

**MALTA**

**ATT Nru. XXXVII ta' l-1990**

**ACT No. XXXVII of 1990**

ATT mahruġ b'ligi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

**ATT biex jemenda l-Att dwar il-Bas-  
timenti Merkantili, Kap. 234.**

**AN ACT to amend the Merchant Ship-  
ping Act, Cap. 234.**

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE  
President

14 ta' Diċembru, 1990

**ATT Nru. XXXVII ta' l-1990**

*Att biex jemenda l-Att dwar il-Bastimenti Merkantili, Kap 234*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

**1.** (1) Dan l-Att jista' jissejjah l-Att ta' l-1990 li jemenda l-Att dwar il-Bastimenti Merkantili u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Bastimenti Merkantili, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor  
u bidu fis-sehh.  
Kap. 234.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-bastimenti jista', b'avviż fil-Gazzetta, jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għanijiet differenti tiegħu.

**2.** L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 7  
ta' l-Att  
prinċipali.

(a) immedjament wara s-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"Iżda jekk ir-registratur jiġi mitlub jagħti servizz dwar bastiment qabel dak il-bastiment ikun ġie registrat taħt dan l-Att, ir-registratur jista' jagħti dak is-servizz mal-ħlas ta' somma ekwivalenti għal għaxra fil-mija tad-dritt dovut għall-ewwel registrazzjoni skond l-artikolu 6 ta' dan l-Att:

Iżda wkoll jekk dak il-bastiment jiġi registrat fi zmien sena minn meta jingħata dan is-servizz, dan il-ħlas għandu jkun imnaqqas mid-dritt dovut għall-ewwel registrazzjoni.";

(b) is-subartikolu (3) tiegħu għandu jithassar u minflok jidhol dan li ġej:

“(3) Minkejja li bastiment jibqa’ fuq ir-registru taht dan l-Att, ma jithallsu ebda drittijiet tar-registrazzjoni kemm-il darba u sakemm ma jkunx inhareġ ċertifikat ta’ registrazzjoni jew ċertifikat ta’ thassir, skond il-każ, taht dan l-Att:

Iżda f’ebda każ ma jista’ jinhareġ ċertifikat ta’ registrazzjoni minn data wara d-data ta’ skadenza ta’ l-aħħar ċertifikat validu ta’ registrazzjoni, u jekk iċ-ċertifikat ta’ registrazzjoni jiġi konsenjat f’data wara, id-drittijiet dovuti jibqgħu jakkumulaw mid-data ta’ skadenza ta’ l-aħħar ċertifikat validu ta’ registrazzjoni.”.

Emenda ta’  
l-artikolu 11  
ta’ l-Att  
prinċipali.

3. L-artikolu 11 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (ċ) tiegħu għandu jithassar; u

(b) il-paragrafi (d), (e) u (f) tiegħu għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (ċ), (d) u (e).

Emenda ta’  
l-artikolu 13  
ta’ l-Att  
prinċipali.

4. Is-subartikolu (2) ta’ l-artikolu 13 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem “*surveyor* tal-bastimenti;” fil-paragrafu (ċ) tiegħu għandhom jithassru u minflokhom għandhom jidhlu l-kliem “*surveyor* tal-bastimenti jew prova li daww iċ-ċertifikati validi ġew mahruġa lill-bastiment;” u

(b) il-paragrafu (d) tiegħu għandu jithassar u minflok għandu jidhol dan il-paragrafu ġdid li ġej:

“(d) ċertifikat ta’ spezzjoni mahruġ skond l-artikolu 14 ta’ dan l-Att u kopja taċ-ċertifikat tal-kejl tat-tunnellaġġ; u” u

(ċ) fil-paragrafu (e) tiegħu il-kliem “dan l-Att.” għandhom jithassru u minflokhom għandhom jidhlu l-kliem “dan l-Att jew prova sodisfaċenti lir-registratur li l-bastiment ġie mmarkat skond l-artikolu 15 ta’ dan l-Att.”.

Emenda ta’  
l-artikolu 16  
ta’ l-Att  
prinċipali.

5. Is-subartikolu (5) ta’ l-artikolu 16 ta’ l-Att prinċipali għandu jithassar u minflok għandu jidhol dan is-subartikolu ġdid li ġej:

“(5) Ir-registratur jista’ jirrifjuta li jirreġistra bastiment provviżorjament għal aktar minn tliet darbjet wara xulxin anke fl-isem ta’ sidien differenti, u għandu jirrifjuta li konsekuttivament jirreġistra bastiment provviżorjament għal aktar minn darbtejn fl-isem ta’ l-istess sid.”.

Emenda ta’  
l-artikolu 19  
ta’ l-Att  
prinċipali.

6. Is-subartikolu (3) ta’ l-artikolu 19 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso tal-paragrafu (b) tiegħu il-kliem “dak il-perijodu;” għandhom jithassru u minflokhom għandhom jidhlu l-kliem “dak il-perijodu.”; u

- (b) il-kliem “skond kif jista’ jistabbilixxi s-sid mal-hlas tad-drittijiet għall-bastiment.” għandhom jithassru.
7. Fis-subartikolu (1) ta’ l-artikolu 25 ta’ l-Att prinċipali, minflok il-kliem “għandu jiġi mniżżel” għandu jidhol il-kliem “għandu, bla hsara ta’ xi disposizzjoni oħra ta’ dan l-Att, jiġi mniżżel”.
8. Fis-subartikolu (1) ta’ l-artikolu 34 ta’ l-Att prinċipali, minflok il-kliem “u r-registratur għandu” għandu jidhol il-kliem “u r-registratur għandu, bla hsara ta’ xi disposizzjoni oħra ta’ dan l-Att.”.
9. Fil-paragrafu (d) tas-subartikolu (3) ta’ l-artikolu 35 ta’ l-Att prinċipali il-kliem “ma jibqax bastiment malti u r-registratur għandu jimxi skond kif hemm provdut fis-subartikolu (2) tal-artikolu 26 ta’ dan l-Att.” għandu jithassar u minfloku għandu jidhol il-kliem “ma jibqax bastiment malti.”.
10. Is-subartikolu (3) ta’ l-artikolu 37D għandu jiġi emendat kif ġej:
- (a) il-kliem “Għall-finijiet ta’ dan l-artikolu bastiment jitqies li jkun għamel vjaġġ:” għandhom jithassru; u
- (b) il-paragrafi (a), (b), u (ċ) tiegħu għandhom jithassru.
11. Minnufih wara s-subartikolu (3) ta’ l-artikolu 39 ta’ l-Att prinċipali, għandu jidjed dan is-subartikolu ġdid li ġej:
- “(4) Meta jkun iddikjarat fid-dokument ta’ l-ipoteka navali li jkun projbit li jsir it-trasferiment tal-bastiment li jkun qed jiġi ipotekat, jew ta’ sehem fih, minghajr il-kunsens bil-miktub minn qabel tal-kreditur ipotekarju, ir-registratur għandu jagħmel notament fir-registru dwar hekk, u r-registratur, minkejja xi disposizzjoni oħra ta’ dan l-Att, m’għandux jiddokumenta l-ebda trasferiment ta’ dak il-bastiment jew ta’ sehem fih kemm-il darba lilu ma jiġix ipprezentat il-kunsens bil-miktub ta’ dak il-kreditur ipotekarju, minbarra fejn t-trasferiment ikun sar wara ordni tal-qorti f’bejgh b’irkant ta’ dak il-bastiment jew wara xi ordni oħra tal-qorti, u kull trasferiment registrat bi ksur ta’ din id-disposizzjoni ikun null u bla effett.”.
12. Il-kliem “*Nuqqas ta’ registrazzjoni ta’ trasferimenti u ipoteki navali*” minnufih qabel l-artikolu 47 ta’ l-Att prinċipali, u l-kliem “*Certifikat ta’ ipoteka u bejgh*” minnufih wara l-istess artikolu għandhom jithassru.
13. Fl-artikoli 64, 65, 68 u 70 ta’ l-Att prinċipali, minflok il-kliem “din it-Taqsima ta’ dan l-Att” kull fejn dawn jidhru, għandhom jidhru l-kliem “it-Taqsima I u t-Taqsima II ta’ dan l-Att”.

Emenda ta’  
l-artikolu 25  
ta’ l-Att  
prinċipali.

Emenda ta’  
l-artikolu 34  
ta’ l-Att  
prinċipali.

Emenda ta’  
l-artikolu 35  
ta’ l-Att  
prinċipali.

Emenda  
ta’ l-artikolu  
37D ta’ l-Att  
prinċipali.

Emenda ta’  
l-artikolu 39  
ta’ l-Att  
prinċipali.

Emenda ta’  
titoli fl-Att  
prinċipali.

Emenda ta’  
l-artikoli 64, 65,  
68 u 70 ta’ l-Att  
prinċipali.

Zieda tat-Taqsima ġdida IIA ma' l-Att prinċipali.

14. Minnufih wara t-Taqsima II ta' l-Att prinċipali ghandha tiżdied din it-taqsima ġdida li ġejja:

“TAQSIMA IIA  
REGISTRAZZJONI TA' BAREBOAT CHARTER

Tifsir.

84A. (1) Għall-finijiet ta' din it-Taqsima ta' dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra —

“*bareboat charter*” tfisser kuntratt għan-nollegg jew sub-nollegg ta' bastiment, hawnhekk iżjed 'il quddiem imsejjah nollegg, għal perijodu stipulat ta' żmien, li bis-sahha tiegħu in-nolleggatur għandu jakkwista kontroll shih u pussess komplet tal-bastiment, inkluż id-dritt li jahtar il-kaptan u l-ekwipaġġ tal-bastiment għal kemm idum in-nollegg iżda eskluż id-dritt li jbiegħ jew jipoteka l-bastiment;

“jum” tfisser jum kalendarju;

“registrazzjoni ta' *bareboat charter*” tfisser ir-registrazzjoni ta' bastiment f'reġistru ta' *bareboat charters* fl-isem tan-nolleggatur;

“reġistru kompatibbli” tfisser reġistru tal-bastimenti ta' Stat barrani iddikjarat mill-Ministru li jkun reġistru kompatibbli skond l-artikolu 84B ta' dan l-Att;

“reġistru sottostanti” tfisser ir-reġistru ta' l-Istat li fih is-sidien ta' bastiment ikunu registrati bhala s-sidien u li lilhom jirritornaw il-ġurisdizzjoni u l-kontroll mattemm tar-registrazzjoni tal-*bareboat charter*, u “reġistru sottostanti” u “registrazzjoni sottostanti” għandhom jiftiehm u f'dak is-sens.

“reġistru ta' *bareboat charters*” tfisser ir-reġistru ta' l-Istat li l-bandiera tiegħu il-bastiment huwa intitolat li jtajjer matul il-perijodu li fih in-nolleggatur ikun registrat bhala l-*bareboat charterer*.

(2) L-artikolu 76 ta' dan l-Att għandu, għall-fini ta' din it-Taqsima ta' dan l-Att, jiftiehem daqskieku minflok il-kliem “Jekk il-kaptan jew is-sid” ġew imdahhla l-kliem “Jekk il-kaptan jew in-nolleggatur jew is-sid”.

Registri  
kompatib-  
bli.

84B. Kull meta l-Ministru jkun jidhirli li d-disposizzjonijiet tal-liġi ta' pajjiż dwar ir-registrazzjoni ta' *bareboat charters* ikunu kompatibbli mad-disposizzjonijiet ta' dan l-Att, huwa jista, jiddikjara r-registru tal-bastimenti ta' dak l-Istat li jkun registru kompattibbli għall-finijiet ta' din it-Taqsima ta' dan l-Att.

Eligib-  
biltà u  
kondizzjo-  
nijiet għar-  
registra-  
zzjoni ta'  
*bareboat  
charter*.

84Ċ. (1) Minkejja kull haġa li tinsab fl-artikolu 4 ta' dan l-Att, bastiment li ma jikkwalifkax skond l-imsemmi artikolu għal registrazzjoni bhala bastiment malti ikun jikkwalifika għal registrazzjoni bhala bastiment malti skond din it-Taqsima ta' dan l-Att iżda b'dan illi —

(a) il-bastiment ikun *bareboat chartered* lil ċittadin ta' Malta, jew lil għaqdiet ta' persuni kostitwiti kwalifikati li jkunu sidien ta' bastiment malti skond l-artikolu 4 ta' dan l-Att;

(b) il-bastiment ma jkunx bastiment malti, u jkun registrat f'registru kompatibbli;

(ċ) ma jkunx registrat f'xi registru ta' *bareboat charters*; u

(d) jkunu ġew sottomessi lir-registratur għas-sodisfazzjon tiegħu dawn id-dokumenti awtentikati li ġejjin:

(i) applikazzjoni għar-registrazzjoni skond din it-Taqsima ta' dan l-Att magħmula min-nollegġatur jew mill-aġent awtorizzat tiegħu li jkun fiha dik l-informazzjoni li r-registratur ikun jehtieg;

(ii) dikjarazzjoni ta' *bareboat charter* magħmula min-nollegġatur li magħha jkollha kopja tal-ftehim ta' nollegġ, liema ftehim ta' nollegġ m'għandhux ikun disponibbli għal spezzjon pubbliku;

(iii) traskrizzjoni jew estratt tar-registrazzjoni sottostanti tal-bastiment li għandha tinkludi deskrizzjoni tal-bastiment, tas-sidien, u fejn applikabbli, ta' l-ipoteki navali registrati kollha u tal-piżijiet kollha tal-bastiment, liema dokument għandu jkun disponibbli għal spezzjoni pubbliku; u

(iv) il-kunsens bil-miktub biex il-bastiment tinghatalu registrazzjoni f'Malta ta' *bareboat charter*;

(a) ta' l-awtoritajiet xierqa tar-registru sottostanti li jistghu jigu wkoll mitluba mir-registratur biex jiddikjaraw illi matul il-perijodu tar-registrazzjoni ta' *bareboat charter* il-bastiment ma jkunx intitolat li jtajjar il-bandiera tagħhom;

(b) tas-sidien tal-bastiment; u

(c) tal-kredituri ipotekarji registrati kollha.

(2) L-emendi u l-modifiki kollha tal-*bareboat charter* għandhom fi żmien tletin jum jinghataw lir-registratur min-nollegġatur.

(3) Kull meta jsiru xi emendi jew modifiki fir-registrazzjoni sottostanti n-nollegġatur għandu —

(a) fi żmien sebat ijiem mill-egħmil ta' dawk l-emendi jikkomunika lir-registratur kull emendi jew modifiki tali; u

(b) fi żmien tletin jum mit-tniżżil ta' modifiki fir-registrazzjoni sottostanti jagħti lir-registratur traskrizzjoni jew estratt tar-registrazzjoni sottostanti fejn jintwerew dawk l-emendi jew modifiki.

Accertament ta' tunnel-laġġ.

84D. It-tunnellaġġ ta' bastiment li jkun ser jiġi registrat skond din it-Taqsima ta' dan l-Att għandu jiġi stabbilit skond ir-regolamenti dwar tunnellaġġ magħmula taht dan l-Att:

Izda fuq talba tan-nollegġatur ir-registratur jista' jaċċetta t-tunnellaġġ ta' dak il-bastiment li jkun dak registrat fir-registru sottostanti jekk huwa jkun sodisfatt li d-disposizzjonijiet tal-Konvenzjoni Internazzjonali dwar Kejl ta' Tunnellaġġ ta' Bastimenti iffirmata f'Londra fit-23 ta' Ġunju, 1969, jekk applikabbli għal dak il-bastiment u sakemm dak il-bastiment ma giex eżentat minnhom ikunu ġew imharsa, u, iċ-ċertifikat ta' spezzjon li hemm provdut għalih fl-artikolu 14 ta' dan l-Att ikun dak mahruġ mir-registru sottostanti.

Isem tal-bastiment li tinghatalu registrazzjoni ta' *bareboat charter* f'Malta.

84E. (1) Bla hsara għad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, bastiment għandu jiġi registrat taht din it-Taqsima ta' dan l-Att bl-isem li tahtu jkun registrat fir-registru sottostanti, basta li dak l-isem ma jkunx diġa' l-isem ta' bastiment registrat malti jew isem li hekk jixbhu li x'aktarx iqarraq.

(2) L-isem ta' bastiment li jkun se jiġi registrat jew ta' bastiment diġa' registrat taht din it-Taqsima ta' dan l-Att, jista' jinbidel qabel jew wara r-registrazzjoni taht din it-Taqsima ta' dan l-Att, skond il-każ, basta li l-awtoritajiet xierqa tar-registru sottostanti, is-sidien, u l-kredituri ipotekarji registrati, jekk ikun hemm, ikunu taw il-kunsens tagħhom għal dak il-bdil u basta wkoll li dak il-bdil isir skond id-disposizzjonijiet ta' l-artikolu 56 ta' dan l-Att.

Registrazzjoni ta' bareboat charter.

84F. (1) Ir-registratur, jekk ikun sodisfatt li l-kondizzjonijiet kollha għar-registrazzjoni speċifikati f'din it-Taqsima u f'Taqsimiet oħra ta' dan l-Att, fejn applikabbli, ikunu ġew imharsa, u fuq il-hlas tad-dritt preskritt għandu —

(a) iniżżel fir-registru ta' bastimenti maltin li hemm provdut għalih fl-artikolu 365 ta' dan l-Att, il-partikolaritajiet kollha tal-bastiment u r-registrazzjoni sottostanti, is-sidien u n-nolleġġaturi tiegħu, fejn iġid li hija registrazzjoni ta' bareboat charter, id-data ta' skadenza ta' dik ir-registrazzjoni, u li r-registru ma fihx record uffiċjali ta' xi ipoteki navali li jaffettwaw lill-bastimenti.

(b) jgħarraf lill-awtoritajiet xierqa tar-registru sottostanti bir-registrazzjoni taht din it-Taqsima; u

(c) johroġ ċertifikat ta' registrazzjoni ta' bareboat charter, li għandha tinkludi l-isem u l-partikolaritajiet tal-bastiment, l-isem tal-port ta' ritorn tiegħu Valletta, u d-data ta' skadenza tar-registrazzjoni.

(2) Mal-ħruġ ta' ċertifikat ta' bareboat charter id-dokumenti kollha mahruġin lill-bastiment mir-registru sottostanti għandhom jiġu konsenjati lill-awtoritajiet xierqa ta' dak ir-registru u, fi żmien tletin jum mill-ħruġ ta' ċertifikat kif intqal qabel, in-nolleġġatur għandu jagħmel u jikkonsenja lir-registratur dikjarazzjoni dwar hekk.

Dawmien ta' registrazzjoni ta' bareboat charter.

84Ġ. Bla hsara għad-disposizzjonijiet ta' l-artikolu 84H ta' dan l-Att id-dawmien ta' registrazzjoni tali jkun għal perijodu li ma jeċċedix id-dawmien tal-bareboat charter jew id-data ta' skadenza tar-registrazzjoni sottostanti, skond liema jkun l-iqsar perijodu, iżda f'ebda każ għal perijodu li jeċċedi sentejn.

Estensjoni tar-registrazzjoni ta' bareboat charter.

84H. (1) Fuq it-talba tan-nolleġġatur jew ta' l-aġent awtorizzat ir-registratur jista' jestendi u jestendi aktar ir-registrazzjoni għall-bqija tal-perijodu tan-nolleġġ jew sad-data ta' skadenza tar-registru sottostanti, skond liema jkun l-iqsar perijodu, iżda f'ebda każ għal perijodu li jeċċedu sentejn kull darba, basta li huwa ma jkunx irċeva xi oġġezzjonijiet għal din l-estensjoni mill-awtoritajiet xierqa

tar-registru sottostanti, mis-sidien u mill-kredituri ipotekarji registrati, jekk ikun hemm, fi żmien sebat ijiem minn meta r-registratur ikun gharrafhom b'dik it-talba ghal estensjoni.

(2) Ma' l-ghoti ta' estensjoni skond is-subartikolu (1) ta' dan l-artikolu, ir-registratur ghandu —

(a) inizzel id-data l-gdida ta' skadenza fir-registru tal-bastiment;

(b) johrog ċertifikat ta' estensjoni ta' registrazzjoni ta' *bareboat charter* li ghandu jinkludi d-data ta' l-iskadenza ta' dik l-estensjoni; u

(ċ) jgharraf lill-awtoritajiet xierqa tar-registru sottostanti.

Certifikati ta' konvenzjonijiet internazzjonali ta' bastiment moghti registrazzjoni ta' *bareboat charter* f'Malta.

84I. Bastiment b'registrazzjoni ta' *bareboat charter* taht din it-Taqsima li jkun jinhtiegħu li jinħargħulu ċertifikati ta' konvenzjoni internazzjonali skond konvenzjoni internazzjonali li tagħha Malta tkun parti jġu mahruġa lilu dawk iċ-ċertifikati taht l-awtorità tal-Gvern ta' Malta:

Izda meta Malta ma tkunx parti ta' dik il-konvenzjoni, ċ-ċertifikat meħtieġ taht dik il-konvenzjoni jista' jinħareġ, bil-permess tar-registratur, taht l-awtorità tal-gvern tar-registru sottostanti.

Gurisdizzjoni fuq bastiment registrat taht din it-Taqsima.

84J. (1) Bastiment registrat taht din it-Taqsima ta' dan l-Att ghandu jitqies li jkun bastiment malti u hliief fejn huwa provdut xort'ohra ghandu jkun taht il-gurisdizzjoni u l-kontroll ta' Malta u ghandu josserva l-liġijiet kollha applikabbli għal bastimenti Maltin.

(2) Bastiment registrat taht din it-Taqsima ta' dan l-Att ghandu biss itella' l-bandiera maltija kif hawn provdut f'dan l-Att.

(3) Il-port ta' ritorn ta' bastiment registrat taht din it-taqsima ta' dan l-Att ghandu jkun Valletta u ghandu jintwera fuq iċ-ċertifikat ta' registrazzjoni ta' *bareboat charter* u ghandu jkun immarkat fuq il-poppa skond id-disposizzjonijiet ta' dan l-Att.

Proprietà ta' bastiment registrat taht din it-Taqsima.

84K. (1) Dan l-Att ma jasserixxi ebda drittijiet ta' proprjetà fuq bastiment registrat taht din it-Taqsima ta' dan l-Att u ma għadu jkollu ebda effett rigward titolu u trasferiment u trasmissjoni ta' dak il-bastiment jew ishma fih.

(2) Kull trasferiment ta' proprjetà ta' bastiment registrat taht din it-Taqsima ta' dan l-Att ghandu jġi notifikat min-nollegġaturi lir-registratur, u r-registrazzjoni tal-bastiment taht din it-Taqsima ta' dan l-Att tingħalaq jekk is-

sidien il-godda, fi żmien sebat ijiem, ma jkunux infurmaw lir-registratur li huma ma ghandhom ebda oġġezzjoni ghar-registrazzjoni tal-bastiment taht din it-Taqsima ta' dan l-Att, u fi żmein tletin jum minn meta jkunu ghamlu dik id-dikjarazzjoni, ma jkunux ikkonsenjaw lir-registratur il-kunsens tagħhom bil-miktub għal dik ir-registrazzjoni.

Hlas ta' drittijiet.

84L. Bastiment registrat taht din it-Taqsima ta' dan l-Att, ikun suġġett għall-hlas tad-drittijiet ta' registrazzjoni inizjali u ta' kull sena u ta' kull dritt ieħor imniżżel f'dan l-Att, jew f'kull regolament magħmul tahtu.

Ipoteki navali u piżijiet.

84M. Ipoteki navali u piżijiet ma jistgħux jiġu registrati taht dan l-Att dwar bastiment registrat taht din it-Taqsima ta' dan l-Att, u r-registratur għandu jirrifjuta li jirregistra xi ipoteki navali u piżijiet bħal dawn; dik is-setgħa għandha tibqa' vestita fir-registru sottostanti.

Gheluq tar-registrazzjoni ta' *bareboat charter*.

84N. (1) Il-Ministru jista' jordna li r-registrazzjoni ta' bastiment taht din it-Taqsima tingħalaq —

(a) jekk xi wahda mid-disposizzjonijiet ta' dan l-Att, safejn l-istess disposizzjonijiet jistgħu ikunu applikabbli għal bastiment registrat taht din it-Taqsima ta' dan l-Att, ma jiġux imħarsa; jew

(b) għal xi raġuni speċifikata fis-subartikolu (1) ta' l-artikolu 29 ta' dan l-Att, safejn l-istess raġunijiet jistgħu ikunu applikabbli għal bastiment registrat taht din it-Taqsima ta' dan l-Att.

(2) Meta n-nolleggatur ta' bastiment, registrat taht din it-Taqsima ta' dan l-Att, ikun jixtieq li jagħlaq ir-registrazzjoni ta' *bareboat charter* ta' dak il-bastiment, huwa għandu jagħmel talba għal hekk lir-registratur li fiha jagħti dawk il-partikolaritajiet u informazzjoni kollha li r-registratur jista' jitlob għal dak il-ghan, u dik it-talba magħmula u msahha kif intqal qabel tigi milqugħa jekk id-dejn kollu u l-obbligazzjonijiet kollha dwar il-bastiment lejn ir-Repubblika ta' Malta, sew għad-drittijiet, *charges*, multi jew hwejjeġ ohra, ikunu thallsu.

(3) Ir-registratur għandu jagħlaq ir-registrazzjoni ta' bastiment taht din it-Taqsima ta' dan l-Att, u għandu jniżżel dak il-fatt fir-registru, jekk —

(a) il-Ministru jkun ordna dak l-gheluq skond is-subartikolu (1) ta' dan l-artikolu;

(b) ikun intalab għeluq volontarju ta' registrazzjoni u dik it-talba tkun giet milqugħa mir-registratur skond is-subartikolu (2) ta' dan l-artikolu;

(c) l-awtoritajiet xierqa tar-registru sottostanti, jew is-sidien, jew xi wiehed mill-kredituri ipotekarji, jekk ikun hemm, ikunu irtiraw il-kunsens tagħhom għar-registrazzjoni f'Malta ta' *bareboat charter*;

(d) ir-registrazzjoni fir-registru sottostanti tkun giet terminata għal xi raġuni;

(e) in-nollegg jiddekadi jew jiġi terminat minn xi parti fih; jew

(f) il-perijodu li għalih il-bastiment ikun inġhatata registrazzjoni ta' *bareboat charter* jiddekadi u ma tkun giet mogħtija ebda estensjoni skond l-artikolu 84H ta' dan l-Att.

(4) Ma' l-gheluq ta' registrazzjoni skond is-subartikolu (3) ta' dan l-artikolu l-bastiment ma jibqax bastiment malti u r-registratur għandu minnufih jinnotifika lill-awtoritajiet xierqa tar-registru sottostanti, lis-sidien u lill-kredituri ipotekarji, jekk ikun hemm, dwar dak l-egħluq.

(5) Ir-registratur jista' jirrifjuta li johroġ ċertifikat ta' kanċellazzjoni jew traskrizzjoni tar-registru li turi l-gheluq tar-registrazzjoni sa dak iż-żmien li —

(a) iċ-ċertifikat ta' registrazzjoni ta' *bareboat charter* mahruġ skond l-artikolu 84F ta' dan l-Att ikun inġhata lura lilu; u

(b) id-dejn kollu u l-obbligazzjonijiet kollha dwar il-bastiment lejn ir-Repubblika ta' Malta sew għad-drittijiet, *charges*, multi jew hwejjeġ ohra jkunu tħallsu.

Registrazzjoni ta' *bareboat charter* f'registru barrani.

84O. Minkejja kull disposizzjoni ohra ta' dan l-Att bastiment malti registrat taħt it-Taqsima II ta' dan l-Att jista' jingħata registrazzjoni ta' *bareboat charter* f'registru barrani jekk ir-Registratur Ġenerali jagħti l-kunsens tiegħu bil-miktub għal hekk skond l-artikolu 84P ta' dan l-Att.

Kunsens tar-Registratur Ġenerali

84P. (1) Ir-Registratur Ġenerali jista', taħt liema kundizzjonijiet li jidhirlu xieraq jimponi, jagħti l-kunsens tiegħu imsemmi fl-artikolu 84O ta' dan l-Att jekk —

(a) il-bastiment ikun registrat bħala bastiment malti taħt it-Taqsima II ta' dan l-Att;

(b) ir-registru ta' *bareboat charters* fejn il-bastiment ikun se jiġi registrat ikun registru kompatibbli; u

(c) jekk jinghatawlu dawn id-dokumenti li ġejjin:

(i) applikazzjoni għal reġistrazzjoni ta' *bareboat charter* f'reġistru barrani magħmula mis-sidien li jkun fiha dik l-informazzjoni li r-Registratur Ġenerali jista' jitlob;

(ii) il-kunsens bil-miktub tal-kredituri ipotekarji registrati kollha, jekk ikun hemm, għal dik ir-reġistrazzjoni;

(iii) obligazzjoni bil-miktub mis-sidien biex jagħtu lura ċ-ċertifikat ta' reġistrazzjoni maħruġ taht dan l-Att fi żmien hmistax-il jum mid-dhul fir-reġistru tal-*bareboat charters*;

(iv) obligazzjoni bil-miktub min-nollegġatur li l-bandiera maltija ma tiġix imtella' matul il-perijodu ta' reġistrazzjoni ta' *bareboat charter*; u

(v) kopja tal-*bareboat charter*.

(2) Is-sidien għandhom jipproduċu lir-registratur kull emendi jew modifiki tal-*bareboat charter* fi żmien tletin jum mill-għemil ta' dawk l-emendi jew modifiki.

Isem tal-bastiment li tinghatalu reġistrazzjoni ta' *bareboat charter* f'reġistru barrani.

84Q. (1) Bla hsara għad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu bastiment registrat taht it-Taqsima II ta' dan l-Att għandu jinghata reġistrazzjoni ta' *bareboat charter* f'reġistru barrani bl-isem li tahtu jkun registrat taht dan l-Att.

(2) L-isem ta' bastiment registrat malti li jkun mogħti reġistrazzjoni ta' *bareboat charter* f'reġistru barrani, jista' jinbidel bil-permess bil-miktub tar-Registratur Ġenerali skond l-artikolu 56 ta' dan l-Att biss jekk dak it-tibdil ikun qed isir ukoll fir-reġistru tal-*bareboat charter*.

Reġistrazzjoni f'reġistru barrani ta' *bareboat charter* mhux skond dan l-Att.

84R. Ir-reġistrazzjoni f'reġistru barrani ta' *bareboat charters* ta' bastiment registrat taht dan l-Att li ma ssirx skond id-disposizzjonijiet ta' din it-Taqsima ta' dan l-att tkun nulla u bla effett.

Reġistrazzjoni ta' *bareboat charter* ta' bastimenti maltin f'reġistru barrani.

84S. (1) Mar-reġistrazzjoni ta' *bareboat charter* ta' bastiment malti f'reġistru barrani —

(a) is-sidien għandhom minnufih jinnotifikaw lir-registratur b'dik ir-reġistrazzjoni, u fi żmien tletin jum

jagħtu lura lir-registratur iċ-ċertifikat ta' reġistrazzjoni maħruġ lill-bastiment taht dan l-Att u jikkonsenjaw lir-registratur traskrizzjoni jew estratt tar-reġistrazzjoni barranija ta' *bareboat charter*; u

(b) ir-registratur, jekk ikun sodisfatt li dik ir-reġistrazzjoni tkun saret skond id-disposizzjonijiet ta' dan l-Att, għandu jniżżilha fir-reġistru ta' l-imsemmi bastiment.

(2) Is-sidien għandhom minnufih jinnotifikaw lir-registratur bl-gheluq jew dekadenza tar-reġistrazzjoni ta' *bareboat charter* f'reġistru barrani, u għandhom fi żmien tletin jum mill-gheluq ta' dik ir-reġistrazzjoni, jikkonsenjaw lir-registratur traskrizzjoni jew estratt tar-reġistrazzjoni barranija ta' *bareboat charter* li turi dak l-gheluq.

Obbligazzjoni-  
jiet waqt li  
l-bastiment  
ikun  
f'reġistru  
barrani ta'  
*bareboat*  
*charters*.

84T. (1) Kemm-il darba mhux provdut xort'ohra f'din it-Taqsima ta' dan l-Att, is-sidien ta' bastiment malti li jkun ingħata reġistrazzjoni ta' *bareboat charter* f'reġistru barrani għandhom iharsu d-disposizzjonijiet kollha ta' dan l-Att daqskieku l-bastiment ma kienx hekk registrat fir-reġistru barrani.

(2) Matul iż-żmien li bastiment malti jkollu reġistrazzjoni ta' *bareboat charter* f'reġistru barrani skond id-disposizzjonijiet ta' din it-Taqsima ta' dan l-Att —

(a) minkejja d-disposizzjonijiet ta' l-artikolu 73 ta' dan l-Att, dak il-bastiment ma għandux itella' l-bandiera maltija; u

(b) minkejja d-disposizzjonijiet ta' l-artikolu 5 ta' dan l-Att, il-port ta' ritorn ta' dak il-bastiment għandu jkun dak tar-reġistru tal-*bareboat charters*.

(3) Is-sidien għandhom, fi żmien hmistax-il jum mid-dhul fir-reġistru barrani tal-*bareboat charters*, jagħmlu u jikkonsenjaw lir-registratur dikjarazzjoni illi l-isem tal-port ta' ritorn barrani gie mmarkat fuq il-poppa tal-bastiment minflok l-isem Valletta.

Hlas ta'  
drittijiet  
waqt li  
l-bastiment  
ikun f'reġistru  
barrani ta'  
*bareboat*  
*charters*.

84U. Bastiment malti mogħti reġistrazzjoni ta' *bareboat charter* f'reġistru barrani għandu, minkejja dik ir-reġistrazzjoni, jkompli jkun sugġett għall-hlas tad-drittijiet kollha murija f'dan l-Att, jew f'xi regolamenti magħmula tahtu, dwar bastimenti maltin.

84V. Bastiment malti mogħti reġistrazzjoni ta' *bareboat charter* f'reġistru barrani li jkun jehtieg li jinħarġulu ċertifikati ta' konvenzjonijiet internazzjonali skond konvenzjoni internazzjonali li tagħha Malta tkun parti jinħarġulu dawk iċ-ċertifikati taht l-awtorità tal-gvern tar-reġistru tal-*bareboat charter*:

Iżda meta l-Istat tar-registru tal-*bareboat charters* ma jkunx parti ta' dik il-konvenzjoni ċ-ċertifikat mehtieg taht dik il-konvenzjoni jista' jinhareg taht l-awtorità tal-Gvern ta' Malta.

Titolu, ipoteki navali u piżijiet ta' bastiment moghti registrazzjoni ta' *bareboat charter* f'registru barrani.

84W. (1) Minkejja li bastiment malti jista' jinghata registrazzjoni ta' *bareboat charter* f'registru barrani, il-materji kollha dwar titolu fuq il-bastiment, ipoteki navali u piżijiet għandhom ikomplu jkunu mregġija mill-liġi maltija.

(2) Kull transazzjoni li taffettwa t-titolu fuq il-bastiment jew li jkollha x'taqsam mar-registrazzjoni, emendament, trasferiment u trasmissjoni u hlas ta' ipoteki navali għandha ssir u tiġi registrata skond id-disposizzjonijiet ta' dan l-Att u mill-persuni speċifikati fiha biss.

(3) Ir-registrazzjoni ta' xi ipoteki navali jew piżijiet fir-registru ta' *bareboat charters* tkun nulla u bla effett.

Terminazzjoni ta' registrazzjoni ta' *bareboat charter* f'registru barrani.

84X. (1) Ir-Registratur Ġenerali jista' jirtira l-kunsens imsemmi fl-artikolu 84O ta' dan l-Att, jekk xi waħda mid-disposizzjonijiet ta' dan l-Att ma tiġix imharsa:

Iżda r-Registratur Ġenerali għandu jirtira dak il-kunsens, jekk —

(a) il-Ministru, fl-interess nazzjonali jew fl-interess ta' bastimenti maltin u wara li jkun ta lis-sidien u lin-nolleġġaturi tal-bastiment opportunità raġonevoli biex jagħmlu oġġezzjonijiet, ikun ordna lir-Registratur Ġenerali biex jirtira l-kunsens tiegħu;

(b) xi waħda mill-kundizzjonijiet li tkun trid tiġi mwettqa skond is-subartikolu (1) ta' l-artikolu 84P ta' dan l-Att ma tiġix hekk imwettqa; jew

(c) in-nolleġġ jitermina jew jiġi terminat minn xi parti fih.

(2) Ma' l-irtirar tal-kunsens tar-Registratur Ġenerali skond is-subartikolu (1) ta' dan l-artikolu —

(a) ir-registratur għandu jgħarraf lill-awtoritajiet xierqa tar-registru tal-*bareboat charters*, lis-sidien, lin-nolleġġaturi, u lill-kredituri ipotekarji, jekk ikun hemm, dwar dak l-irtirar; u

(b) ir-registrazzjoni tal-*bareboat charter* għandha tiġi terminata.

(3) Mat-terminazzjoni tar-registrazzjoni tal-*bareboat charter* —

(a) ir-registratur għandu jniżżel dik it-terminazzjoni fir-registru, u malli jsir dan il-bastiment

jerga' jkun sugġett għad-disposizzjonijiet kollha tal-liġi maltija;

(b) fi żmien tletin jum mit-terminazzjoni ta' dik ir-registrazzjoni s-sidien għandhom jagħmlu u jikkonsenjaw dikjarazzjoni lir-registratur illi ċ-ċertifikat tar-registrazzjoni tal-*bareboat charter* gie mogħti lura lir-registru barrani tal-*bareboat charters*, u malli jsir dan ir-registratur, kemm-il darba r-registrazzjoni tal-bastiment taħt it-Taqsima II ta' dan l-Att ma tkunx qed tiġi magħluqa wkoll, għandu jerga' jikkonsenja lis-sidien iċ-ċertifikat ta' registrazzjoni li kien gie mogħti lura lilu skond l-artikolu 84S ta' dan l-Att; u

(ċ) fi żmien tletin jum mit-terminazzjoni ta' dik ir-registrazzjoni s-sidien għandhom jikkonsenjaw lir-registratur traskrizzjoni jew estratt tar-registru li turi li r-registrazzjoni tal-*bareboat charter* giet kanċellata.

Ċertifikazzjoni ta' dokumenti.

84Y. Id-dokumenti kollha meħtieġa mir-registratur għall-finijiet ta' dan l-Att għandhom ikunu ċertifikati kif meħtieġ mir-registratur.”.

Emenda ta' l-artikolu 85 ta' l-Att prinċipali.

15. Fit-titsira ta' "bastiment eżentat" fl-artikolu 85 ta' l-Att prinċipali minflok il-kliem "it-Taqsima II" għandu jidhol il-kliem "it-Taqsima II jew it-Taqsima IIA”.

Emenda ta' l-artikolu 86 ta' l-Att prinċipali.  
Kap. 12.

16. Fis-subartikolu (5) ta' l-artikolu 86 ta' l-Att prinċipali, wara l-kliem "il-Professjoni ta' l-*Accountancy*" għandhom jidhlu l-kliem "jew minn persuna li tiddettjeni l-*warrant* ta' avukat skond il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Emenda ta' l-artikolu 88 ta' l-Att prinċipali.

17. Fil-paragrafu (a) ta' l-artikolu 88 ta' l-Att prinċipali minflok il-kliem "it-Taqsima II" għandhom jidhlu l-kliem "it-Taqsima II u t-Taqsima IIA”.

Sostituzzjoni ta' l-artikoli 89, 90, 91 u 92 ta' l-Att prinċipali.

18. L-artikoli 89, 90, 91 u 92 ta' l-Att prinċipali għandhom jiġu sostitwiti b'dawn l-artikoli ġodda li ġejjin:

“Tifsir.

89. Għall-finijiet ta' din it-Taqsima ta' dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra l-espressjoni "ċertifikat ta' kompetenza" tinkludi ċertifikat ta' profiċjenza u liċenza.

Ekwipaġġar ta' bastimenti maltin.

90. (1) Kull bastiment malti meta jkun se jbahhar minn xi post għandu jkollu dak in-numru u dawk il-kategoriji ta' uffiċjali u ekwipaġġ li l-Ministru jista' b'regolamenti jippreskrivi.

(2) Jekk il-ħtigijiet tas-subartikolu (1) ta' dan l-artikolu ma jitharsux, il-kaptan jew is-sid tal-bastiment jehel għal kull reat multa ta' mhux iżjed minn hames mitt lira.

Certifikati ta' kompetenza, 91. Il-Ministru jista' b'regolament jippreskrivi:

(a) il-grad li dwarhom iċ-ċertifikati ta' kompetenza jinghataw jew jiġu rikonoxxuti skond dan l-Att;

(b) il-kondizzjonijiet għall-hruġ jew rikonoxximent ta' ċertifikati ta' kompetenza mogħtija jew rikonoxxuti, skond dan l-Att;

(ċ) il-kondizzjonijiet għas-sostituzzjoni, kancellazzjoni u alterazzjoni ta' ċertifikati ta' kompetenza mahruġin skond dan l-Att; u

(d) kull materja ohra li taffettwa ċertifikati ta' kompetenza mogħtija jew rikonoxxuti skond dan l-Att.”.

19. L-artikoli 93, 94, 96, 123, u 124 ta' l-Att prinċipali għandhom jithassru.

Thassir ta' l-artikoli 93, 94, 96, 123 u 124 ta' l-Att prinċipali.

20. L-artikolu 374 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (2), (3), (4) u (5) tiegħu għandhom jiġu rinumerati bħala subartikoli (3), (4), (5) u (6) rispettivament; u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Regolamenti, regoli u ordnijiet magħmula skond id-disposizzjonijiet ta' dan l-Att għandhom jinkludu dawk il-htigijiet, rigward il-materji li dwarhom isiru r-regolamenti, regoli jew ordnijiet, skond kif il-Ministru jidhirlu biex jiġu implimentati d-disposizzjonijiet rigward dawk il-materji tal-konvenzjonijiet internazzjonali jew protokolli li l-Gvern ta' Malta jkun irratifika jew aċċeda għalihom.”.

---

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 449 ta' l-4 ta' Diċembru, 1990.

LAWRENCE GONZI  
*Speaker*

P. MUSCAT TERRIBILE  
*Skrivan tal-Kamra tad-Deputati.*

I assent.

(L.S.)

CENSU TABONE  
President

14th December, 1990

**ACT No. XXXVII of 1990**

*AN ACT to amend the Merchant Shipping Act, Cap. 234*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in the present Parliament assembled and by the authority of the same, as follows:

Short title and commencement  
Cap. 234

1. (1) This Act may be cited as the Merchant Shipping (Amendment) Act, 1990 and shall be read and construed as one with the Merchant Shipping Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for shipping may, by notice in the Gazette, appoint, and different dates may be so appointed for different provisions and different purposes thereof.

Amendment to section 7 of the principal Act.

2. Section 7 of the principal Act shall be amended as follows:

(a) immediately after subsection (1) thereof there shall be added the following:

"Provided that if the registrar is requested to give a service in respect of a ship prior to such ship being registered under this Act, the registrar may grant such service on payment of an amount equivalent to ten per cent of the initial registration fee payable in terms of section 6 of the Act:

Provided further that if the ship is registered within one year from such service being given, such an amount paid shall be deducted from the fee due on initial registration."; and

(b) subsection (3) thereof shall be deleted and substituted as follows:

“(3) Notwithstanding that the ship remains on the register under this Act, no registry fees shall be payable unless and until a certificate of registry or a deletion certificate, as the case may be, is issued under this Act:

Provided that in no case may a certificate of registry be issued as of a date later than the date of expiry of the last valid certificate of registry, and should the certificate of registry be delivered at a later date, the fees due shall still accrue from the date of expiry of the last valid certificate of registry.”.

3. Section 11 of the principal Act shall be amended as follows:
  - (a) paragraph (c) thereof shall be deleted; and
  - (b) paragraphs (d), (e) and (f) thereof shall be renumbered as paragraphs (c), (d), and (e) respectively.

Amendment to section 11 of the principal Act.
  
4. Subsection (2) of section 13 of the principal Act shall be amended as follows:
  - (a) in paragraph (c) thereof the words “surveyor of ships;” shall be deleted and substituted by the words “surveyor of ships or proof that such valid certificates have been issued to the ship;”; and
  - (b) paragraph (d) thereof shall be deleted and substituted by the following new paragraph:
    - “(d) a certificate of survey issued in terms of section 14 of this Act and a copy of the tonnage measurement certificate; and”; and
    - (c) in paragraph (e) thereof the words “this Act.” shall be deleted and substituted by the words “this Act or evidence satisfactory to the registrar that the vessel has been marked in accordance with section 15 of this Act.”.

Amendment to section 13 of the principal Act.
  
5. Subsection (5) of section 16 of the principal Act shall be deleted and substituted by the following new subsection:
  - “(5) The registrar may refuse to register provisionally a ship more than three times in succession even in the name of different owners, and shall refuse to consecutively register provisionally a ship more than two times in the name of the same owner.”.

Amendment to section 16 of the principal Act.
  
6. Subsection (3) of section 19 of the principal Act shall be amended as follows:
 

Amendment to section 19 of the principal Act.

(a) in the proviso to paragraph (b) thereof the words “such period;” shall be deleted and substituted by the words “such period.”; and

(b) the words “as may be determined by the owner upon payment of fees for the ship.” shall be deleted.

Amendment to section 25 of the principal Act.

7. In subsection (1) of section 25 of the principal Act the words “shall be endorsed” shall be substituted by the words “shall, saving any other provision of this Act, be endorsed”.

Amendment to section 34 of the principal Act.

8. In subsection (1) of section 34 of the principal Act the words “and the registrar shall” shall be substituted by the words “and the registrar shall, saving any other provision of this Act,”.

Amendment to section 35 of the principal Act.

9. In paragraph (d) of subsection (3) of section 35 of the principal Act the words “shall cease to be a Maltese ship and the registrar shall proceed as provided in subsection (2) of section 26 of this Act.” shall be deleted and substituted by the words “shall cease to be a Maltese ship.”.

Amendment to section 37D of the principal Act.

10. Subsection (3) of section 37D of the principal Act shall be amended as follows:

(a) the words “For the purposes of this section a vessel is deemed to have made a voyage:” shall be deleted; and

(b) paragraphs (a), (b), and (c) thereof shall be deleted.

Amendment to section 39 of the principal Act.

11. Immediately after subsection (3) of section 39 of the principal Act, there shall be inserted the following new section:

“(4) When it is stated in the mortgage instrument that it is prohibited to effect the transfer of the ship which is being mortgaged, or of a share therein, without the previous written consent of the mortgagee, the registrar shall make a note in the register to such effect, and the registrar, notwithstanding any other provision of this Act, shall not record any transfer of such ship or of a share therein unless the consent in writing of such mortgage is produced to him, saving where the transfer is made pursuant to a court order in a sale by auction of such a ship or pursuant to any other court order, and any transfer registered in violation of this provision shall be null and void.”.

Amendment to titles in the principal Act.

12. The words “*Default of registration of transfers and mortgages*” immediately before section 47 of the principal Act, and the words “*Certificates of mortgage and sale*” immediately after the said section, shall be deleted.”.

Amendment to sections 64, 65, 68 and 70 of the principal Act.

13. In sections 64, 65, 68 and 70 of the principal Act, for the words “this Part of this Act” wherever they occur, there shall be substituted the words “Part II and Part IIA of this Act”.

14. Immediately after Part II of the principal Act there shall be added the following new Part:

Addition of  
new Part IIA  
to the  
principal Act.

“PART IIA  
BAREBOAT CHARTER REGISTRATION

Interpreta-  
tion.

84A. (1) For the purposes of this Part of this Act, unless the context otherwise requires—

“bareboat charter” means the contract for the lease or sub-lease of a ship, hereinafter referred to as charter, for a stipulated period of time, by virtue of which the charterer shall acquire full control and complete possession of the ship, including the right to appoint her master and crew for the duration of the charter but excluding the right to sell or mortgage the ship;

“bareboat charter registration” means the registration of a ship in a bareboat charter registry under the name of the charterer;

“bareboat charter registry” means the registry of the State whose flag the ship is entitled to fly during the period in which the charterer is registered as the bareboat charterer;

“compatible registry” means a ship registry of a foreign State declared by the Minister to be a compatible registry in terms of section 84B of this Act;

“day” means calendar day;

“underlying registry” means the registry of the State in which the owners of a ship are registered as owners and to which jurisdiction and control will revert upon termination of the bareboat charter registration, and “underlying register” and “underlying registration” shall be construed accordingly.

(2) Section 76 of this Act shall be construed for the purpose of this Part of this Act, as if for the words “If the master or owner” there were substituted the words “If the master or charterer or owner”.

Compu-  
tible  
registries.

84B. Whenever it appears to the Minister that the provisions of the law of a State with regards to bareboat charter registration are compatible with the provisions of this Act, he may declare the ship registry of that State to be a compatible registry for the purposes of this Part of this Act.

Eligibility  
and  
conditions  
for bareboat  
charter  
registration.

84C. (1) Notwithstanding anything contained in section 4 of this Act, a ship not eligible in terms of the said section to be registered as a Maltese ship shall be eligible to be registered as a Maltese ship under this Part of this Act provided that —

(a) the ship is bareboat chartered to a citizen of Malta, or to bodies corporate qualified to own a Maltese ship in terms of section 4 of this Act;

(b) the ship is not a Maltese ship, and is registered in a compatible registry;

(c) is not registered in another bareboat charter registry; and

(d) the following certified documents are submitted to the registrar to his satisfaction:

(i) an application for registry under this Part of this Act made by the charterer or his authorised agent containing such information as may be required by the registrar;

(ii) a declaration of bareboat charter made by the charterer accompanied by a copy of the charter agreement, which charter agreement shall not be available for public inspection;

(iii) a transcript or an extract of the underlying registration of the ship which shall include a description of the ship, the owners and, where applicable, all registered mortgages and encumbrances of the ship, and such document shall be available for public inspection; and

(iv) the consent in writing for the ship to be bareboat charter registered in Malta of:

(a) the appropriate authorities of the underlying registry who may be further required by the registrar to declare that during the period of bareboat charter registration the ship will not be entitled to fly their flag;

(b) the owners of the ship; and

(c) all registered mortgagees.

(2) Any amendments or modifications to the bareboat charter shall within thirty days be produced to the registrar by the charterer.

(3) Whenever any amendments or modifications are effected to the underlying registration the charterer shall

(a) within seven days from such amendments being effected communicate to the registrar any such amendments or modifications; and

(b) within thirty days of such amendments or modifications having been entered in the underlying register produce to the registrar a transcript or an extract of the underlying registration showing such amendments or modifications.

Ascertainment  
of tonnage.

84D. The tonnage of a ship to be registered under this Part of this Act shall be ascertained in accordance with the tonnage regulations made under this Act:

Provided that at the request of the charterer the registrar may accept the tonnage of such ship to be that registered in the underlying registry if he is satisfied that the provisions of the International Convention on Tonnage Measurement of Ships signed in London on 23 June, 1969, if applicable to such ship and unless such ship has been exempted from them, have been adhered to, and, the certificate of survey provided for in section 14 of this Act shall be that issued by the underlying registry.

Name of  
ship  
bareboat  
chartered  
registered  
in Malta.

84E. (1) Subject to the provisions of subsection (2) of this section a ship shall be registered under this Part of this Act by the name under which it is registered in the underlying registry, provided that such name is not already the name of a registered Maltese ship or a name so similar as to be calculated to deceive.

(2) The name of a ship to be registered or of a ship already registered under this Part of this Act, may be changed prior or subsequent to registration under this Part of this Act as the case may be, provided the appropriate authorities of

the underlying registry, the owners, and the registered mortgagees, if any, have consented thereto and provided also that such change is made in accordance with the provisions of section 56 of this Act.

Bareboat  
charter  
registra-  
tion.

84F. (1) The registrar, if satisfied that all conditions for registration specified in this Part and in other Parts of this Act, where applicable, have been complied with, and on payment of the prescribed fee shall —

(a) enter in the register of Maltese ships provided for in section 365 of this Act, all particulars of the ship and its underlying registration, owners and charterers, stating that it is a bareboat charter registration, the expiry date of such registration, and that the register does not contain an official record of any mortgages affecting the ship;

(b) inform the appropriate authorities of the underlying registry of the registration under this Part; and

(c) issue a certificate of bareboat charter registration, which shall include the name and particulars of the ship, the name of the home port Valletta and the expiry date of the registration.

(2) Upon the issue of a certificate of bareboat charter registration all documents issued to the ship by the underlying registry, shall be surrendered to the appropriate authorities of that registry and, within thirty days of the issue of the certificate as aforesaid, the charterer shall make and deliver to the registrar a declaration to that effect.

Duration of  
bareboat  
charter re-  
gistration.

84G. Subject to the provisions of section 84H of this Act the duration of such registration shall be for a period not exceeding the duration of the bareboat charter or the expiry date of the underlying registration, whichever is the shorter period, but in no case for a period exceeding two years.

Extension  
of bareboat  
charter re-  
gistration.

84H. (1) At the request of the charterer or his authorised agent the registrar may extend and further extend the registration for the remaining period of the charter or until the expiry date of the underlying registry, whichever is the shorter period, but in no case for periods exceeding two years at a time, provided that he has not received any objections to this extension from the appropriate authorities of the underlying registry, the owners and the registered mortgagees, if any, within seven days from the registrar having informed them of such request for extension.

(2) Upon the grant of an extension in terms of subsection (1) of this section, the registrar shall —

(a) enter the new date of expiry in the register of the ship:

(b) issue a certificate of extension of bareboat charter registration which shall include the date of expiry thereof: and

(c) inform the appropriate authorities of the underlying registry.

International convention certificates of ship bareboat charter registered in Malta.

84I. A ship bareboat charter registered under this Part required to be issued with international convention certificates in terms of an international convention to which Malta is a party shall be issued with such certificates under the authority of the Government of Malta:

Provided that where Malta is not a party to such convention a certificate required under that convention may be issued, with the permission of the registrar, under the authority of the government of the underlying registry.

Jurisdiction over a ship registered under this Part of this Act.

84J. (1) A ship registered under this Part of this Act shall be deemed to be a Maltese ship and except where otherwise provided shall be under the jurisdiction and control of Malta and shall comply with all the laws applicable to Maltese ships.

(2) A ship registered under this Part of this Act shall only hoist the Malta flag as provided for in this Act.

(3) The home port of a ship registered under this Part of this Act shall be Valletta and shall be shown on the certificate of bareboat charter registration and shall be marked on the stern in accordance with the provisions of the Act.

Ownership of ship registered under this Part of this Act.

84K. (1) This Act shall not assert any ownership rights over a ship registered under this Part of this Act and it shall have no effect with regards to title and transfer and transmission of such ship or shares therein.

(2) Any transfer of ownership of a ship registered under this Part of this Act shall be notified by the charterers to the registrar, and the registration of the ship under this Part of this Act shall be closed unless the new owners, within seven days, have informed the registrar that they have no objection to the registration of the ship under this Part of this Act, and, within thirty days of having made such declaration, delivered to the registrar their consent in writing to such registration.

Payment of fees.

84L. A ship registered under this Part of this Act shall be subject to the payment of the initial and annual registration fees and of any other fees set out in this Act, or in any regulations made thereunder.

Mortgages  
and encum-  
berances.

84M. Mortgages and encumbrances may not be registered under this Act in respect of a ship registered under this Part of this Act, and the registrar shall refuse to register any such mortgages and encumbrances; such power of registration shall remain vested in the underlying registry.

Closure of  
bareboat  
charter re-  
gistration

84N. (1) The Minister may order that the registration of a ship under this Part of this Act shall be closed —

(a) if any of the provisions of this Act, in as far as the same may be applicable to a ship registered under this Part of this Act, are not complied with; or

(b) for any reason specified in subsection (1) of section 29 of this Act, in as far as the same may be applicable to a ship registered under this Part of this Act.

(2) Where the charterer of a ship, registered under this Part of this Act, desires to close the bareboat charter registration of such ship, he shall make an application to that effect to the registrar giving all such particulars and information as the registrar may require for the purpose, and such application made and substantiated as aforesaid shall be acceded to if all liabilities and obligations in respect of the ship towards the Republic of Malta whether for fees, charges, fines or otherwise have been paid.

(3) The registrar shall close the registration of a ship under this Part of this Act, and shall make an entry to that effect in the register, if —

(a) the Minister has ordered such closure in terms of subsection (1) of this section;

(b) a voluntary closure of registry has been requested and such request has been acceded to by the registrar in terms of subsection (2) of this section;

(c) the appropriate authorities of the underlying registry, or the owners, or any of the mortgagees, if any, have withdrawn their consent to the bareboat charter registration in Malta;

(d) the registration in the underlying registry has for any reason been terminated.

(e) the charter lapses or is terminated by any of the parties to it; or

(f) the period for which the ship has been bareboat charter registered lapses and no extension has been granted in accordance with section 84H of this Act.

(4) Upon the closure of a registration in terms of subsection (3) of this section the ship shall cease to be a Maltese ship and the registrar shall immediately notify the appropriate authorities of the underlying registry, the owners and the mortgagees, if any, of such closure.

(5) The registrar may refuse to issue a deletion certificate or a transcript of registry showing the closure of registry until —

(a) the certificate of bareboat charter registration issued in terms of section 84F of this Act has been surrendered to him; and

(b) all liabilities and obligations in respect of the ship towards the Republic of Malta whether for fees, charges, fines or otherwise have been paid.

Bareboat  
charter re-  
gistration in  
a foreign  
registry.

84O. Notwithstanding any other provision of this Act a Maltese ship registered under Part II of this Act may be bareboat charter registered in a foreign registry if the Registrar-General gives his consent in writing thereto in terms of section 84P of this Act.

Consent of  
the  
Registrar-  
General.

84P. (1) The Registrar-General may, under such conditions as he may deem fit to impose, give his consent referred to in section 84O of this Act if —

(a) the ship is registered as a Maltese ship under Part II of this Act;

(b) the bareboat charter registry where the ship is to be registered is a comptible registry; and

(c) the following documents are submitted to him:

(i) an application for bareboat charter registration in a foreign registry made by the owners containing such information as may be required by the Registrar-General;

(ii) the consent in writing to such registration of all registered mortgagees, if any;

(iii) a written undertaking by the owners to surrender the certificate of registry issued under this Act within fifteen days from entry into the bareboat charter registry;

(iv) a written undertaking by the charterer that the Maltese Flag shall not be hoisted during the period of bareboat charter registration; and

(v) a copy of the bareboat charter.

(2) The owners shall produce to the registrar any amendments or modifications to the bareboat charter within thirty days of such amendments or modifications being effected.

Name of ship bareboat charter registered in a foreign registry.

84Q. (1) Subject to the provisions of subsection (2) of this section a ship registered under Part II of this Act shall be bareboat charter registered in a foreign registry by the name under which it is registered under this Act.

(2) The name of a Maltese registered ship bareboat charter registered in a foreign registry may be changed with the written permission of the Registrar-General in terms of section 56 of his Act only if such change is being effected also in the bareboat charter registry.

Registration in a foreign bareboat charter registry not in terms of this Act.

84R. The registration in a foreign bareboat charter registry of a ship registered under this Act not made in accordance with the provisions of this Part of this Act shall be null and void.

Bareboat charter registration of a Maltese ship in a foreign registry.

84S. (1) Upon the bareboat charter registration of a Maltese ship in a foreign registry —

(a) the owners shall immediately notify the registrar of such registration, and within thirty days surrender to the registrar the certificate of registry issued to the ship under this Act and deliver to the registrar a transcript or an extract of the foreign bareboat charter registration; and

(b) the registrar, if satisfied that such registration has been effected according to the provisions of this Act, shall make an entry thereof in the register of the said ship.

(2) The owners shall immediately notify the registrar of the closure or lapse of the bareboat charter registration in a foreign registry, and shall within thirty days of the closure of such registry, deliver to the registrar a transcript or an extract of the foreign bareboat charter registration showing such closure.

Obligations while ship is a foreign bareboat charter registry.

84T. (1) Unless otherwise provided for in this Part of this Act, the owners of a Maltese ship bareboat charter registered in a foreign registry shall comply with all the

provisions of this Act as if the ship were not so registered in the foreign registry.

(2) During the time a Maltese ship is bareboat charter registered in a foreign registry in terms of the provisions of this Part of this Act —

(a) notwithstanding the provisions of section 73 of this Act, such ship shall not hoist the Maltese flag; and

(b) notwithstanding the provisions of section 5 of this Act, the home port of such ship shall be that of the bareboat charter registry.

(3) The owners shall, within fifteen days from the entry into the foreign bareboat charter registry, make and deliver to the registrar a declaration to the effect that the name of the foreign home port has been marked on the stern of the ship in lieu of the name Valletta.

Payment of fees while ship is in foreign bareboat charter registry.

84U. A Maltese ship bareboat charter registered in a foreign registry shall, notwithstanding such registration, continue to be subject to the payment of all the fees set out in this Act, or in any regulations made thereunder, in respect of Maltese ships.

International convention certificates of ship bareboat charter registered in foreign registry.

84V. A Maltese ship bareboat charter registered in a foreign registry required to be issued with international convention certificates in terms of an international convention to which Malta is a party shall be issued with such certificates under the authority of the Government of the bareboat charter registry:

Provided that where the State of the bareboat charter registry is not a party to such convention the certificate required under such convention may be issued under the authority of the Government of Malta.

Title, mortgages and encumbrances of ship bareboat charter registered in a foreign registry.

84W. (1) Notwithstanding that a Maltese ship may be bareboat charter registered in a foreign registry, all matters with respect to title over the ship, mortgages and encumbrances shall continue to be governed by Maltese law.

(2) Any transaction affecting the title over the ship or relating to the registration, amendment, transfer and transmission and discharge of mortgages shall be made and registered in accordance with the provisions of this Act and only by the persons specified therein.

(3) The registration of any mortgages or encumbrances in the bareboat charter registry shall be null and void.

Termination  
of bareboat  
charter  
registration  
in foreign  
registry.

84X. (1) The Registrar-General may withdraw the consent referred to in section 84O of this Act, if any of the applicable provisions of this Act, are not complied with:

Provided that the Registrar General shall withdraw such consent, if—

(a) the Minister, in the national interest or in the interest of Maltese shipping and after giving the owners and the charterers of the ship a reasonable opportunity to make representations, has ordered the Registrar-General to withdraw his consent;

(b) any of the conditions required to be fulfilled in terms of subsection (1) of section 84P of this Act is not so fulfilled; or

(c) the charter terminates or is terminated by any of the parties to it.

(2) Upon the withdrawal of the consent of the Registrar-General in terms of subsection (1) of this section —

(a) the registrar shall inform the appropriate authorities of the bareboat charter registry, the owners, the charterers, and the mortgagees, if any, of such withdrawal; and

(b) the bareboat charter registration shall be terminated.

(3) Upon the termination of the bareboat charter registration —

(a) the registrar shall make an entry thereof in the register, and the ship shall thereupon be again subject to all the provisions of Maltese law;

(b) within thirty days from the termination of such registration the owners shall make and deliver a declaration to the registrar that the certificate of bareboat charter registration has been surrendered to the foreign bareboat charter registry, and thereupon the registrar, unless the registry of the ship under Part II of this Act is also being closed, shall again deliver to the owners the certificate of registry which had been surrendered to him in terms of section 84S of this Act; and

(c) within thirty days from the termination of such registration the owners shall deliver to the registrar a transcript or an extract of register showing that the bareboat charter registration has been cancelled.

Certification  
of documents.

84Y. All documents required by the registrar for the purposes of this Act shall be certified as required by the registrar.”

- 15.** In the definition of “exempted ship” in section 85 of the principal Act the words “Part II” shall be substituted by the words “Part II or Part IIA”.
- Amendment to section 85 of the principal Act.
- 16.** In subsection (5) of section 86 of the principal Act after the words “the Accountancy Profession Act, 1979” there shall be inserted the words “or by a person holding the warrant of advocate in terms of the Code of Organisation and Civil Procedure.”
- Amendment to section 86 of the principal Act.  
Cap. 12.
- 17.** In paragraph (a) of section 88 of the principal Act for the words “Part II” there shall be substituted the words “Part II and Part IIA”.
- Amendment to section 88 of the principal Act.
- 18.** Sections 89, 90, 91 and 92 of the principal Act shall be substituted by the following new sections:
- Substitution of sections 89, 90, 91 and 92 of the principal Act.
- “Interpretation.
- 89.** For the purposes of this Part of this Act, unless the context otherwise requires the term “certificate of competency” includes certificate of proficiency and licence.
- Manning of Maltese ships.
- 90.** (1) Every Maltese ship when going to sea from any place shall be provided with such number and description of officers and crew as the Minister may by regulations prescribe.
- (2) If the requirements of subsection (1) of this section are not complied with, the master or owners of the ship shall for each offence be liable to a fine (*multa*) not exceeding five hundred liri.
- Certificates of competency.
- 91.** The Minister may by regulations prescribe:
- (a) the grades in respect of which certificates of competency shall be granted to or recognised in accordance with this Act;
- (b) the conditions for the issue or recognition of certificates of competency granted or recognised in accordance with this Act;
- (c) the conditions for the replacement, suspension, cancellation and alteration of certificates of competency issued in accordance with this Act; and
- (d) any other matter affecting certificates of competency granted or recognised in accordance with this Act.”.
- 19.** Sections 93, 94, 96, 123 and 124 of the principal Act shall be deleted.
- Deletion of sections 93, 94, 96, 123 and 124 of the principal Act.

Amendment  
to section 374  
of the  
principal Act.

20. Section 374 of the principal Act shall be amended as follows:

(a) subsections (2), (3), (4), and (5) thereof shall be renumbered as subsections (3), (4), (5) and (6) respectively; and

(b) immediately after subsection (1) thereof there shall be added the following new subsection:

“(2) Regulations, rules and orders made under the provisions of this Act shall include such requirements, in regard to the matters in respect of which the regulations, rules or orders are made, as appear to the Minister to implement the provisions in regard to those matters of international conventions or protocols ratified or acceded to by the Government of Malta.”.

---

Passed by the House of Representatives at Sitting No. 449 of the 4th December, 1990.

LAWRENCE GONZI  
*Speaker*

P. MUSCAT TERRIBILE  
*Clerk to the House of Representatives.*