



Gibraltar Port Authority **Conditions for the Issue of a Port Operator Licence**

DOLPHIN BOAT OPERATOR LICENCE

- 1) Every application should be sent to the Gibraltar Port Authority (hereinafter referred to as the 'GPA') so as to reach not less than eight weeks before the date on which the applicant desires the Licence, Re – Licence, Re – Registration or amendment applied for to take effect.
- 2) The application must be submitted with evidence that a notice has been published in the Gazette and in one newspaper no later than 21 days before the date fixed by the GPA to consider the application
- 3) (a) The applicant must be a fit and proper person, or if the applicant is a company or a partnership, the directors and shareholders or the partners as the case may be, are fit and proper persons to carry on the business.

(b) The applicant must produce letters from two referees who are aware of or are involved in shipping, stating that the applicant is a fit and proper person for the business in which he wished to engage.
- 4) The applicant must have available financial and managerial resources appropriate to the business.
- 5) The applicant must be in possession of a valid trade licence issued by the Trade Licensing Authority in Gibraltar, which relates specifically to the activity for which a Port licence is being sought.
- 6) The applicant must provide evidence that he/they have complied with statutory requirements in respect of the commencement of the business and now complies with statutory requirements in respect of the operation of the business.
- 7) If the applicant plans to use a boat of 24 metres or over for dolphin excursions, the vessel must be classed with one of the six societies recognised by the Gibraltar Ship Registry. The recognised societies are:
 - (a) Lloyds Register of Shipping
 - (b) American Bureau of Shipping
 - (c) Bureau Veritas
 - (d) Det Norske Veritas
 - (e) Germanischer Lloyd
 - (f) Registro Italiano Navalelf
- 8) If a boat of 24 metres or over is to be used and more than 12 passengers are to be carried, the vessel must be surveyed and certified as a passenger ship.
- 9) If the proposed boat is under 24 metres (but not less than 12 metres), it may only be allowed to operate under the MCA Code of Practice for such boats. These boats will not normally be allowed to carry more than 12 passengers.
- 10) In order to obtain a 'Certificate of Survey' or a 'Safety Certificate', the owner/operator of a vessel will have to apply in writing to the Maritime Administrator indicating the time and place where the vessel may be inspected:
- 11) It shall be the responsibility of the owner/operator to provide necessary transport (including boats where necessary) to enable the inspection of a vessel to take place.
- 12) The applicant shall ensure that the vessel meets all international safety requirements and carries sufficient life-saving aids for the complement of passengers and crew it is licensed to carry.
- 13) The applicant must ensure that all safety and navigation equipment is maintained on board in a serviceable condition.
- 14) Master in charge of the vessel must have a Certificate of Competency as a Coxswain and all crew members must have a valid Medical Certificate and Eyesight Test.
- 15) The vessel must have a Radio Station Licence and one crew member must have a VHF Operator's



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Conditions for the Issue of a Port Operator Licence

Licence.

- 16) The applicant shall ensure that he complies with port rules and regulations in respect of operations in bad weather or foggy conditions.
- 17) The applicant shall ensure that satisfactory toilet and refreshment facilities are provided for his/their passengers and that there is sufficient shade cover and protection from the elements for such passengers.
- 18) The applicant shall at all times comply with the Dolphin Protocol, herewith attached. Failure to do so may result in the revocation of the Dolphin Boat Licence and prosecution.
- 19) The applicant will, by his/their registration, contribute to the efficiency and viability of the Port and ensure continuity of service.
 - (a) The applicant must provide the Captain of the Port of the GPA with full details of the number of staff employed and their duties, and the Captain of the Port must be satisfied that the staff complement is adequate for carrying out the business.
 - (b) The applicant must demonstrate his/their knowledge of 'Dolphin Boat Operator' work specifically, as opposed to knowledge of 'shipping' generally.
 - (c) The applicant must further provide a Certificate of Good Standing from the Registry of Companies, full details of all Directors and Shareholders, as well as a full set of audited accounts.
- 20) Persons employed by the applicant must be registered with the Employment and Training Board and fulfil all legal obligations in respect of pay, tax and social insurance.
- 21) Prior to the issue of a licence, the applicant must produce documentary evidence to the satisfaction of the Captain of the Port of the GPA that insurance has been taken out against both personal injury and damage to vessels or property.
- 22) Copies of Licences, Crew Certificates and other relevant documents must be available for inspection on board at any time.
- 23) The applicant must abide by the Port Rules and the authority of the Captain of the Port.
- 24) If the Captain of the Port of the GPA believes that any of the above conditions are not met to his satisfaction, he may suspend or withdraw a licence at any time.
- 25) A Port Operator Licence holder must settle all port dues, levies and fees within 30 days of billing, and in default, the licence may be suspended or revoked.
- 26) A port operator may only carry out activities within the Port for the class or classes of activities for which he/they are licensed
- 27) A Port Operator Licence is valid for twelve months and must be renewed annually.
- 28) An applicant shall, within seven days of being notified that he/they have been licensed or re – licensed by the Authority, send to the GPA such particulars as may be prescribed in respect of all appropriate Port Workers employed by him with an application that they be registered or re-registered as Port Workers.



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29) a) Charges for Port Operations:

1	On first registration as a Port Operator, for an operator first registered after 3 May 2001 a one off fee	£ 1,000
2	An Annual Re- Registration fee as a Port Operator	£ 100
3	An Annual fee for a Dolphin Boat Operator Licence	£ 250

(b) Fees for registration and re – registration of Port Workers:

1	Annual fee for Registration of a Port Worker	£ 2
2	Annual fee for Re - Registration of a Port Worker	£ 2

(c) Fees for Certificates and licenses:

1	Fees for the Issue or Renewal of a certificate of registration as a Port Operator	£ 5
2	Fee for the Issue or Renewal of a certificate of registration as a Port Worker	£ 5
3	Fee for the Issue of a duplicate certificate	£ 5
4	Fee for the Endorsement of a certificate of registration	£ 5
5	Fee for the Amendment of a certificate of registration	£ 5

(d) Fees for Inspection and Copies:

1	Fee for Inspection of a licence	£ 10
2	Fee for a certified copy of a licence or certificate	£ 5
3	Fee for inspection of an application	£ 5
4	Fee for a copy of an application	£ 5

30) The Captain of the Port of the Gibraltar Port Authority reserves the right to amend the conditions for issue of a Port Operator Licence at any time.



Gibraltar Port Authority **Conditions for the Issue of a Port Operator Licence**

DOLPHIN PROTOCOL

Condition 18 of the Dolphin Boat Licence refers

1. Zonation

The Mobile Cetacean Conservation Area is defined as an imaginary cylinder of sea and air space with a 500m radius centred on the cetacean or group of cetaceans, with a height of 500m into the air and a depth of 60m under the sea. This protocol shall apply within this space.

Five zones are established within the Mobile Cetacean Conservation Area within which a specific code of conduct is set out depending on the distance from the animals under protection.

The Mobile Cetacean Conservation Area is made up of the following zones:

- The **Exclusion Zone** has a radius of no less than 60m from the cetacean or group of cetaceans. Considering special requirements for the protection of cetaceans a larger exclusion zone may be defined by the relevant authorities.
- The **Restricted Access Zone** is the area between the limit of the exclusion zone (60m) and the **Approach Zone** (300m).
- The Approach Zone extends from the 300m limit of the Restricted Access Zone and the 500m limit of the Mobile Cetacean Conservation Area.
- The **Air Space** is the space with a 500m radius centred on the cetacean or group of cetaceans and 500m into the air.
- The **Submarine Space** is the space with a 500m radius centred on the cetacean or group of cetaceans and extending 60m beneath the surface.

2. General code of conduct

Bathing and diving are prohibited in the **Exclusion Zone**.

Feeding of the animals is prohibited. No foodstuffs, drinks, waste, rubbish, litter or any other object, solid or liquid substance which may be harmful may be thrown into the sea.

Any physical contact between the animals and persons or vessels must be prevented and avoided.

The free movement of the cetaceans must be permitted at all times and in all directions without limiting their freedom of movement by intercepting their trajectory, cutting across their path or passing through one of their groups.

It is prohibited to separate or disperse a group of cetaceans. Nothing and no-one must ever come between an adult and its young, unless this can be justified on grounds of safety or conservation of the species.

The Mobile Cetacean Conservation Area shall be left if there is any sign of alarm, discomfort or alteration of the behaviour of a cetacean or group of cetaceans, such as sudden changes in direction or speed, sudden jumps on approach, etc.

It is forbidden to produce noise or high pitched sounds which may disturb the animals, unless this is necessary for public safety or for the protection of cetaceans. The emission of sounds under the surface in order to attract or repel cetaceans is forbidden.

The Department of the Environment will be advised immediately of any injury caused to a cetacean or of any sighting of a dead cetacean, giving details of and marking the position of the animal. If possible, the vessel will remain in the zone to mark the location.

In the event of a vessel carrying out non-recreational activities being approached by cetaceans, the vessel shall continue without any abrupt changes or if possible, the activity shall stop. In all cases, the vessel shall act according to reasonable criteria in the best interests of the protection and conservation of the animals.



Gibraltar Port Authority **Conditions for the Issue of a Port Operator Licence**

3. Code of conduct applicable to recreational vessels observing cetaceans within the Mobile Cetacean Conservation Area

Sonar and depth sounders shall be turned off.

Vessels shall move at a constant speed no greater than four knots, or no greater than the slowest animal in the group except in the Exclusion Zone where the rules in section 4 apply. Once the observation is over, the vessel's speed shall not change until it is outside the Mobile Cetacean Conservation Area.

All approaches to cetaceans shall be gentle and convergent with the direction of movement of cetaceans, never at right angles to the direction of movement of the animals, nor from the front or behind, and must be at an angle of at least 30 degrees of their direction of movement. During periods of observation the vessel must continue on a parallel course, without abrupt changes in direction or speed.

When more than one vessel approaches the same cetacean or group of cetaceans simultaneously, these should co-ordinate their approach and manoeuvres by radio so that there will be a minimum impact on the animals.

On turning off the engine and after starting up, it shall be maintained at neutral or out of gear for at least one minute. All changes in speed or revolutions of the engine shall always be carried out gradually and slowly.

The vessels shall never be put in reverse except in an emergency or to avoid a collision with another vessel or with a cetacean.

It is prohibited to navigate in a circle around a cetacean or group of cetaceans.

4. Specific regulations regarding recreational cetacean watching activities in the different zones:

In the Exclusion zone:

It is forbidden to enter or remain in this zone, except in emergency situations or for reasons of health and safety of persons or the conservation of species.

If the animals approach or appear within 60m of a vessel, the engine will be placed in neutral or stopped if possible. It is forbidden to start the propeller or the engine while the animals are less than 60m of the vessel, and they may only be started up several minutes after the animals have started leaving the **Exclusion Zone**. In case of emergency the engine should be started slowly and any manoeuvre should be gradual and progressive, taking special care that no animals are near the propeller.

Only in the case that the cetaceans approaching the vessel are dolphins, the vessel need not be stopped. The vessel may continue moving maintaining its speed and course, without any sudden changes in speed or direction of movement.

In the Restricted Access Zone:

It is forbidden to enter this zone if the animals are feeding or moving away to maintain their distance.

It is forbidden to enter this zone if there are adults with young or young on their own.

Only one vessel may remain in this zone at any one time for a period no of more than 20 minutes. After this time the vessel must leave the Mobile Cetacean Conservation Area completely.

Only two successive entries into this zone are allowed by two different vessels after which time the cetacean or group of cetaceans must not be approached for 30 minutes.

In the Approach Zone:

Only one vessel may remain in this zone awaiting entry into the Restricted Access Zone when one of the vessels then has to leave this zone on expiry of their 20 minutes. All vessels must be in continuous radio contact to co-ordinate their movements.



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In the **Air & Submarine Space**:

Entry is prohibited into these zones.



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Guide to Port Applications Requirements
DOLPHIN BOAT OPERATOR LICENCE

	YES	NO
Application must be submitted as shown in Form 2		
Application must be signed either by individual applying for Licence, or if body corporate, by an authorised individual		
Application must be accompanied by the fee		
Application must be received no less than 8 weeks before the date of its start, renewal or amendment		
A new application must be submitted with evidence that a notice has been published in the Gazette and in one newspaper no later than 21 days before the date fixed by the GP A to consider the application		
<i>Specific details to this Application:</i>		
a) Does the applicant have available to him, adequate staffing, plant and equipment necessary (in the opinion of the GPA) for the safe and professional carrying on of the business? Evidence to be attached		
b) Is the applicant a fit and proper person (or persons in the case of a company)? Evidence of two referees letter stating applicant is fit and proper person for the business		
c) Does the applicant have available the financial and managerial resources appropriate to the business? Evidence to be attached		
d) Practical evidence and examples as 'Dolphin Boat Operator'		
e) Certificate of good standing from Registry of Companies, full details of all Directors and Shareholders, as well as a full set of audited accounts		
f) Employment and training board details		
g) Evidence of Insurance		
h) Certificates of Competency as Coxswain and Medical Cert. and Eyesight test for all crew members.		
i) Vessel must have Radio station licence. At least one crew member must have a VHF Operators Licence.		
j) Evidence of Safety Survey Certificate		
k) If the operator plans to use a boat of 24 metres or over for dolphin excursions, the vessel must be classed with one of the six societies recognised by the Gibraltar Ship Registry. Evidence to be attached		
l) Valid Trade Licence issued by Trade Licensing Authority in Gibraltar specifically related to Dolphin Boat operations		



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DOLPHIN PROTOCOL

Condition 18 of the Dolphin Boat Licence refers

1. Zonation

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- The **Restricted Access Zone** is the area between the limit of the exclusion zone (60m) and the **Approach Zone** (300m).
- The Approach Zone extends from the 300m limit of the Restricted Access Zone and the 500m limit of the Mobile Cetacean Conservation Area.
- The **Air Space** is the space with a 500m radius centred on the cetacean or group of cetaceans and 500m into the air.
- The **Submarine Space** is the space with a 500m radius centred on the cetacean or group of cetaceans and extending 60m beneath the surface.

2. General code of conduct

Bathing and diving are prohibited in the **Exclusion Zone**.

Feeding of the animals is prohibited. No foodstuffs, drinks, waste, rubbish, litter or any other object, solid or liquid substance which may be harmful may be thrown into the sea.

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It is prohibited to separate or disperse a group of cetaceans. Nothing and no-one must ever come between an adult and its young, unless this can be justified on grounds of safety or conservation of the species.

The Mobile Cetacean Conservation Area shall be left if there is any sign of alarm, discomfort or alteration of the behaviour of a cetacean or group of cetaceans, such as sudden changes in direction or speed, sudden jumps on approach, etc.

It is forbidden to produce noise or high pitched sounds which may disturb the animals, unless this is necessary for public safety or for the protection of cetaceans. The emission of sounds under the surface in order to attract or repel cetaceans is forbidden.

The Department of the Environment will be advised immediately of any injury caused to a cetacean or of any sighting of a dead cetacean, giving details of and marking the position of the animal. If possible, the vessel will remain in the zone to mark the location.

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The vessels shall never be put in reverse except in an emergency or to avoid a collision with another vessel or with a cetacean.

It is prohibited to navigate in a circle around a cetacean or group of cetaceans.

4. Specific regulations regarding recreational cetacean watching activities in the different zones:

In the Exclusion zone:

It is forbidden to enter or remain in this zone, except in emergency situations or for reasons of health and safety of persons or the conservation of species.

If the animals approach or appear within 60m of a vessel, the engine will be placed in neutral or stopped if possible. It is forbidden to start the propeller or the engine while the animals are less than 60m of the vessel, and they may only be started up several minutes after the animals have started leaving the **Exclusion Zone**. In case of emergency the engine should be started slowly and any manoeuvre should be gradual and progressive, taking special care that no animals are near the propeller.

Only in the case that the cetaceans approaching the vessel are dolphins, the vessel need not be stopped. The vessel may continue moving maintaining its speed and course, without any sudden changes in speed or direction of movement.

In the Restricted Access Zone:

It is forbidden to enter this zone if the animals are feeding or moving away to maintain their distance.

It is forbidden to enter this zone if there are adults with young or young on their own.

Only one vessel may remain in this zone at any one time for a period no of more than 20 minutes. After this time the vessel must leave the Mobile Cetacean Conservation Area completely.

Only two successive entries into this zone are allowed by two different vessels after which time the cetacean or group or cetaceans must not be approached for 30 minutes.

In the Approach Zone:

Only one vessel may remain in this zone awaiting entry into the Restricted Access Zone when one of the vessels then has to leave this zone on expiry of their 20 minutes. All vessels must be in continuous radio contact to co-ordinate their movements.



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In the **Air & Submarine Space**:

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<i>Specific details to this Application:</i>		
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c) Does the applicant have available the financial and managerial resources appropriate to the business? Evidence to be attached		
d) Practical evidence and examples as 'Dolphin Boat Operator'		
e) Certificate of good standing from Registry of Companies, full details of all Directors and Shareholders, as well as a full set of audited accounts		
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