

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4830 GIBRALTAR Thursday 4th March 2021

B. 07/21

BILL

FOR

AN ACT to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Merchant Shipping (Miscellaneous Amendments) Act 2021 and comes into operation on the day of publication.

Amendment to the Merchant Shipping Act.

2. The Merchant Shipping Act is amended by omitting subsection (5) of section 49.

Amendments to the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993.

3.(1) The Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 is amended-

(a) by inserting the following section after section 3-

“Maritime Labour Notice.

3A.(1) The Maritime Administrator may, with prior approval of the Minister, make and issue a Maritime Labour Notice for all or any of the following purposes-

- (a) to implement any Standard or Guideline or both that is grouped in one of the five Titles of the Regulations and the Code of the MLC;
- (b) to provide Guidance, if the Standard or Guideline referred to in subsection (a) does not provide any specific method of compliance, on how to achieve such compliance;

- (c) to provide Guidance on compliance with the Regulations which give effect to any provision of the MLC;
 - (d) to provide explanations or other information to the shipowners and seafarers of what is required in order to comply with a particular Regulation, Standard or Guideline;
 - (e) to implement and provide Guidance on-
 - (i) any other relevant international obligations or standards under the MLC; or
 - (ii) any recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards under the MLC; and
 - (f) to prescribe forms for different purposes under the MLC.
- (2) Every Maritime Labour Notice issued under this section shall-
- (a) be published in the Gazette; and
 - (b) have the force of law.
- (3) Where a master or an owner of a ship fails to comply with any obligation or requirement imposed by a Maritime Labour Notice issued under this section-
- (a) the master or the owner of the ship or both shall be guilty an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale; or
 - (b) the ship shall, as a consequence of such failure, be liable to be inspected and detained in accordance with the Regulations implementing the MLC in Gibraltar.
- (4) In any proceedings for an offence under subsection (3), it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with any obligation or requirement imposed by a Maritime Labour Notice.
- (5) In this section-
- “the Code” means the Code of the MLC;
 - “Guideline” means one of the elements (other than Regulation and Standard) in a group under a Title of the MLC;

“MLC” means the Maritime Labour Convention, 2006 adopted on 23 February 2006 by the General Conference of the International Labour Organisation, as amended from time to time;

“Regulation” means one of the elements (other than Guideline and Standard) in a group under a Title of the MLC;

“Standard” means one of the elements (other than Regulation and Guideline) in a group under a Title of the MLC;

“Title” means one of the five general areas under which the Regulations and the Code of the MLC have been organised.”;

- (b) by omitting subsection (2) of section 21; and
- (c) in section 118(1) (c), by inserting the words and commas “, as revised, modified or amended from time to time,” after the words “a relevant International Agreement or Convention.”.

EXPLANATORY MEMORANDUM

This Bill amends the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 in order to repeal some provisions which are conflicting with the implementing provisions of the Maritime Labour Convention 2006. This Bill also incorporates a new section which empowers the Maritime Administrator to issue Maritime Labour Notices for certain reasons specified in that section. Such Notices shall have force of law and be enforceable. The Bill amends section 118 (1) (c) of the Gibraltar Merchant Shipping (Safety, etc.) Act, 1993 to take account of future amendments and revisions to International agreements and conventions.

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