

## **THE GIBRALTAR SHIP REGISTRY (Last updated: 20<sup>th</sup> February 2008)**

### **Introduction:**

The Gibraltar Register is properly constituted under United Kingdom Law and operates in accordance with International Conventions and Protocols extended to it. Ships registered in Gibraltar are British ships. Gibraltar being within the European Union the Register, is also considered as a Member State's Register. Ships registered in Gibraltar are entitled to offer services and participate in cabotage (coastal trade) within the European Union.

### **Ownership & Appointments:**

Nationals of EU/ EEA and companies registered in EU and EEA can have ships registered in Gibraltar either under ownership or Bareboat charter. Companies not located within EU or EEA will have to be first registered as Foreign Maritime Entity (FME) before they can have ships registered under their ownership or charter. [Note - there are companies not incorporated within the EU that do not need to register as an FME if the owner(s) or majority of shareholders are British or EU nationals] If the owners or the bareboat charterer do not have an office in Gibraltar, then they shall appoint a person or company in Gibraltar to represent them. If the owners or the bareboat charterers (whose name appears in the Certificate of Registry) are not responsible for safe operation of the ship and protection of the environment then they shall inform the Maritime Administrator of the name and address of the entity responsible for the duties and responsibilities imposed by the ISM Code. This entity shall be referred to as the "company" and the Administration shall normally maintain contact with the company on all technical matters. If the (ISM) company is not located at Gibraltar then they shall have a representative in Gibraltar. The local representative of a Gibraltar-registered ship should represent both the owners/ charterers (as the case may be) as well as the management (ISM) company.

To own or charter a vessel registered in Gibraltar, the Owner / Charterer must be either a Qualified Person or a Foreign Maritime Entity, and must appoint a Representative Person and a Responsible Individual. They may also need to appoint a Registered Agent

### **Additional measures to meet security requirements:**

With effect from 01-July-04 every ship intended to register in Gibraltar will have to submit a synopsis of the ship's history that must include the name of owners and operators who have been responsible for the ship ever since the ship went into operation (or at least since the ISPS Code entered into force). The owners or the bareboat charterers (as the case may be) will also have to submit a declaration to the effect that the ship or the owners/ operators are not a subject of any national or international investigation. The ship must have on board at all times the particulars of the owners, managers (ISM) and charterers, if any. The ship must also have a proper cargo manifest showing clearly the quantity and nature of cargo on board with particulars of the shipper and the consignee. The seafarers employed on board must have original certificates and identity documents issued by the country of nationality/ Flag State.

Table 'A', on the following page, has a breakdown of the Ownership & Appointment Requirements.

**Table 'A' Ownership & Appointments (Last updated: 24<sup>th</sup> August 2006)**

<p><b>QUALIFIED PERSON</b></p> <p>a) Individual -</p> <p>One of the following:</p> <ul style="list-style-type: none"> <li>▪ British citizen</li> <li>▪ British Dependent Territory citizen</li> <li>▪ British overseas citizen</li> <li>▪ British subject (under British Nationality Act 1981)</li> <li>▪ British National (Overseas) (e.g. Hong Kong Order 1986)</li> <li>▪ Citizen of the Republic of Ireland</li> <li>▪ An EU National</li> </ul>	<p>b) Bodies Corporate or Legal Entities -</p> <p>Incorporated, established or registered:</p> <ul style="list-style-type: none"> <li>▪ Under the laws of Gibraltar, or</li> <li>▪ Under the laws of an EU Member State</li> </ul> <p>And they must also have either:</p> <ul style="list-style-type: none"> <li>▪ A place of business in Gibraltar, or</li> <li>▪ Appointed a Representative Person</li> </ul>
<p><b>I. REPRESENTATIVE PERSON</b></p> <p>Appointed by 'Qualified Person' (QP)</p> <p>Requirements:</p> <ol style="list-style-type: none"> <li>a) Individual (resident in Gibraltar) or Body Corporate (having principal place of business in Gibraltar)</li> <li>b) As part of its business acts as Rep. Person for QPs</li> <li>c) Has to hold valid licence under any other Ordinance</li> <li>d) Has consented in writing to the appointment</li> </ol> <p>Duties:</p> <ul style="list-style-type: none"> <li>▪ Legal representative of the QP for matters relating to the vessel.</li> </ul>	<p><b>II. REGISTERED AGENT</b> [<i>the Maritime Administrator may waive the requirement for a Reg. Agent</i>]</p> <p>Appointed by Owner or Bareboat Charterer*</p> <p>* (provided: i. There is more than 1 owner, ii. All Owners are QPs, iii. One Owner is resident in Gibraltar, and iv. The MA is satisfied that the Owner resident in Gibraltar has the authority to act as sole Owner.)</p> <p>Requirements:</p> <ol style="list-style-type: none"> <li>e) Individual (resident in Gibraltar) or Body Corporate (having principal place of business in Gibraltar)</li> <li>f) As part of its business acts as Reg. Agent on behalf of Owners or Bareboat Charterers of Gibraltar vessels</li> <li>g) Has to hold valid licence under any other Ordinance</li> <li>h) Has consented in writing to the appointment</li> </ol> <p>Duties:</p> <ul style="list-style-type: none"> <li>▪ Legal representative of the Owner / Charterer for matters relating to the vessel.</li> </ul>
<p><b>III. RESPONSIBLE INDIVIDUAL</b></p> <p>Appointed by Owner / Charterer</p> <p>The individual or entity (usually the responsible ISM company) who is <u>shore-based</u> and entrusted with the day-to-day operational management of the vessel.</p>	

**Acceptability:**

Normally ships under 20 years of age, classed with one of the recognised societies with no major outstanding condition of class will be accepted in the register. Ships over 20 years of age may be accepted only with Ministerial approval. Ships over 20 years may also be subject to a pre-registration survey.

**Recognised Organisations:**

Gibraltar recognises seven of the IACS (International Association of Classification Societies) members to conduct statutory survey and certification on behalf of the Administration. They are:

1. American Bureau of Shipping (ABS);
2. Bureau Veritas (BV);
3. Det Norske Veritas (DNV);
4. Germanischer Lloyd (GL);
5. Lloyds Register (LR);
6. Nippon Kaiji Kyokai (NKK);
7. Registro Italiano Navale (RINA).

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