a Passenger Certificate, Safety Certificate or Passenger Certificate combined with a Safety Certificate covers, in whole or in part, the fee for the survey or inspection of a ship for load line if the two operations are carried out concurrently (see Part III of Table H). A separate fee, is, however, payable for the inspection of the crew accommodation and the measurement for tonnage (see Table A).

(e) Where reference is made to the 'overall length' of a ship this shall be taken as the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure.

2

Service

Fee
£

For the survey of a ship for the issue of a passenger certificate, safety certificate or passenger certificate combined with a safety certificate, not being a ship of Class I, II or IIA;

Table of maximum fees.

Gross tonnage of ship where the ship		Service	Initial Survey	Service	Renewal Survey
Exceeds tons	Does not exceed tons				
25	25 tons or, if unregistered, 15 metres (49.2 feet) in overall length		£ 2,382		£280
50	50		£ 5,938		
100	50 tons or, if unregistered, 15 metres (49.2 feet) in overall length		£11,634		£500
100	100				£500 plus an additional £221.60 for each 500 tons or part thereof by which the ship exceeds 100 tons
	200				
	30,000				

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Table of maximum fees (Cont.)

Gross tonnage of ship where the ship		Service	Initial Survey	Service	Renewal Survey
Exceeds tons	Does not exceed tons				
200	10,000		£11,634 plus an additional £1,662 for each 100 tons or part thereof by which the ship exceeds 200 tons		
10,000					
30,000			No maximum		£13,800 plus an additional £130 for each 1,000 or part thereof by which the ship exceeds 30,000 tons

*Service**Maximum Fee*

£

For the issue or renewal of certificates for Classes I, II and IIA carrying not more than 36 passengers:

For the initial survey of a ship of Class I, II or IIA carrying not more than 36 passengers for the issue of a certificate specified in the above Table of maximum fees.

60% of the appropriate maximum fee in the above Table.

For the survey of a ship of Class I, II or IIA carrying not more than 36 passengers for the renewal of a certificate specified in the above Table of maximum fees.

80% of the appropriate maximum fee in the above Table

For the survey of a ship for the issue of a passenger certificate, safety certificate or a passenger certificate

combined with a safety certificate being in each case a certificate granted exceptionally to cover a period not more than 3 months beyond the expiration date of an existing certificate.	25% of appropriate maximum fee in the above Table.
For the issue of a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate, including a survey where necessary, in each case being a certificate issued in substitution for an existing certificate of the same kind for any of the following: changing the plying limits, giving additional plying limits, decreasing the number of passengers the ship may carry increasing the number of passengers the ship may carry, any other change (not being a change in ownership or a change of the ship's name)	£163.00 per item
For the survey for a passenger certificate issued in respect of a passenger ship not registered in Gibraltar stating only the number of passenger the ship may carry:	
for the first 200, or fraction of 200, passengers	£382.00
for every additional 200, or fraction of 200, passengers	£294.00
For an additional copy of a certificate	a fixed fee of £18.75
For a form SUR 209, modifying a passenger and safety certificate for a particular voyage	no maximum
for the issue of a certificate where a visit is not involved	a fixed fee of £53.50
For Ships' Certificates of	

Survey (including the surveys required);

For a certificate that a ship complies with the standards necessary for the issue of a passenger certificate or passenger and safety certificate, except for certain items not surveyed

no maximum.

TABLE H.

PART II.

CARGO SHIPS

Maximum Fee

Service

£

Standard fees for cargo ship safety construction certificates and surveys:

The survey of a ship for the issue of initial Cargo Ship Safety Construction Certificate where the ship:

is 500 tons or over but does not exceed 600 tons
exceeds 600 tons but does not exceed 30,000 tons

7,202.00
7,202 plus an additional £1,994.40 for each 500 tons or part thereof by which the ship exceeds 600 tons.

exceeds 30,000 tons

124,875 plus an additional £1,785 for each 1,000 tons or part thereof by which the ship exceeds 30,000 tons.

The survey of a ship for the renewal of Cargo Ship Safety Construction Certificate, where the ship:

is 500 tons or over but does not exceed 1,000 tons
exceeds 1,000 tons but does not exceed 30,000 tons

1,440.00
1,440 plus an additional £122 for each 500 tons or part thereof by which the ship exceeds 1,000 tons.

exceeds 30,000 tons. £8,516 plus an additional £111 for each 1,000 tons or part thereof by which the ship exceeds 30,000 tons.

The intermediate survey of a ship during the period of validity of Cargo Ship Safety Construction Certificate, where the ship:

is 500 tons or over but does not exceed 1,000 tons £388.00
exceeds 1,000 tons but does not exceed 30,000 tons £388 plus an additional £33.24 for each 500 tons or part thereof by which the ship exceeds 1,000 tons

exceeds 30,000 tons £2,316 plus an additional £27.70 for each 1,000 tons or part thereof by which the ship exceeds 30,000 tons

The annual survey of a ship during the period of validity of Cargo Ship Safety Construction Certificate where the ship:

is 500 tons or over but does not exceed 1,000 tons £240.
exceeds 1,000 tons but does not exceed 30,000 tons £240 plus an additional £27.70 for each 500 tons or part thereof by which the ship exceeds 1,000 tons.

exceeds 30,000 tons £1,847 plus an additional £27.70 for each 1,000 tons or part thereof by which the ship exceeds 30,000 tons.

Other fees for cargo ship safety construction certificates and surveys.

For the survey for the issue or renewal of a cargo ship safety construction certificate or for the intermediate survey when carried out by a certifying

authority other than the Port Department at the same time as a survey for classification purposes	a fixed fee of £166.
For the partial declaration of survey of a cargo ship (SUR IE)	no maximum.
For the survey for the issue to a ship of a cargo ship safety construction certificate to remain in force for a period not exceeding three months, where the ship is one in respect of which there is or has been in force within the period of twelve months preceding the survey, a passenger certificate, or a passenger certificate combined with a safety certificate:	
for the survey carried out before or within one month after the expiry of the certificate	a fixed fee of £355.
for the survey carried out more than one month but within twelve months after the expiry of the certificate	a fixed fee of £710.
For the survey of a ship to which the Merchant Shipping (Cargo Ship Construction and Survey) (Tankers and Combination Carriers) Rules 1975 or the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1980 apply, carried out by a Port Department surveyor, before a survey for the issue or renewal of a cargo ship safety construction certificate or an intermediate survey.	no maximum.
For the survey of a ship for compliance with IMCO Resolution A327 (IX)	

Where repairs have been made to a cargo ship which require a special survey to be carried out by a Port Department surveyor. no maximum.

- (e) The standard fee prescribed in Section A shall be adjusted in accordance with the provisions of Section B and for special cases in accordance with Section C.
- (f) References in Section B or Section C to a standard fee are references to the standard fee appropriate to the tonnage of the ship in accordance with the table of standard fees in Section A.

SECTION A

Standard fees for surveys and inspections for load line certificates and load line exemption certificates

Fees for the initial survey of a ship for a load line certificate or a load line exemption certificate:

in the case of a ship:

not exceeding 50 tons	526.00
exceeding 50 tons but not exceeding 100 tons	942.00
exceeding 100 tons but not exceeding 8,000 tons	8,864.00
exceeding 8,000 tons	9,141.00

Fees for the periodical survey of a ship for a load line certificate or a load line exemption certificate:

in the case of a ship:

not exceeding 50 tons	500.00
exceeding 50 tons but not exceeding 100 tons	886.00
exceeding 100 tons but not exceeding 500 tons	1,995.00
exceeding 500 tons	3,324.00

Fees for the periodical inspection of a ship for a load line certificate or a load line exemption certificate:

in the case of a ship:

not exceeding 50 tons	277.00
exceeding 50 tons but not exceeding 100 tons	554.00
exceeding 100 tons but not	554.00 plus an

exceeding 3,000 tons	additional £27.70 for each 100 tons or part thereof by which the ship exceeds 100 tons.
exceeding 3,000	1,385.00

SECTION B

Adjustments of standard fees

Where the survey or inspection of a classed ship carried out by a surveyor on behalf of an Assigning Authority other than the Port Department at the same time as a classification survey for which a fee is charged by that Authority:

an initial survey	25% of the maximum standard initial survey fee.
a periodical survey	the standard periodical inspection fee.
a periodical inspection	50% of the maximum standard periodical inspection fee.

Where the survey of a classed ship carried out by a surveyor appointed by the Port Department:

an initial survey	30% of the maximum standard initial survey fee.
a periodical survey	125% of the maximum standard periodical inspection fee.

Where the survey or inspection of a ship carried out concurrently with a survey for a passenger certificate, a safety certificate, a passenger certificate combined with a safety certificate, or a United Kingdom fishing vessel certificate by a surveyor appointed by the Department of Transport:

an initial survey	12½ % of the maximum initial survey fee.
an periodical survey	50% of the maximum periodical inspection fee.
a periodical inspection	no fee.

For the survey of a ship in

respect of which a load line certificate or load line exemption certificate is in force,

where alterations have been made to the ship which involve the assignment of new freeboards but are not such as to necessitate a complete survey of the ship for that purpose

For the survey of a ship where the survey involves the attendance of a surveyor appointed by the Port Department at the loading trial of the ship in respect of which the owners apply for exemption from the necessity to fit hatch covers

For the survey or inspection of a ship not exceeding 25 tons or, if unregistered, not exceeding 15 metres (49.2 feet) in overall length, which on voyages to sea carries neither cargo nor more than 12 passengers.

Stability requirements

For the survey of a ship where it is necessary to determine compliance in respect of the ship with the stability requirements in Schedules 4 and 7 of the Rules

Where the ship:

does not exceed 2,000 tons

exceeds 2,000 tons

For the survey as described above in the case of a sister ship in respect of which an inclining test has been

the standard periodical inspection fee.

the standard maximum fee appropriate to the survey plus an additional fixed fee of £715.00 for the surveyor's attendance at the first loading trial and of £344.00 for his attendance of any subsequent loading trial.

50% of the maximum appropriate standard fee for surveyor inspection as the case may be.

the standard fee appropriate to the survey plus an additional maximum fee of—

665.00

665.00 plus an additional L277.00 for each 1,000 tons or part thereof by which the ship exceeds 2,000 tons.

the standard fee appropriate to the survey plus an additional fee* of 50%

dispensed with	of the appropriate maximum fee
(a) For the survey of a ship (other than a ship to which (b) applies) where the survey involves calculations in accordance with the Rules as to the ability of the ship to withstand the flooding of compartments	the standard fee appropriate to the survey plus an additional fixed fee* of £1,091.00.
(b) For the survey as described in (a) in the case of the sister ship.	the standard fee appropriate to the survey plus an additional fixed fee* of £543.00.

*Where an Assigning Authority (other than the Port Department) has carried out the load line survey and charged the appropriate standard fee, only the additional fee is payable to the Department for determining compliance with the stability requirements.

SECTION C

Fees for survey and inspection: special cases

Exemptions for deeper loading

Where a survey or inspection is carried out on a ship in respect of which a load line certificate is in force, for the purpose of an exemption for deeper loading:

a first survey for the exemption	25% of the maximum standard initial survey fee plus 50% of the maximum standard periodical inspection fee.
a subsequent survey or inspection for the continuing of the exemption in force: made concurrently with a	

periodical inspection
respectively carried out by the
department
not so made

no fee.

the standard periodical
inspection fee.

For a survey or inspection as
described above where the
ship is a classed ship and the
load line Assigning Authority
certify in writing that the
scantlings of the ship are
sufficient for the deeper
loading:

a first survey for the
exemption

25% of the maximum
standard initial survey
fee plus the standard
periodical inspection
fee.

a subsequent survey or
inspection for the continuing
of the exemption in force:

made concurrently with a
periodical survey or a
periodical inspection
respectively carried out by the
Department
not so made

no fee.

the standard periodical
inspection fee.

Exemptions for single voyages
Where a survey carried out on
a ship in respect of which a
load line certificate or load
line exemption certificate is in
force and the owners of which
require it to make a single
voyage outside the limits
specified in that certificate not
being an extended
international voyage

the standard periodical
inspection fee.

Where a survey carried out on
a ship in respect of which a
load line certificate or load
line exemption certificate is
not in force and the owners of
which require it to make either
a single short international
voyage or a single coastal

25% of the maximum standard
initial survey fee.

voyage

Where a survey carried out on a ship in respect of which a load line certificate or load line exemption certificate is in force lot prescribed coastal limits and the owners of which require it to make a single extended international voyage

25% of the maximum standard initial survey fee.

Where a survey carried out on a ship in respect of which a load line certificate or load line exemption certificate is not in force and the owners of which require it to make a single extended international voyage

50% of the maximum standard initial survey fee

Where a survey carried out on a ship the owners of which require it to make a single voyage under tow

no maximum.

Stability requirements

For the survey of a ship to determine compliance in respect of the ship with the stability information requirements in Schedule 7 of the Rules in the case of a ship which was an existing ship on 21st July 1968:

on which stability information was carried for the guidance of the master pursuant to the Merchant Shipping (Safety Convention) Act 1949:

Where the ship:

does not exceed 2,000 tons
is 2,000 tons or over

333.00
£333 plus an additional
£55.40 for each 400
tons or part thereof by
which the ship exceeds
2,000 tons.

on which stability information was not carried for the guidance of the master pursuant to the Merchant Shipping (Safety Convention)

the appropriate fee.
Under section B.

Act 1949

For a survey as described above in the case of a sister ship	50% of the maximum fees appropriate.
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SECTION D

General

For the issue, in substitution for an existing load line certificate, or load line exemption certificate, of a corresponding certificate showing amended or extended plying limits (including such survey or inspection as may be necessary)	a fixed fee of £104.00.
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For the endorsement of a load line exemption certificate	a fixed fee of £52.00
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For a copy of a load line certificate or a load line exemption certificate	a fixed fee of £18.75.
--	------------------------

TABLE I

Fees for survey of ships in dry dock

For the survey of the hull in dry dock and for the issue of a dry docking certificate	no maximum.
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Fees for examination of plans and arrangements

For the examination of preliminary plans for hulls of proposed ships:

for the examination of the structural drawings and scantlings or

for the consideration of the watertight subdivision arrangements or

for the consideration of the fire protection arrangements	no maximum.
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For consideration of designs of boilers, shafting or other machinery parts	no maximum.
--	-------------

For consideration of the arrangements of fire appliances, life saving appliances, navigation	no maximum.
--	-------------

equipment etc.

For the examination of the design of quick release towing hooks for tugs, witnessing tests and issuing a certificate.

no maximum.

Fees for examination of plans for foreign ships building outside Gibraltar.

The department will, in special cases, undertake the examination of plans of hulls, machinery, life-saving appliances, fire appliances, equipment etc. of ships under construction abroad, to see whether the design and particulars conform to Solas requirements

no maximum against a deposit of 25% of the appropriate maximum fee in Table H Part I.

Fees for testing; inspecting and examining plans of sidescuttles, fire resisting doors and materials ships side and other hull fittings

For the examination of designs of fittings intended for use in connection with the subdivision or structure of a ship:

For the examination of design of sidescuttles conforming to British Standards Specification

no fee.

For the examination of the design of sidescuttles not conforming to British Standards Specification

no maximum.

For the examination of the methods of fitting materials used in the construction of 'A' Class fire resisting divisions

no maximum.

For the examination of the methods of fitting materials used in the construction of "B" Class fire retarding divisions

no maximum.

For the examination of the design of doors intended for either "A" Class fire resisting

divisions or "B" Class fire retarding divisions:	
per drawing	no maximum.
For the examination of the design of items not included above	no maximum.
For the inspection and testing at the maker's works of prototype fittings, and production fittings intended for foreign ships	no maximum.
For Witnessing Fire Tests	no maximum.
For Witnessing surface spread of flame tests	no maximum.
For the issue of a certificate of inspection and test in respect of any material of fitting referred to in this section	no maximum.
For an additional certificate	a fixed fee of £18.75

TABLE J.**PART I**

Fees for survey of ships' boilers	
For the inspection of drawings and survey and hydraulic testing of single-ended cylindrical boilers or water tube boilers intended for use on board ship	no maximum.
Fees for surveys and tests of boiler parts, machinery, materials and testing machines	
Note:	
(a) If parts of boilers and machinery etc. are eventually installed in a ship under survey for certification as a passenger ship the fee is regarded as part of the fee specified in Table H	
(b) Except where otherwise shown, these fees will be additional to those specified in Table I	

For the survey of boiler parts, machinery etc:	
Air receivers or welded pressure vessels of Class I, II and III.	no maximum.
Auxiliary unit (such as evaporators, heaters, filters, coolers, pumps etc)	no maximum.
Boiler mountings	no maximum.
Engines (including turbines) steam or internal combustion	no maximum.
Electric generators and motors	no maximum.
Machinery items, gearing, shafting propellers etc.	no maximum.
Oil fuel flexible pipes:	
Examination of design inspection and witnessing of tests of the prototype and issue of certificates of inspection and test where appropriate	no maximum.
Oily-water separators:	
Examination of design, witnessing of hydraulic test and inspection of the appliance	no maximum.
Reversing and Reduction gear-boxes for use with engines not exceeding 373KW (500 BHP)	
For examination of each design	no maximum.
Steering gear, main and auxiliary, complete for each item	no maximum.
Watertight Doors:	
Examination of design, inspection and witnessing of tests of the prototype and issue of a certificate of inspection and tests where appropriate	no maximum.
The survey of watertight doors of an approved design at the maker's works	no maximum.
For the inspection of machinery parts, i.e. forgings, casting, pipes etc., and for witnessing tests of materials, electrodes etc.	no maximum
For the inspection and	

verification of testing machines:

For the inspection and verification of testing machines used for testing materials coming under Port Department survey and for the issue of a certificate

no maximum.

For the inspection and verification of testing machines not used for testing materials coming under Port Department survey and for the issue of a certificate

no maximum.

For Certificate of Inspection and Certificates of Test:

Where a maker requires such a certificate in respect of any of the inspections and tests above the fees for which do not include the issue of a certificate

no maximum.

For an additional copy of a certificate

a fixed fee of £18.75.

Additional fee for registering any design as standard

a fixed fee of £155.00

PART II

Radio

Note:

The first three fees are in addition to the fee for a passenger certificate, a safety certificate and a safety equipment certificate

Fees for radio certificates and radio exemption certificates

For the survey for a radio certificate, or a qualified radio certificate together with an exemption certificate:

in the case of a ship:

not exceeding 1,600 tons	143.00
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exceeding 1,600 tons	223.00
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For an exemption certificate only, relating to radio

24.00

For a copy of a radio certificate, or a qualified radio certificate together with an exemption certificate	18.75
For a copy of an exemption certificate only	18.75
Fees for inspection of radio installations on board ship	
For the inspection of a ship under section 76(1) of the Merchant Shipping Act 1470 (not being an inspection made with a view to the issue of a passenger certificate or of any of the certificates referred to in sections 7 and 9 of the Merchant Shipping (Safety Convention) Act 1949, and for the issue of a report on Form SUR 69 (Radio):	
(a) on the application of the owner of the ship for the purposes of seeing that she is properly provided with a radio installation and radio officers or radiotelephone operators in conformity with the Radio Rules, or	
(b) otherwise than on the application of the owner, as a result of changes or modification in her radio equipment or as a result of an accident to the ship or a defect which affects the efficiency or completeness of a radio installation:	
for a complete inspection - in the case of a ship:	
not exceeding 1,600 tons	143.00
exceeding 1,600 tons	223.00
for a partial inspection:	
for each visit made to the ship	64.00 subject to a maximum not exceeding the appropriate fee for a complete

	inspection.
For the inspection of a ship otherwise than on the application of the owner, if the ship is found to be not properly provided with radio installation or radio officers or radiotelephone operators: for each visit made to the ship	64.00 subject to a maximum not exceeding the appropriate fee for a complete inspection.
For the inspection of a ship for the purpose of seeing that she is properly provided with radio equipment not required by the Radio Rules but which has been fitted as a condition of exemption from specific requirements of such Radio Rules	64.00
For the initial inspection of a Class VI or Class VI A passenger ship for the purpose of seeing that she is properly provided with a VHF radio installation in accordance with the Radio Rules	55.95
For a copy of a form SUR 69 (Radio)	18.75
Fees for testing types of marine radio and navigational aids equipment	
For testing a type and, where appropriate, issue of a type test certificate of:	
Main radiotelegraph transmitter	
Main radiotelegraph receiver	
Reserve radiotelegraph transmitter	
Reserve radiotelegraph receiver	
Radiotelegraph automatic keying device	

Radiotelegraph loudspeaker
watchkeeping receiver

Radiotelephone installation
Radiotelephone alarm signal
generating device

Radiotelephone loudspeaker
watchkeeping receiver

Motor lifeboat fixed radio
equipment

Portable radio equipment for
survival craft

Radiotelephone distress
equipment for fishing boats'
survival craft

Radiotelegraph auto alarm
equipment

Direction-finder

Radar

Echo-sounder

the fee will be
determined amount
of work involved.

Fees for radio certificates and
radio exemption certificates in
respect of fishing vessels and
for the inspection of radio
installations on board fishing
vessels

For the inspection of a fishing
vessel on the application of the
owner under section 76(1) of
the Merchant Shipping Act
1970 for the purpose of seeing
that the vessel is properly
provided with a radio
installation and radio operators
in compliance with the
Merchant Shipping (Radio)
(Fishing Vessels) Rules 1974,
for the issue or renewal of a

United Kingdom fishing vessel certificate issued under rule 126 of the Fishing Vessels (Safety Provisions) Rules 1975.

Class I

not exceeding 1,600 tons	119.00
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exceeding 1,600 tons	223.00
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Class II or Class III	119.00
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For the periodical inspection of a fishing vessel, on the application of the owner, under section 76(1) of the Act of 1970 pursuant to rule 130 of the Fishing Vessels (Safety Provisions) Rules 1975.

Class I

not exceeding 1,600 tons	119.00
--------------------------	--------

exceeding 1,600 tons	223.00
----------------------	--------

Class II or Class III	119.00
-----------------------	--------

For the inspection of a fishing vessel under section 76(1) of the Act of 1970:

(a) on the application of the owner other than in the above classes for the purpose of seeing that the vessel is properly provided with a radio installation and radio operators in compliance with the fishing vessels Radio Rules or

(b) otherwise than on application of the owner, as a result of changes or modification in the radio equipment after compliance with the fishing vessels Radio Rules: for a complete inspection in the case of a vessel of.

Class I

not exceeding 1,600 tons	119.00
--------------------------	--------

exceeding 1,600 tons	223.00
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Class II or Class III	119.00
-----------------------	--------

for a partial inspection	60.00 per visit subject to a maximum not exceeding the
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	appropriate fee.
For the inspection of a fishing vessel, otherwise than on the application of the owner under section 76(1) of the Act of 1970 where the vessel is found not to be properly provided with a radio installation or radio apparatus required by the fishing vessels Radio Rules or any condition subject to which the vessel has been exempted from a requirement of the fishing vessels Radio Rules	60.00 per visit subject to a maximum not exceeding the appropriate fee.
For the inspection of a fishing vessel on the application of the owner under Section 76(1) of the Act of 1970 for the purpose of exempting the vessels from a requirement of the fishing vessels Radio Rules	60.00
For the issue of an exemption certificate only, relating to radio	18.00
For a copy of a radio certificate, or a qualified radio certificate together with an exemption certificate	18.75
For a copy of an exemption certificate only	18.75

PART III.

RADAR

Note:

The fees in this Part are statutory fees

Fees for the inspection of the radar installation on a ship under section 76(1) of the Merchant Shipping Act 1970

On the application of the owner for the purpose of seeing that the radar

installation provided is in accordance with the Rules no maximum.

Otherwise than on the application of the owner, where the ship is found not to be complying with the provisions of the Rules or any condition subject to which the ship has been exempted from a requirement of the Rules no maximum.

SAFETY EQUIPMENT

Note:

(a) The fees cover the survey of life-saving appliances, fire appliances, pilot ladders, lights and sound signal apparatus, as appropriate, the issue of a form SUR 183 (Record of Safety Equipment) if required and the issue of a safety equipment certificate (or a qualified safety equipment certificate together with an exemption certificate).

(b) The fees apply also to a ship which would be required to hold a safety equipment certificate but for the fact that the ship is not registered in a 1960 SOLAS Convention country, or a territory to which the Convention has been extended. In this case a safety equipment certificate will not be issued.

(c) For a partial inspection of the safety equipment certificate on a ship the form SUR 183 will be completed only for those items surveyed.

Fees for safety equipment certificate

For the initial survey of a ship for the initial issue of a safety equipment certificate or a

qualified safety equipment certificate together with an exemption certificate:	
in the case of a ship of:	
500 tons or over but under 1,600 tons	4,432.00
1,600 tons or over but under 15,000 tons	4,432.00 plus an additional £609.40 for each 1,000 tons or part hereof by which the ship exceeds 1,600 tons.
15,000 tons or over	13,296.00
For the survey of a ship for the renewal of a safety equipment certificate or a qualified safety equipment certificate together with an exemption certificate:	
in the case of a ship of:	
500 tons or over but under 1,600 tons	554.00
1,600 tons or over but under 3,000 tons	886.00
3,000 tons or over	1,220.00
For the survey of a ship for a safety equipment certificate under regulation 4 of the Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 1981:	
in the case of a ship of:	
500 tons or over but under 1,600 tons	333.00
1,600 tons or over but under 3,000 tons	665.00
3,000 tons or over	776.00
For an additional copy of a certificate or an additional copy of a form SUR 183	a fixed fee of £18.75
For a partial inspection of the safety equipment of a ship required to hold a safety equipment certificate:	
(a) on the application of the owner; or	
(b) not on the application of the owner, where equipment is found defective	no maximum

For a partial inspection of life-saving appliances on a ship making a voyage with a trials party on board where the ship is not under survey by the Department.

no maximum

(Where a ship is under a Port Department survey and the appropriate survey fee or deposit has been paid, such inspection will be counted as part of the survey and no further fee will be charged)

Fees chargeable by the Department where the survey or inspection of a ship is to be carried out at a port outside Gibraltar by a ship surveyor not employed by the Department but specially appointed for the purpose under the Merchant Shipping Act.

no maximum.

(The fee is in addition to the fee payable for the service to the specially appointed surveyor or his employer)

Fees for inspection of the safety equipment of ships not required to hold safety equipment certificates.

For the initial inspection of the safety equipment of a ship on the application of the owner and for the issue of a report on form SUR 183:

in the case of a ship of:

under 50 tons

886.00

50 tons or over but under 3,000 tons

886 plus an additional £277 for each 100 tons or part thereof by which the ship exceeds 50 tons.

3,000 tons or over

9,418.00

For a subsequent inspection of the safety equipment of a ship on the application of the

owner and for the issue of a report on form SUR 183:	
in the case of a ship of:	
under 500 tons	388.00
500 tons or over but under 3,000	£388 plus an additional £111 for each 500 tons or part thereof by which the ship exceeds 500 tons
3,000 tons or over	1,000.00
For an additional copy of form SUR 183	a fixed fee of £18.75
For a partial inspection of the safety equipment of a ship:	
(a) on the application of the owner; or	
(b) not on the application of the owner, where equipment is found defective; or	
(c) not on the application of the owner, as the result of changes or modifications in the equipment	no maximum.
For a partial inspection of life-saving appliances on a ship making a voyage with a trials party on board	
where the ship is not under survey by the Department	no maximum.
(Where a ship is under Department survey and the appropriate survey fee or deposit has been paid, such inspection will be counted as part of the survey and no further fee will be charged)	
Fees chargeable by the Department where the survey or inspection of a ship is to be carried out at a port outside Gibraltar by a ship surveyor not employed by the Department but specially appointed for the purpose under the Merchant Shipping	no maximum.

Act

(The fee is in addition to the fee payable for the service to the specially appointed surveyor or his employer)

For the issue of an amended exemption certificate, or for the issue of an exemption certificate or amended exemption certificate applied for other than at the time of normal survey

no maximum.

Fees for testing and inspecting life-saving appliances

(a) The maximum number of persons for which a rowing lifeboat and a mechanically hand propelled lifeboat can be certified is 60 and 100 respectively.

(b) When lifeboats and buoyant apparatus are inspected at a boat builders at the same visit the minimum fee for buoyant apparatus will not apply

For the inspection during construction, for the certification or re-certification of lifeboats and buoyants apparatus, and for the issue of a report of inspection on form SUR 123A:

For the inspection of a lifeboat constructed of glass-reinforced plastics the following fixed fees shall apply:

in the case of a lifeboat which is certified to carry

less than 10 persons	133.00
at least 10 persons but less than 20 persons	170.00
at least 20 persons but less than 30 persons	204.00

at least 30 persons but less than 40 persons	247.00
at least 40 persons but less than 50 persons	289.00
at least 50 persons but less than 60 persons	332.00
at least 60 persons but less than 70 persons	375.00
at least 70 persons but less than 80 persons	418.00
at least 80 persons but less than 90 persons	461.00
at least 90 persons but less than 100 persons	504.00
at least 100 persons but less than 120 persons	589.00
at least 120 persons but not more than 150 persons (maximum permitted number)	719.00
For the inspection of process and quality of production of lifeboats or bouyant apparatus constructed of glass reinforced plastics at the manufacturer's works	no maximum.
For the inspection of a lifeboat constructed of materials other than glass reinforced plastics the following fixed fees shall apply.	
for a lifeboat constructed of wood	twice the appropriate fee.
for a lifeboat constructed of steel	one and a half times the appropriate fee.
for a lifeboat constructed of aluminium	one and a half times the appropriate fee.
for a lifeboat constructed of steel or aluminium and having built-in buoyancy tanks	twice the appropriate fee.
For the inspection of mechanically hand propelled lifeboats, motor lifeboats and motor lifeboats fitted with a radio cabin and searchlight:	

for a mechanically hand propelled lifeboat	a fixed fee of the appropriate fee, plus £75.00.
for a motor lifeboat	a fixed fee of the appropriate fee, plus £151.00.
for a motor lifeboat fitted with a radio cabin and searchlight	a fixed fee of the appropriate fee plus £200.
For the inspection of buoyant apparatus constructed of materials other than glass reinforced plastics	no maximum.
For the inspection of buoyant apparatus constructed of glass reinforced plastics	no maximum.
For the routine inspection of production of life jackets at the manufacturer's works	no maximum.
For the inspection of a buoyant material (excluding cork and kapok) and consideration of report of tests carried out by an independent authority, in addition to fees charged by the authority.	a fixed fee of £499.00
For the inspection at the manufacturer's works of boats' davits and winches intended for stock or for foreign ships	no maximum.
For the inspection of inflatable lifeboats and inflatable boats and of servicing depots:	
For the inspection of processes and quality of production at the manufacturer's works	no maximum.
For the inspection of servicing depot	
for each day or part of a day of a prescribed visit by the Department	no fee.
For the individual inspection and re-certification of an inflatable liferaft except where it is surveyed as part of	a fixed fee of £112.00.

a full I.S.A. survey

(a) For the examination of the design, or a modification to a design, of a life-saving appliance, the witnessing of tests and inspection of an appliance made to the design; or

(b) For the inspection of a proofed fabric or adhesive and consideration of report of tests carried out by an independent laboratory and

(c) The issue of a certificate of tests if required

no maximum.

Fees for witnessing of tests and inspection of fire appliances, cinema projectors or similar appliances.

For the examination of the design of an appliance, the witnessing of tests and inspection of the first appliance

no maximum.

made to the design and the issue of a certificate of tests if required

Fees for the inspection of lights and fog signals For the inspection of lights and fog signals on any ship:

(a) on the application of the owner; or

(b) not on the application of the owner, where equipment is found defective:

no maximum.

Fees for the testing and inspection of lights and sound signal apparatus

For the examination of the design of a light and sound signal apparatus, the testing and inspection of the first apparatus made to the design, and if required, the issue of a certificate of test:

Navigation lantern

Burner

Lens

Daylight signalling lamp

Sound signalling apparatus

Any similar apparatus

no maximum.

Fees for fire-detecting systems and fire extinguishing installations

For the examination of the design of a fire-detecting system, inert gas system of fixed fire extinguishing installation or plans of a froth or carbon dioxide installation for fire extinguishing

no maximum.

Inspection of Ship's Provisions

Note:

"The Regulations" means the Merchant Shipping (Provisions and Water) Regulations 1972 as amended and the Merchant Shipping (Provisions and Water) (Fishing Vessels) Regulations 1972 as amended.

Fees for the inspection of provisions and water in ships and fishing vessels

(a) on application of the owner for the purpose of seeing that the provisions of water provided are in accordance with the Regulations

(b) otherwise than on the application of the owner, where the provisions or water provided are found not to be in accordance with the Regulations

no maximum.

Fees for the inspection of provisions and water in ships

and fishing vessels following a complaint by a member of the crew:

where the complaint is found to be justified

no maximum.

where the complaint is found to be unjustified

no fee.

Fees for the inspection on premises of provisions and water intended for supply to a ship or fishing vessel, where the provisions or water are found not to be in accordance with Regulations

no maximum.

TABLE K.

Surveyors Charges and general notes:

1. In cases where the exact fee cannot be calculated in advance a deposit equal to the estimated fee will be required. Any outstanding balance of charges incurred in the Service must be paid before a certificate is issued or the Service is completed.

2. Except where otherwise stated the fee for any Service carried out in Gibraltar will be determined by the amount of work involved. subject to the appropriate maximum fee. The total time for that Service including the time occupied by the Surveyor, Inspector or Superintendent in travelling to and from the place of Survey etc., will be charged at f41.50 per hour or part thereof except Table L which will be charged at f4.25 per quarter of an hour.

3. The maximum number of hours to be included in the calculation of the cost of a Service in respect of travelling time shall be 2 hours for each visit made by the Surveyor, Inspector or Superintendent.

4. Where any of the Surveys, Inspections or Tests etc. listed in the tables are carried out outside Gibraltar, the travelling expenses (including the time occupied by the Surveyor or Inspector in travelling to and from the place of Survey etc.) and subsistence allowances incurred by the Surveyor or Inspector are payable in addition to the fee shown.

5. The expression "tons" wherever it is used in these tables means gross tons and the gross tonnage of a ship having alternative tonnages is taken as the larger of these gross tonnages.

TABLE L.

Engagement and Discharge of Seamen

Note:

These fees are statutory fees

Fees for the engagement and discharge of seamen

For the engagement and discharge of seamen before a Superintendent or for any service rendered in connection with a crew agreement at the request of the owner, agent or master:

where the service is performed elsewhere than in a Marine Office:

Monday to Friday (excluding Public Holidays) between 9 a.m. and 5 p.m.	The fee will be determined by the amount of work involved, including travelling time, charged at an hourly rate of £17, subject to a minimum fee of £17.
at all other times	200% of the appropriate fee under (1) above.

where the service is performed in a Marine Office:

Monday to Friday (excluding Public Holidays) between 9 a.m. and 5 p.m.	The fee will be determined by the amount of work involved charged at an hourly rate of £17, subject to a minimum fee of £4.25.
where the service is performed in a Marine Office.	
at all other times	200% of the appropriate fee under (1) above.

TABLE M.**EXAMINATION FEES.**

For examination for a Certificate of Competency as

Coxswain of a Motor Launch	£30.00
Engine Driver of a Motor Launch	£30.00
Lifeboatman per man	£9.00
Replacement of Certificates.	
Replacement copy of Certificate as Coxswain, Engine Driver or Lifeboatman	£9.00
Exemption to a ship for unqualified Officers.	
For an application for a dispensation as Deck or Marine Engineer Officer	£63.00
For application for other exemptions to a ship	£63.00.

Table N

Section 222A

ANNUAL TONNAGE TAX.

1. An annual tonnage tax shall be paid in respect of every ship registered in Gibraltar, other than pleasure yachts and harbour craft.
2. The annual tonnage tax shall be payable in advance before the first day of January of the year in respect of which it is due.
3. The annual tonnage tax shall be paid at the following rates-

Gross Registered Tonnage: Annual Tax:

0- 500	£ 600
501- 2,500	£ 700
2,501- 5,000	£ 800
5,001- 12,000	£1,000
12,001- 25,000	£1,600
25,001- 50,000	£2,000
50,001-100,000	£2,500
Over 100,000	£3,000

4. Where in the certificate or measurement of a ship more than one gross registered tonnage is specified, the annual tonnage tax shall be calculated by reference to the greatest of those tonnages.
5. The annual tonnage tax shall not be refundable.

SCHEDULE 2.

Section 224(3).

**SPECIAL MEASUREMENTS FOR PASSENGER SHIPS PLYING
NOT SOUTH OF A LINE JOINING EUROPA POINT AND
CARNERO POINT.**

The clear area of the deck in square feet is to be divided by 10 and the quotient is the number of passengers and crew allowed to be carried.

One passenger to be deducted for every 3 square feet of passenger accommodation occupied by baggage or cargo.