



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

SHIP AGENCY 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) An 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 produce a letter from a locally-based bank confirming he is a client in whom they have full confidence.
- 6) A bank guarantee for £35,000 will be required by all new ship agency applicants.
 - (a) This bank guarantee will be required to be in place for a minimum of two years from the date that the port operator licence is first granted.
 - (b) Thereafter, at each renewal of a licence, the Gibraltar Port Authority may, in its absolute discretion, waive the requirement for a bank guarantee.
 - (c) In exercising the discretion referred to above, the Gibraltar Port Authority will take into account all relevant factors prevailing at the time, including, but not limited to, safeguarding the interests of the Port and its users.
 - (d) Should the Gibraltar Port Authority decide to waive the requirement for a bank guarantee, such decision will be confirmed in writing to each operator at the time of renewal.

The Gibraltar Port Authority will continue to consider this, and all other, conditions at each renewal. It should be noted that, notwithstanding the Gibraltar Port Authority may waive the requirement of a bank guarantee at the time of a renewal, it reserves the right to reinstate such requirement at any time and in respect of any operator.

NB : For Yacht Agency Licence a bank guarantee of £ 3,000 (three thousand pounds) must be obtained

- 7) The applicant must maintain suitable premises appropriate to his business in Gibraltar.
- 8) The applicant must provide evidence that he is in a position to attend any vessel consigned to his agency at any time during that ships' visit, whether it be docked alongside or at anchor in Gibraltar waters.
 - (a) Full details must be submitted of the number of staff employed and their duties. The Captain of the Port of the GPA must be satisfied that the staff complement is adequate for carrying out the business.
- 9) The applicant has 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.
- 10) The applicant must comply with all statutory requirements in respect of security and immigration rules, as determined by the Government, for the movement of ships crew and passengers into and out of Gibraltar, in transit or being landed for any medical treatment.
- 11) Details of the training and practical experience of the applicant as a ship agent must be submitted to the GPA, as must details of the fluency of the applicant in the English language and in particular in the language necessary to comprehend and execute documents and communications normally occurring in the course of the business of a ship agent.



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- 12) The applicant will, by his 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 a full and detailed business plan on how new business is to be generated by his engagement as a ship agent in the Port of Gibraltar.
- (b) The applicant must demonstrate his knowledge of 'ship agency' 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. These accounts should show a share capital of at least the value of the bank guarantee.
- 13) 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.
- 14) 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 adequate insurance has been taken out against both personal injury and damage to vessels or property. A full description of the insurance cover is required, together with the sums insured.
- 15) A port operator may only carry out activities within the Port for the class or classes of activities for which he is licensed
- 16) The operator must abide by the Port Rules and the authority of the Captain of the Port.
- 17) If the GPA believes that any of the above conditions are not met to its satisfaction, it may suspend or withdraw a licence at any time.
- 18) 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.
- 19) A Port Operator Licence is valid for twelve months and must be renewed annually.
- 20) 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.

22 (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 Ship Agency Licence	£ 1,000

(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:



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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

23) 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.



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Guide to Port Applications Requirements
SHIP AGENCY LICENCE

	YES	NO
Application must be submitted on 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 GPA to consider the application.		
<i>Specific details to this Application:</i>		
a) Does the applicant have available to him, adequate premises in or near the Port, which (where appropriate) are approved by the Collector of Customs under the provisions of the Imports and Exports Ordinance? Evidence to be attached.		
b) 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.		
c) Is the applicant a fit and proper person (or persons in the case of a company)? Evidence of two referees letters stating applicant is fit and proper person for the business.		
d) Does the applicant have available the financial and managerial resources appropriate to the business? Evidence to be attached.		
e) Application includes bank guarantee letter		
f) Company Organogram including individuals nominated to undertake Ship agency operations.		
g) Practical evidence and examples of ship agency work		
h) Business plan		
i) Certificate of good standing from Registry of Companies, full details of all Directors and Shareholders, as well as a full set of audited accounts		
j) Employment and training board details		
k) Evidence of Insurance		