

Nru. 49

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Emmanuel Bonnici, M.P., Ministru għall-Iżvilupp Terzjarju u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Settembru, 1988.

A BILL introduced by the Honourable Emmanuel Bonnici, M.P., Minister for Development of Tertiary Sector and read the First time at the Sitting of the 26th September, 1988.

ATT biex ikompli jemenda l-Att ta' l-1973 dwar il-Bastimenti Merkantili.

AN ACT further to amend the Merchant Shipping Act, 1973.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1973 dwar il-Bastimenti Merkantili.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1988 li jemenda l-Att dwar il-Bastimenti Merkantili, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1973 dwar il-Bastimenti Merkantili, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu
fil-qosor.

2. Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-bastimenti jista' jistabbilixxi b'avviż fil-Gazzetta tal-Gvern ta' Malta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti.

Bidu
fis-seħh.

3. L-Att prinċipali għandu jiġi emendat kif ġej:

Emenda
ta' l-Att
prinċipali.

(a) kulfejn issir riferenza għall-kliem "ċertifikat jew ċertifikati ta' ipoteka navali" u għall-kliem "ċertifikat jew ċertifikati ta' bejgħ" dawk ir-riferenzi għandhom jithassru;

(b) kulfejn issir riferenza għall-kelma "pounds" fit-test Inġliż għandha tidhol il-kelma "liri".

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

Emenda ta'
l-artikolu 2
ta' l-Att
prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) wara t-tifsira ta' "Ministru" ghandha tizdied it-tifsira ġdida li ġejja:

““xahar” tfisser “xahar kalendarju;”;

(ii) it-tifsira ta' “ktieb tar-registrazzjoni” ghandha tithassar u minflokha ghandha tidhol it-tifsira ġdida li ġejja:

““registru” tfisser id-dokumentazzjoni li ghandha tinzamm mir-registratur skond l-artikolu 365 ta' dan l-Att;”;

u kulfejn jinsabu l-kliem “ktieb tar-registrazzjoni” fl-Att prinċipali, minnflokhom ghandha tidhol il-kelma “registru”;

(iii) it-tifsira ta' “registratur” ghandha tithassar u minflokha ghandha tidhol it-tifsira ġdida li ġejja:

““registratur” tfisser persuna nominata bhala registratur skond l-artikolu 364 ta' dan l-Att, u tinkludi kull persuna li taġixxi taht l-awtorità tiegħu bil-permess tar-Registratur-Ġenerali;”;

(iv) it-tifsira ta' “Registratur-Ġenerali” ghandha tithassar u minflokha ghandha tidhol it-tifsira ġdida li ġejja:

““Registratur-Ġenerali” tfisser ir-Registratur-Ġenerali ta' Bastimenti u Bahrin nominat skond l-artikolu 363 ta' dan l-Att u jinkludi kull persuna li taġixxi taht l-awtorità tiegħu;”;

(v) it-tifsira ta' “bastiment” ghandha tithassar u minflokha ghandha tidhol it-tifsira ġdida li ġejja:

“bastiment” tfisser kull xorta ta' biċċa tal-baħar li tintuża fin-navigazzjoni, sew jekk titmexxa bil-makni tagħha stess sew jekk le, u tinkludi braken, puntuni u *oil rigs* u stallazzjonijiet ohra bhal dawn, iżda ma tinkludix biċċiet tal-baħar li jitmexxew permezz ta' mqadef, u għal dawk it-taqsimiet ta' l-Att kulfejn tapplika ghandha tinkludi wkoll bastiment fi stat ta' kostruzzjoni;”;

(vi) it-tifsira “registratur tal-bastiment” ghandha tithassar;

u kulfejn jinsabu l-kliem “ir-registratur tal-bastiment” fl-Att prinċipali, dawn ghandhom jithassru u minflokhom ghandhom jidhlu l-kliem “ir-registratur”; u

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

“(2) Kull avviz li jkun mehtieg li jintbagħat taht dan l-Att lill-kaptan, sid jew xi persuna ohra li tirrapreżenta lill-

bastiment jitqies li jkun gie debitament riċevut u notifikat jekk jintbagħat bil-posta registrata lill-aħħar indirizz tas-sid registrat mar-registratur.”.

5. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem “piż ta' mhux iżjed minn hmistax-il tunnellata netta” għandhom jidhlu l-kliem “tul ta' mhux iżjed minn erbgha u ghoxrin metru”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

“(3) ikun jista' jiġi registrat kull bastiment li jkun qiegħed jinbena jew jitgħammar u li meta jinbena jew jitgħammar ikun bastiment li jkun jista' jiġi registrat taht dan l-Att.

(4) waqt li jkun qiegħed jitlesta l-bastiment jista' jiġi mogħti numru uffiċċjali u isem.

(5) Għall-finijiet ta' identifikazzjoni, is-sid ta' dak il-bastiment li jkun qiegħed jinbena jew jitgħammar għandu jidentifikah billi jiżboħ in-numru uffiċċjali, l-isem u l-port ta' registrazzjoni fuq il-karina, u dawn id-dettalji għandhom jiġu riprodotti fuq ġenb il-bastiment u eventwalment fuq il-poppa, skond kif ikun possibbli minn żmien għal żmien u qabel dan ta' hawn fuq ikun possibbli is-sid għandu jidentifikah billi jiżboħ fuq tabella, miżmuma qrib il-post fit-tarznar tal-bennej fejn il-bastiment ikun qiegħed jinbena, in-numru assenjat, l-isem u l-port ta' registrazzjoni, fuq sfond skur, f'figuri u ittri bojod jew sofor ta' tul ta' mhux anqas minn għaxar ċentimetri.

(6) Il-htigiet ta' dan l-Att li għandhom x'jaqsmu ma' l-ispezzjon u s-sigurtà ta' bastimenti diġa' mibnija għandhom jiġu sospiżi sakemm titlesta l-kostruzzjoni jew it-tagħmir tal-bastiment.”.

6. Wara s-subartikolu (2) ta' l-artikolu 4 ta' l-Att prinċipali, għandu jiżdied is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

“(3) Għall-finijiet tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, il-Ministru jista', permezz ta' regolamenti, jistabbilixxi dawk il-kondizzjonijiet oħra li huwa jista' jqis spedjenti sabiex tiġi assigurata l-applikazzjoni xierqa ta' dan l-Att, u l-harsien kif imiss tal-liġijiet ta' Malta dwar il-bastimenti merkantili.”.

7. Il-kliem “iċ-ċertifikat tar-registrazzjoni” fl-artikolu 5 ta' l-Att prinċipali għandhom jithassru u minflokhom għandhom jidhlu l-kliem “kull ċertifikat tar-registrazzjoni mahruġ taht l-artikolu 19 ta' dan l-Att.”.

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

8. L-artikolu 7 ta' l-Att prinċipali għandu jithassar u minflok għandu jidhol l-artikolu ġdid li ġej:

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

“Hlas ta’
drittijiet.

7. (1) Id-dritt dovut għall-ewwel reġistrazzjoni u d-dritt ta’ kull sena għal sena wahda għandhom jithallsu qabel ma l-bastiment jiġi reġistrat, u ebda ċertifikat ta’ reġistrazzjoni kif deskritt fl-artikolu 19 ma għandu jinhareġ dwar bastiment kemm-il darba ma jkunux thallsu d-drittijiet imsemmija dwar il-bastiment.

(2) F’għeluq sena mid-data tar-reġistrazzjoni għandu jithallas dritt għall-perijodu li jibda mill-għeluq ta’ l-imsemmija l-ewwel sena sa l-ewwel ta’ Frar li jmiss, u dak id-dritt għandu jkun fi proporzjon għad-dritt ta’ kull sena li xort’ohra kien ikollu jithallas għal dik is-sena kalkulat għal dan il-ghan mill-ewwel tax-xahar tad-data ta’ l-għeluq:

Iżda jekk id-data ta’ l-għeluq tiġi wara l-ewwel ta’ Jannar, il-proporzjon imsemmi hawn fuq ma japplikax u d-dritt li jithallas ikun kalkulat fuq tlettax-il xahar sa’ l-ewwel Frar tas-sena sussegwenti, iżda s-sid ikun intitolat għall-hlas lura tad-dritt ta’ kull sena, li jibda mill-ewwel ta’ Frar, jekk ir-reġistrazzjoni tal-bastiment tiġi kkanċellata qabel l-ewwel ta’ Frar ta’ dik l-istess sena.

(3) Minn dak in-nhar ‘il quddiem, id-dritt ta’ kull sena għandu jithallas bil-quddiem fl-ewwel ta’ Frar ta’ kull sena.

(4) Id-drittijiet speċifikati fis-subartikolu (2) u fis-subartikolu (3) ta’ dan l-artikolu jistgħu jithallsu mgħaqqdin flimkien, f’liema każ il-bastiment jista’ jinhariġlu ċertifikat tar-reġistrazzjoni li jkun validu sa’ għeluq il-perijodu kombinat:

Iżda ebda haġa f’dan l-artikolu ma jobbliga lir-reġistratur li johroġ xi ċertifikat proviżorju għal perijodu żejjed tal-perijodu massimu provdut taht dan l-Att.

(5) Minkejja li bastiment jibqa’ fuq ir-reġistru taht dan l-Att, ma jithallsu ebda drittijiet tar-reġistrazzjoni kemm-il darba u sakemm ma jkunux inhareġ ċertifikat taht dan l-Att:

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

(6) Id-drittijiet speċifikati fis-subartikolu (1) ta’ dan l-artikolu jithallsu fuq il-bażi ta’ tunnellaġġ dikjarat minn sid il-bastiment fuq l-applikazzjoni għar-reġistrazzjoni u dawk id-drittijiet jiġu aġġustati skond it-tunnellaġġ speċifikat fiċ-ċertifikat tas-*surveyor* mahruġ skond l-artikolu 14 ta’ dan l-Att meta dak iċ-ċertifikat jasal għand ir-reġistratur.

(7) Hlief f'dawk iċ-ċirkostanzi li fihom, skond dawk ir-regolamenti li l-Ministru jista' jagħmel, ikun hemm tnaqqis jew għoti lura ta' drittijiet, id-drittijiet għall-ewwel reġistrazzjoni u d-drittijiet ta' kull sena ma jkunux suġġetti għal tnaqqis jew għoti lura għal xi raġuni tkun xi tkun."

9. L-artikoli 9 sa 16, it-tnejn inkluzi, ta' l-Att prinċipali, għandhom jithassru u minflokhom għandhom jidhlu l-artikoli ġodda li

għejjin:

Thassir u
sostituzzjoni
ta' l-artikoli
9 sa 16
ta' l-Att
prinċipali.

Nuqqas tal-
Hlas ta'
drittijiet.

9. Registratur ikun intitolat li jitlob il-ħlas ta' drittijiet mhux imħallsa, *charges* jew pieni dovuti taht dan l-Att qabel id-dokumentazzjoni ta' xi transazzjoni fir-reġistru ta' bastiment jew qabel l-għoti ta' xi servizzi f'konnessjoni ma' bastiment:

Izda kull parti interessata, mal-ħlas ta' dak id-dritt kif jista' jiġi preskritt, tista' f'kull żmien tispezzjona, u titlob kopja informali tar-reġistru:

Izda wkoll li f'kull każ kull kreditur ipotekarju reġistrat ikun dejjem intitolat, mal-ħlas ta' dak id-dritt kif jista' jiġi preskritt, għall-xhieda dokumentarja uffiċjali dwar l-*istatus* ta' l-ipoteka navali tiegħu fir-reġistru ta' xi bastiment."

Proċedura għar-reġistrazzjoni

Applikazzjoni għal reġistrazzjoni.

10. Applikazzjoni għar-reġistrazzjoni ta' bastiment, sew provizorja sew xort'ohra, għandha ssir, fil-każ ta' individwi mill-persuna li tkun qed titlob li tiġi reġistrata bhala s-sid jew minn waħda jew iktar mill-persuni li jkunu hekk qed jitolbu jekk ikun hemm iktar minn persuna waħda, jew mill-mandatarju tagħha jew tagħhom, u fil-każ ta' għaqdiet ta' persuni mill-mandatarju tagħhom; u l-awtorità tal-mandatarju għandha tkun dikjarata bil-miktub, jekk ikun nominat minn individwi bil-firma tal-mandanti, u, jekk nominat minn għaqda ta' persuni bil-firma ta' persuna jew persuni awtorizzati li jawtentikaw dokumenti għall-għaqda ta' persuni.

Dikjarazzjoni ta' proprjetà.

11. Persuna ma jkollhiex dritt li tiġi reġistrata bhala sid ta' bastiment jew ta' interess fih kemm-il darba hi, jew fil-każ ta' għaqda ta' persuni l-persuna awtorizzata b'dan l-Att li tagħmel dikjarazzjonijiet f'isem l-għaqda ta' persuni, ma tkunx għamlet u iffirmat dikjarazzjoni ta' proprjetà dwar il-bastiment kif deskritt fl-applikazzjoni msemmija fl-artikolu 10 ta' dan l-Att u li jkun fiha l-partikolaritajiet li għejjin:

(a) dikjarazzjoni tal-kwalifika tagħha li tista' tkun sid ta' bastiment Malti jew, fil-każ ta' għaqda ta' persuni, dikjarazzjoni taċ-ċirkostanzi li jippruvaw li tista' tkun sid ta' bastiment Malti;

(b) dikjarazzjoni dwar iż-żmien meta u l-post fejn inbena l-bastiment jew, jekk dawn ma jkunux magħrufa, dikjarazzjoni li min qed jagħmel id-dikjarazzjoni ma jafx iż-żmien meta u l-post fejn inbena;

(c) dikjarazzjoni ta' l-isem u taç-çittadinanza tal-kaptan, fejn applikabbli;

(d) dikjarazzjoni ta' kemm hi jew l-ghaqda ta' persuni, skond il-każ, ghandhom dritt jigu reġistrati bhala sid;

(e) dikjarazzjoni li skond l-aħjar tagħrif u twemmin tagħha ebda persuna jew ghaqda ta' persuni li ma jistgħux ikunu sidien ta' bastiment Malti ma hi intitolata bhala sid f'xi interess fil-bastiment jew f'xi schem minnu; u

(f) dikjarazzjoni dwar liema pizijiet reġistrati, jekk ikun hemm, jeżistu fuq il-bastiment.

Reġistrazzjoni proviżorja.

12. Meta jirċievi applikazzjoni għar-reġistrazzjoni, sew proviżorja sew xort'ohra, magħmula skond l-artikolu 10 ta' dan l-Att u li jkollha magħha dikjarazzjoni ta' proprjetà kif mehtieg bl-artikolu 11 ta' dan l-Att, u mal-hlas tad-drittijiet speċifikati f'dan l-Att jew f'xi regolament magħmul tahtu, ir-reġistratur jista' proviżorjament jirreġistra l-bastiment bhala bastiment Malti għal sitt xhur basta min japplika għar-reġistrazzjoni jkun ta prova li tissodisfa lill-Ministru li:—

(a) l-bastiment ikun jew bastiment fi stat ta' kostruzzjoni jew tagħmir, jew jekk ikun mibni diġa' ikun jista' jbahhar; u

(b) fejn ikun mehtieg is-sid reġistrat ikun issodisfa dawk il-kondizzjonijiet li jistgħu jigu stabbiliti skond id-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 4 ta' dan l-Att:

Izda r-reġistratur jista', meta jiġi muri raġuni tajba, iġedded ir-reġistrazzjoni proviżorja ta' bastiment għal perijodu iehor ta', jew perijodi ohra li flimkien ma jagħmlux aktar minn sitt xhur.

Dokumenti u provi wara r-reġistrazzjoni proviżorja.

13. (1) Fi żmien xahar mir-reġistrazzjoni proviżorja, li tista' tiġi estiża għal perijodu iehor ta' xahar fuq raġuni tajba, is-sid għandu, kemm-il darba l-bastiment ma jkunx xort'ohra eżentat, jippreżenta lir-reġistratur dawn id-dokumenti u provi li ġejjin:

(a) ċertifikat tal-bennej, jiġifieri ċertifikat iffirmit minn min bona l-bastiment (liema espressjoni tinkludi lil dik il-persuna li r-Reġistratur-Ġenerali jagħraf bhala li għandha n-negozju tal-bini ta' bastiment) u li jkun fih tagħrif veru dwar id-denominazzjoni xierqa u tat-tunellaġġ tal-bastiment kif stmat minnu, u dwar iż-żmien meta u l-post fejn inbena, u dwar l-isem tal-persuna (jekk ikun hemm) li għaliha nbena l-bastiment jew, jekk ikun sar xi bejgħ, l-att tal-bejgħ jew dokument iehor li bis-saħħa tiegħu il-bastiment jew schem fih ġie trasferit lil min japplika għar reġistrazzjoni;

(b) prova sodisfaçenti lir-reġistratur, jew skond kif jista' jiġi preskritt mill-Ministru, li xi ċertifikat barrani tar-reġistrazzjoni tal-bastiment, jew dokumenti

ekwivalenti. ikun ġie legalment kanċellat jew li r-registrazzjoni tkun ġiet debitament magħluqa:

Iżda l-Ministru jista, f'dawk iċ-ċirkostanzi li huwa jista' jqis xierqa, jordna li ebda ċertifikat tali ma jkun meħtieġ meta, sussegwentement għal ordni tal-qorti f'Malta b'bejgħ b'irkant tal-bastiment, jew xi ordni oħra ta' dik il-qorti, is-sid ikun ipprova jikseb dak iċ-ċertifikat iżda minhabba raġunijiet li ma kellux kontroll fuqhom ikun sar dewmien żejjed. Il-Ministru jista' jagħti kull direttiva dwar il-preżentazzjoni ta' dawk id-dokumenti l-oħra li huwa jqis xierqa; u

(ċ) provi li l-isem tal-bastiment, in-numru uffiċjali tiegħu u l-port tar-registrazzjoni tiegħu ikunu ġew markati kif provduti fl-artikolu 15 ta' dan l-Att.

(2) Fi żmien sitt xhur mir-registrazzjoni proviżorja, li tista' tiġi estiża għal perijodu iehor ta' tliet xhur fuq raġuni tajba, is-sid għandu, kemm-il darba l-bastiment ma jkunx xort'oħra eżentat, jippreżenta lir-registratur dawn id-dokumenti u provi li ġejjin:

(a) kopji ċertifikati taċ-ċertifikati ta' kompetenza ta' kull uffiċjal li jkun qed iservi fuq il-bastiment; ir-registratur jista' jkun irid li dawk iċ-ċertifikati jiġu tradotti fl-ilsien Ingliz minn persuna kompetenti;

(b) lista ta' l-ekwipaġġ iffirmata mill-kaptan tal-bastiment u ittimbrata mill-awtoritajiet tal-port ta' destinazzjoni;

(ċ) kopji taċ-ċertifikati tas-sigurta' u tas-sinjal tat-tagħbija tal-bastiment mahruġa minn *surveyor* tal-bastimenti;

(d) ċertifikat tal-kejl tat-tunnellaġġ u ċertifikat ta' spezzjon mahruġa skond l-artikolu 14 ta' dan l-Att; u

(e) nota ta' inċiżjoni u markar mahruġa skond l-artikolu 15 ta' dan l-Att.

Spezzjon u
kejl ta'
bastiment.

14. (1) Qabel ma jiġi registrat, kull bastiment għandu jiġi spezzjonat minn *surveyor* tal-bastimenti u t-tunnellaġġ tiegħu jiġi stabbilit skond ir-regolamenti dwar it-tunnellaġġ skond dan l-Att.

(2) Is- *surveyor* għandu fiċ-ċertifikat tiegħu jispeċifika t-tunnellaġġ u kif hu mibni l-bastiment u dawk il-partikolaritajiet l-oħra li jiddeskrivu l-identita' tal-bastiment li l-Ministru jista' minn żmien għal żmien jeħtieġ, u għandu jiċċertifika li t-tunnellaġġ ikun ġie stabbilit skond ir-regolamenti dwar it-tunnellaġġ ta' dan l-Att.

(3) Iċ-ċertifikat tas- *surveyor* għandu jiġi konsenjat lir-registratur qabel ir-registrazzjoni.

Markar ta'
bastiment

15. (1) Qabel ma jiġi reġistrat, kull bastiment għandu jkun markat permanentement u b'mod li jidher għas-sodisfazzjon tar-reġistratur kif ġej:

(a) l-isem tiegħu għandu jkun markat fuq kull naħa tal-pruwa u l-isem tiegħu u l-isem tal-port ta' ritorn għandhom ikunu markati fuq il-poppa, fuq sfond skur b'ittri bojod jew sofor fuq sfond ċar b'ittri suwed, liema ittri għandhom ikunu ta' tul ta' mhux inqas minn għaxar ċentimetri u ta' wisgħa proporzjonata;

(b) in-numru ufficċjali tiegħu u n-numru li juri t-tunnellaġġ reġistrat tiegħu għandhom ikunu inċiżi fuq il-prim tiegħu; u

(ċ) skala ta' piedi jew deċimetri li turi l-gholi ta' l-ilma meħtieġ biex il-bastiment iżomm fil-wieċ għandha tkun markata fuq kull naħa taz-zokk tiegħu u fuq *l-istern post* tiegħu b'ittri kapitali Rumani jew figuri ta' mhux inqas minn hmistax-il ċentimetru tul, u li l-linja ta' isfel ta' dawk l-ittri jew figuri taħbat sewwa sew mal-linja ta' l-gholi ta' l-ilma indikata bihom, u dawk l-ittri jew figuri għandhom ikunu markati billi jiġu inċiżi u miżbugħin bojod jew sofor fuq sfond iswed jew b'dak il-mod l-iehor kif il-Ministru japprova.

(2) Il-Ministru jista' jeżenta kwalunkwe klassi ta' bastimenti mill-htigiet kollha jew minn uħud mill-htigiet ta' dan l-artikolu taħt dawk il-kondizzjonijiet li jidhirlu xierqa.

(3) Jekk l-iskala li turi l-gholi ta' l-ilma meħtieġ biex il-bastiment iżomm fil-wieċ tkun f'xi dettall mhux eżatta hekk li x'aktarx tqarraq, is-sid tal-bastiment jista' jehel multa ta' mhux iżjed minn mitt lira.

(4) Il-marki meħtieġa b'dan l-artikolu għandhom jithallew permanentement u ebda tibdil ma jista' jsir fihom hlief fil-każ li xi haġa mill-partikolaritajiet murija bihom ma tkunx tiddlet bil-mod provdut b'dan l-Att.

(5) Jekk xi sid jew kaptan ta' bastiment reġistrat ma jihux hsieb li il-bastiment tiegħu jibqa' markat kif meħtieġ b'dan l-artikolu, jew jekk xi persuna taħbi, tneħhi, tibdel jew thassar, jew thalli lill xi persuna taħt il-kontroll tagħha li taħbi, tneħhi, tibdel jew thassar xi waħda mill-imsemmiġa marki, hlief fil-każ imsemmi qabel, jew hlief sabiex jiġi evitat il-qbid minn għandu, dak is-sid, il-kaptan jew dik il-persuna jistgħu jehlu għal kull reat multa ta' mhux inqas minn mitt lira, u fuq ċertifikat ta' *survevor* ta' bastimenti li bastiment ma jkunx markat biżżejjed jew kif imiss, il-bastiment jista' jiġi d-tenut sakemm dak in-nuqqas jiġi rimedjat.

Tharis
tal-htigiet
ta' dan
l-Att.

16. (1) Il-bastimenti kollha reġistrati proviżorjament taħt dan l-Att għandhom iħarsu, hlief fejn ikunu espressament eżentati, il-htigiet ta' dan l-Att fiż-żminijiet

speċifikati f'dan l-Att, u f'kull każ, fi żmien massimu ta' tnax-il xahar mid-data tar-registrazzjoni proviżorja u minn hemm il quddiem għandhom josservaw dawk il-htigiet imniżzla fl-Att jew f'xi regolamenti magħmulha tahtu.

(2) Kull persuna li tonqos li tosserva l-htigiet ta' dan l-Att fil-limiti ta' żmien speċifikati tista' tehel multa ta' hamsin lira fix-xahar jew parti minnu għal kull ksur u kull bastiment li ma jħarisx il-htigiet ta' registrazzjoni proviżorja fi żmien massimu ta' tnax-il xahar jista' jehel multa ta' mitejn lira fix-xahar jew parti minnu u f'dawn il-każijiet ir-registratur jista' jiehu passi biex jikkancelła dak il-bastiment skond dan l-Att.

(3) Ir-registratur ma jistax jirregistra mill-ġdid xi bastiment, proviżorjament jew xort'ohra, qabel il-hlas tal-multi kollha li jkunu gġarrbu qabel u kemm-il darba ma tinghatax prova sodisfaċenti għar-registratur li l-bastiment kien ġie registrat f'registru barrani il-multi għall-perijodu intervenjenti għandhom jingabru wkoll.

(4) Ikun l-obliġu tas-sid matul il-perijodu kollu tar-registrazzjoni, kemm jekk din tkun proviżorja jew xort'ohra, li javża lir-registratur wara xi tibdil, li sata' jkun ġara fil-perijodu intervenjenti mir-registrazzjoni l quddiem, fit-tagħrif li jkun hemm f'xi ċertifikat u prova preżentati qabel ir-registrazzjoni."

10. L-artikolu 17 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 17 ta' l-Att prinċipali.

(a) Wara l-kliem "qabel ir-registrazzjoni" għandhom jidhru l-kliem, "sew jekk proviżorju sew xort'ohra,";

(b) minnufih wara l-kliem "fiċ-ċertifikat tas-surveyor" fil-paragrafu (b) tiegħu għandhom jidiedu l-kliem "fejn applikabbli";
u

(ċ) minnufih wara l-paragrafu (d) tiegħu għandu jidied il-paragrafu ġdid li ġej:

"(e) xi piżijiet registrati li jistgħu ikunu ġew dikjarati minn min japplika għar-registrazzjoni."

11. L-artikolu 19 ta' l-Att prinċipali għandu jithassar u minflok għandu jidhol l-artikolu ġdid li ġej:

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

Ċertifikat tar-registrazzjoni proviżorja jew xort'ohra.

19. (1) Meta titlesta r-registrazzjoni proviżorja ta' bastiment ir-registratur għandu, bla hsara għal dawk il-kondizzjonijiet li huwa jista' jqis xierqa, jagħti ċertifikat proviżorju ta' registrazzjoni:

Iżda, kemm-il darba ma jkunx eżentat, jekk il-bastiment ma jkollux ċertifikati validi dwar is-sigurta' u l-linja tat-tagħbija, ir-registratur jagħti ċertifikat proviżorju mhux operattiv.

Iżda wkoll kemm-il darba l-htigiet ghar-registrazzjoni ma jkunux tlestew, ir-registratur johroġ ukoll ċertifikat proviżorju mhux operattiv għal xi bastiment qiegħed li jikkwalifika għal trattament speċjali taht dan l-Att, jew għal bastiment li jkun qed jiġi rmunkat.

(2) Meta titlesta r-registrazzjoni ta' bastiment r-registratur jaġhti ċertifikat tar-registrazzjoni:

Iżda, kemm-il darba ma jkunx eżentat, jekk il-bastiment ma jkollux ċertifikati validi dwar is-sigurta' u l-linja tat-tagħbija, ir-registratur johroġ ċertifikat tar-registrazzjoni mhux-operattiv.

Iżda wkoll jekk il-htigiet tar-registrazzjoni ikunu tlestew ir-registratur johroġ ukoll ċertifikat mhux operattiv għal kull bastiment qiegħed li jikkwalifika għal trattament speċjali taht dan l-Att, jew għal bastiment li jkun qiegħed jiġi rmunkat.

(3) Il-perijodu tal-validità ta' ċertifikat tar-registrazzjoni ikun kif ġej:

(a) jekk jinħareġ fi żmien l-ewwel tnax-il xahar tar-registrazzjoni proviżorja għall-bqija tal-perijodu ta' l-imsemmija tnax-il xahar: u

(b) jekk jinħareġ f'għeluq l-ewwel tnax-il xahar għal jew:

(i) il-perijodu sa l-ewwel ta' Frar sussegwenti: jew

(ii) il-perijodu speċifikat fil-paragrafu (i) ta' dan is-subartikolu flimkien mas-sena ta' w ra sa l-ewwel ta' Frar sussegwenti;

skond kif jista' jstabbilixxi s-sid mal-hlas tad-drittijiet għall-bastiment.

(4) Wara dan, iċ-ċertifikati kollha tar-registrazzjoni jinħarġu għal perijodu ta' tnax-il xahar, iżda fi jew qabel l-ewwel ta' Frar ta' kull sena sussegwenti, mal-hlas tad-drittijiet ta' kull sena, ir-registratur johroġ ċertifikat ta' tiġdid tar-registrazzjoni fuq il-formola preskritta.

(5) Ma jista' jinħareġ ebda ċertifikat, hliet f'każijiet ta' telfien jew distruzzjoni ta' ċertifikat, hliet meta jiġi ritornat iċ-ċertifikat li dak iż-żmien ikun qed jinżamm mis-sid jew fid-deskrizzjoni tar-registratur, meta s-sid jintrabat li jirritorna ċ-ċertifikat fi żmien massimu ta' xahar.

(6) Ċertifikat tar-registrazzjoni, sew proviżorju sew xort'ohra, mahruġ lil bastiment skond id-disposizzjonijiet ta' dan l-artikolu, jista' jinħareġ bla hsara għal dawh il-kundizzjonijiet li r-registratur jista' jqis xierqa u għandu jinkludi l-partikolaritajiet tal-bastiment imniżzla fir-registru li juru l-port tal-Belt Valletta bhala port tiegħu.

(7) Għall-finijiet ta' dan l-artikolu, bastiment qiegħed ikun jikkwalifika għal trattament speċjali taht dan l-Att jew xi regolamenti magħmula tahtu jekk —

(a) is-sid reġistrat jagħmel dikjarazzjoni fis-sens li l-bastiment ikun qiegħed u jkun se jibqa' mqiegħed għal perijodu ta' mhux inqas minn tnax il-xahar; u

(b) tinghata prova sodisfaċenti lir-reġistratur li l-bastiment ikun qiegħed u li tiċċertifika l-post fejn il-bastiment ikun qiegħed;

Iżda jekk l-bastiment jiġi ri-attivat fi żmien sitt xhur mid-data tad-dikjarazzjoni speċifikata fil-paragrafu (a) ta' hawnhekk, il-bastiment jitqies li ma jkunx ġie qiegħed, u d-drittijiet li jithallsu skond l-artikolu 7 ta' dan l-Att isiru dovuti kollha kemm huma mid-data tad-dikjarazzjoni:

Iżda wkoll jekk il-bastiment jiġi ri-attivat wara li jkunu għaddew sitt xhur mid-data tad-dikjarazzjoni speċifikata fil-paragrafu (a) ta' hawnhekk id-drittijiet li jithallsu taht l-artikolu 7 ta' dan l-Att jithallsu fi proporzjon għall-perijodu li jkun baqa' sa' l-iskadenza taċ-ċertifikat korrenti tar-reġistrazzjoni:

Iżda wkoll meta dikjarazzjoni speċifikata fil-paragrafu (a) ta' hawnhekk issir f'data wara li jkun imissu jithallas id-dritt ta' kull sena, id-differenza fid-drittijiet li kienu jithallsu kieku id-dikjarazzjoni saret fi jew qabel id-data li fiha jkun imissu jithallas id-dritt ta' kull sena, titnaqqas biss mal-hlas tad-dritt ta' kull sena li jkun imiss.”.

12. L-artikoli 20, 21, 22 u 23 ta' l-Att prinċipali għandhom jiġu emendati kif ġej:

Emenda ta' l-artikolu 20, 21, 22 u 23 ta' l-Att prinċipali.

(a) Fl-artikoli 20, 21, 22 u 23 ta' l-Att prinċipali, kull fejn hemm il-kliem “iċ-ċertifikat” u “ċertifikat” dawn għandhom jithassru u minflokhom għandhom jidhlu il-kliem “kull ċertifikat”;

(b) Is-subartikoli (2) u (3) ta' l-artikolu 23 għandhom jithassru.

13. L-artikolu 24 ta' l-Att prinċipali għandu jithassar.

Thassir ta' l-artikolu 24 ta' l-Att prinċipali.

14. L-artikolu 25 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) is-subartikolu (1) għandu jithassar u minflok għandu jidhol is-subartikolu ġdid li ġej:

“(1) Kull meta ssir xi bidla dwar il-proprietarji reġistrati ta' bastiment, il-bidla dwar il-proprjetarji għandha tiġi mniżżla f'kull ċertifikat ta' reġistrazzjoni tal-bastiment.”;

(b) il-kliem "ic-ċertifikat ta' registrazzjoni" fis-subartikolu (2), (3) u (4) tiegħu għandhom jithassru u minflokhom għandhom jidhlu l-kliem "kull ċertifikat ta' registrazzjoni": u

(ċ) fis-subartikolu (3) tiegħu il-kliem "f'kull port, li ma jkunx il-port li fih il-bastiment ikun gie registrat," għandhom jithassru.

Emenda ta' l-artikolu 26 ta' l-att prinċipali.

15. L-artikolu 26 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "li bastiment registrat" fis-subartikolu (1) tiegħu għandhom jidhlu l-kliem " , sew proviżorjament sew xort'ohra,"; u

(b) is-subartikolu (2) u (3) tiegħu għandhom jithassru u minflokhom għandu jidhol is-subartikolu ġdid li ġej:

"(2) F'kull każ bhal dan, hliet meta ċ-ċertifikat proviżorju jew ċertifikat iehor ta' registrazzjoni tal-bastiment ikun mitluf jew distrutt, il-kaptan jew sid tal-bastiment għandu fi żmien erbat ijiem mindu jiġri dak jikkonsenja lir-registratur dawk iċ-ċertifikati u jekk is-sid jew kaptan jonqos, mingħajr raġuni xierqa, li jhares id-dispożizzjonijiet ta' dan l-artikolu, huwa jista' jehel għal kull reat multa ta' mhux iżjed minn mitt lira."

Thassir u sostituzzjoni ta' l-artikoli 27 sa 31 ta' l-Att prinċipali.

16. L-artikoli 27 sa l-artikolu 31, it-tnejn inklużi, ta' l-Att prinċipali għandhom jithassru u minflokhom għandhom jidhlu l-artikoli ġodda li ġejjin:

"Validità ta' ċertifikati proviżorji u ċertifikati ohra ta' regis-trazzjoni.

27. (1) Ċertifikat ma jibqax jiswa:

(a) fl-iskadenza tad-data tal-validità tiegħu;

(b) meta ċertifikat jiġi sostitwit b'ċertifikat iehor mahruġ skond id-dispożizzjonijiet ta' dan l-Att; jew

(ċ) meta tinghalaq ir-registrazzjoni skond id-dispożizzjonijiet ta' dan l-Att.

(2) Ir-registratur għandu jagħmel notament fir-registru dwar it-tip ta' ċertifikat mahruġ lill-bastiment u d-data ta' skadenza tiegħu.

(3) Hliet meta ċertifikat wiehed jinhareġ minflok ċertifikat iehor skond id-dispożizzjonijiet ta' dan l-Att, meta ċertifikat ma jibqax jiswa is-sid jew kaptan għandu minnufh jgħaddi dan iċ-ċertifikat lir-registratur mhux aktar tard minn xahar minn meta jiskadi.

(4) Kull minn, kif intqal qabel, jonqos mingħajr raġuni xierqa li jikkonsenja ċ-ċertifikat kif mehtieg b'dan l-artikolu, jista' jehel multa ta' mhux iżjed minn mitt lira.

Gheluq ta' Registrazzjoni

28. (1) Meta s-sid ta' bastiment Malti jkun jixtieq jaghlaq ir-registrazzjoni tal-bastiment tiegħu għandu jagħmel talba f'dak is-sens lir-registratur, li fiha jagħti dawk il-partikolaritajiet u informazzjoni kollha li r-registratur jista' jitlob għal dak il-ghan.

Gheluq
volontarju
ta' regist-
razzjoni.

(2) Kull talba bħal dik magħmula u msahha kif intqal qabel tintlaqa' jekk —

(a) 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;

(b) il-kunsens bil-miktub tal-kredituri ipotekarji kollha li l-ipoteka navali tagħhom hija registrata kif imiss dwar il-bastiment jiġi prezentat lir-registratur; u

(ċ) is-sid jintrabat li jagħti lura lir-registratur fi żmien xahar, kull ċertifikat mahruġ skond artikolu 19 ta' dan l-Att.

(3) Meta xi applikazzjoni bħal dik tiġi milqugħa r-registratur għandu jniżżel dak il-fatt fir-registru u malli dan isir il-bastiment ma jibqax bastiment Malti u r-registrazzjoni tal-bastiment titqies bhala magħluqa hliet safejn tirreferi għal xi ipoteki navali mhux issodisfati mnizzla fiha.”.

29. (1) Il-Ministru jista' jordna li bastiment ma jibqax ikun registrat f'dawn il-każijiet li ġejjin:

Setgħa tal-
Ministru li
jordna l-
gheluq ta'
regis-
trazzjoni.

(a) jekk id-dritt ta' kull sena ma jkunx ġie mħallas kif imiss skond dan l-Att;

(b) jekk il-formalitajiet speċifikati fl-artikolu 13 ta' dan l-Att ma jkunux ġew imharsa fi żmien il-perijodi massimi speċifikati fih;

(ċ) jekk ikun fl-interess nazzjonali jew fl-interess tal-bastimenti Maltin u wara li jagħti lis-sidien tal-bastiment opportunità xierqa biex jagħtu l-osservazzjonijiet tagħhom;

(d) jekk jiġri li bastiment registrat jiġi attwalment jew meqjus bhala mitluf, mehud mill-ghadu, mahruq jew imkisser, jew ma jibqax ikun bastiment Malti minhabba trasferiment lil persuni mhux kwalifikati li jipposjedu bastiment Malti jew minhabba xi raġuni ohra;

(e) jekk is-sid jonqos li josserva d-dispożizzjonijiet ta' dan l-Att;

(f) jekk jiġi stabbilit li l-bastiment ma jiġix jew ma jkunx jista' jiġi registrat taht dan l-Att;

(g) jekk, fejn ikun mehtieg, xi kondizzjonijiet stabbilit mill-Ministru skond is-subartikolu (3) ta' l-artikolu 4 ta' dan l-Att ma jigux imharsa ghal perijodu ta' iżjed minn xahar;

(h) jekk is-sid jonqos li jhallas xi multa fi żmien xahar minn meta tintalab bil-miktub mir-registratur meta jsir ksur ta' dan l-Att; jew

(i) jekk is-sid jonqos li jkollu fil-pussess tieghu ċertifikat validu ta' registrazzjoni, sew proviżorju sew xort'ohra, ghal perijodu ta' iżjed minn xahar.

(2) Qabel il-hruġ ta' xi ordni bhal dan, ir-registratur ghandu jaghti avviż ta' xahar bil-miktub lis-sid registrat u lil kull kreditur ipotekarju registrat, dwar l-intenzjoni tieghu li jirrirakommanda l-gheluq tar-registrazzjoni kemm-il darba l-kawża tal-gheluq ma tiġix rimedjata. Ir-registratur ghandu jispeċifika fl-avviż ir-raġuni ta' l-gheluq u d-data ta' skadenza ghal osservanza li finnuqqas jiġi ordnat l-gheluq.

(3) Mal-hruġ ta' xi avviż skond is-subartikolu (2) ta' dan l-artikolu, ir-registratur ghandu jaghmel notament tieghu fil-ktieb tar-registru u ghandu jiddokumenta d-data li fiha jiskadi l-perijodu ta' xahar.

(4) Ma' gheluq l-imsemmi xahar mill-ghoti ta' l-avviż u malli jirċievi l-ordni minghand il-Ministru, ir-registratur ghandu jniżżel dan fir-registru u l-bastiment minnufih ma jibqax bastiment Malti u r-registrazzjo: i tal-bastiment titqies bhala maghluqa hlief safejn tirriferi ghal xi ipoteki navali mhux issodisfati mnizżla fiha, u l-kredituri ipotekarji jkollhom id-dritt li jitolbu l-bejgh immedjat tal-bastiment jew sehem fih bhallikieku d-debitur ma żammx mal-kundizzjonijiet kollha li tahtom ikun inghata l-kreditu.

Ċertifikat ta' thassir.

30) (1) Meta r-registrazzjoni ta' bastiment, sew proviżorja sew xort'ohra, tkun giet maghluqa, ir-registratur ghandu fuq talba tas-sid registrat, johroġ ċertifikat ta' thassir kemm-il darba jkunu thallsu d-drittijiet, *charges* u l-pienii kollha dovuti taht dan l-Att u, ċ-ċertifikat ta' r-registrazzjoni, sew proviżorju sew xort'ohra, ikun inghata lura lir-registratur.

(2) Ir-registratur ghandu jispeċifika fuq iċ-ċertifikat ta' thassir ir-raġuni ta' l-gheluq tar-registrazzjoni, u, meta r-registrazzjoni ta' bastiment, sew proviżorja sew xort'ohra, tkun inghalqet bla hsara ghal xi ipoteki navali mhux issodisfati mnizżla fiha, iċ-ċertifikat ta' thassir ghandu jinkludi wkoll deskrizzjoni shiha ta' kull ipoteka jew ipoteki bhal dawk, flimkien ma' dikjarazzjoni li r-registrazzjoni tkun inghalqet bla hsara ghal dawk l-ipoteki li jibqghu piż tal-bastiment."

17. Minnufh wara s-subartikolu (3) ta' l-artikolu 32 ta' l-Att prinċipali ghandu jizdied is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

“(4) Mar-regisrazzjoni ta' traferiment ta' bastiment reġistrat jew ta' sehem fih a favur ta' persuna kwalifikata biex tipposjedi bastiment Malti, ir-registratur ghandu jinnotifika lid-detentur ta' xi ipoteka navali reġistrata f'dak is-sens.”.

18. L-artikolu 37 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

(a) minnufih wara l-kliem “b'dawk il-pattijiet u kondizzjonijiet li jidhrilha xierqa,” ghandhom jidhlu l-kliem “maghduda, bla hsara għall-ġeneralità ta' hawn fuq, l-impożizzjoni ta' obbligu għall-provediment ta' garanzija xierqa, dwar danni, imghax u spejjeż,”; u

(b) mad-dispożizzjoni eżistenti ghandu jizdied dan il-proviso li ġej:

“Izda jekk l-ordni jinhareġ biex jiġi garantit il-kreditu li jkun għadu ma ġiex ġudizjarjament verifikat, kemm-il darba l-proċedimenti dwar il-meriti tal-kreditu ma jkunux diġa pendenti, sew f'qorti Maltija jew xi qorti kompetenti ohra jew arbitraġġ, l-attur li jikseb dak l-ordni ikun obligat li jipproċedi għal dak il-kreditu, f'Malta jew f'xi ġurisdizzjoni kompetenti ohra jew f'arbitraġġ, fi żmien erbat ijiem tax-xogħol mill-hruġ ta' l-ordni u jekk jonqos li jagħmel dan il-qorti, fuq talba tas-sid tal-bastiment, jew xi persuna ohra interessata, tirrevoka l-istess ordni.”.

19. It-titolu “Ipoteki Navali” wara l-artikolu 37 ta' l-Att prinċipali, ghandu jithassar u minflok ghandu jidhol it-titolu ġdid “Privileġġi Marittmi u Ipoteki Navali”, u warajh ghandhom jizdiedu dawn l-artikoli ġodda li ġejjin:

Sostituzzjoni ta' titolu u zieda ta' artikoli ġodda 37A, 37B, 37C u 37D fl-Att prinċipali.

“Tifsira ta' bastimenti bhala garanzija għal dejn.

37A. (1) Il-bastimenti u bċejjeċ ohra tal-bahar jikkostitwixxu klassi partikolari ta' mobbli li bihom jiffurmaw assi separati u distinti fil-proprjetà tas-sidien tagħhom għall-garanzija ta' l-azzjonijiet u krediti li għalihom ikun sugġett il-bastiment. Dawk l-azzjonijiet u krediti jkollhom p-referenza fuq kull azzjoni jew kreditu ieħor għal dejn kontra l-proprjetà tas-sidien tal-bastiment.

(2) Bastiment jinkludi flimkien mal-korp tal-bastimenti, it-tagħmir u l-makkinarju kollu u l-oġġetti l-ohra kollha li ghandhom x'jaqsnu mal-bastiment jew aċċessorji li jkunu jappartienu lill-bastiment, li jkunu abbord jew li jkunu ġew temporanjament tnehhew minnu.

Tipi ta' ipoteki fuq bastimenti.

37B. (1) Bastiment jista' jikkostitwixxi garanzija għal dejn jew obligazzjoni ohra jew bi ftehim jew bit-thaddim tal-liġi kif provdut hawnhekk iżjed “il quddiem.

(2) Dejn jew obligazzjoni ohra jistghu jiġu garantiti —

(a) permezz ta' ipoteka navali li tkun ipoteka speċjali fuq bastimenti, jew

(b) b'ipoteka ġenerali li jolqtu fuq l-assi kollha tad-debitur, inklużi kull bastiment li jista' jkollu d-debitur, jew

(ċ) bi privileġġ speċjali fuq il-bastiment:

Iżda l-privileġġi speċjali johorġu mill-liġi u ebda dejn jew obligazzjoni ohra hlief dawk speċifikati fil-liġi ma ghandhom jiġu garantiti bi privileġġ speċjali.

(3) Bla hsara ghad-dispożizzjonijiet ta' l-artikolu 40 ta' dan l-Att, oġġetti separati fuq bastiment jistghu jkunu huma stess suġġetti ghal privileġġi speċjali skond il-paragrafu (d) ta' l-artikolu 2009 tal-Kodiċi Ċivili, bhala garanzija tad-djun speċifikati fih.

Preċedenza ta' krediti fuq vapuri fuq id-djun l-ohra kollha tas-sid.

37Ċ (1) L-ipoteki navali registrati kollha, kull privileġġ speċjali u l-azzjonijiet u krediti kollha li jista' jkun suġġett ghalihom bastiment ma jintlaqtux mill-falliment tad-debitur ipotekarju jew tas-sid tal-bastiment, li jiġri wara d-data li fiha tkun inholqot l-ipoteka navali jew il-privileġġ speċjali, l-azzjoni jew il-kreditu, minkejja il-fatt li s-sid fil-bidu tal-falliment kellu l-bastiment fil-pussess, taht l-ordni jew ghad-dispożizzjoni tiegħu, jew kien magħruf bhala s-sid tiegħu, u dik l-ipoteka navali, privileġġ, azzjoni jew kreditu ghandhom ikollhom preferenza, fuq l-imsemmi bastiment, fuq id-djun, krediti jew interessi l-ohra kollha ta' xi kreditur iehor tal-fallut jew ta' xi kuratur, *trustee* jew riċevitur li jaġixxi f'isem xi kredituri ohra.

(2) Xi proċedimenti ta' bejgh bil-qorti istitwiti minn xi kreditur ipotekarju registrajew kreditur privileġġat ma ghandhomx jiġu interrotti jew b'xi mod imfixkla minn xi kuratur f'falliment, kemm volantarju kif ukoll obligatorju, jew minn xi stralcjarju jew riċevitur ta' sid il-bastiment.

Sekwestru u kif jispiċċaw l-ipoteki.

37D (1) Ipoteka navali registrata tibqa tolqot bastiment jew sehem fih li dwaru tkun registrata sakemm tiġi mhallsa:

Iżda meta l-bastiment jkun ġie konfiskat taht dan l-Att l-interess tal-kreditur ipotekarju fil-bastiment ghandu jispiċċa jekk il-kreditur ipotekarju jkun awtorizzat. ikun ikkonsenta. jew ikkontribwixxa għall-att. nuqqas. jew omissjoni li bhala konsegwenza tagħha l-bastiment jiġi konfiskat:

Iżda wkoll. li meta bastiment ikun ġie mibjugħ wara ordni tal-qorti fil-bejgh bl-irkant tal-bastiment, minn qorti

kompetenti li fil-ġurisdiżżjoni tagħha l-bastiment kien fiż-żmien tal-bejgħ, l-interess tal-kredituri ipotekarji fil-bastiment jiġi mgħoddi għad-dhul mill-bejgħ tal-bastiment, u meta f'xi każ bħal dak ix-xerrej ma jkunx persuna li tkun kwalifikata li tippossjedi bastiment Malti, malli r-registratur isir jaf jew jiġi mgħarraf dwar dak il-fatt u malli jirċievi kopji tal-proċedimenti tal-bejgħ, iċċertifikati għas-sodisfazzjon tiegħu, huwa għandu jniżżel dan fir-registru u r-registru tal-bastiment jitqies bħala magħluq hliet safejn jirrigwardja xi ipoteki navali mhux issodisfati mnizżla fih.

(2) Kull ipoteka jew privileġġ sew ġenerali, sew speċjali li għalihom jista' jkun suġġett bastiment taht id-dispożizzjonijiet tal-Kodiċi Ċivili ma jibqgħux jolqtu miegħu meta l-bastiment jiġi trasferit lil terzi.

(3) Indipendentement mill-kawżi ġenerali li min-habba fihom obligazzjonijiet jispiċċaw skond il-ligi, il-privileġġi speċjali speċifikati fl-artikolu 50 ta' dan l-Att ma jispiċċawx mal-bejgħ tal-bastiment, hliet fil-każ ta' bejgħ bil-qorti magħmul skond il-formi preskritti mil-ligi, jew meta, wara l-bejgħ volontarju, il-bastiment ikun għamel vjaġġ u mingħajr xi oppożizzjoni min-naħa tal-kredituri tal-bejjiegh, jew f'kull każ tkun għaddiet sena mid-data ta' dak il-bejgħ volontarju.

Għall-finijiet ta' dan l-artikolu bastiment jitqies li jkun għamel vjaġġ:

(a) jekk ikun għadda xahar mit-tluq tiegħu minn port wiehed, u tkun ippruvata l-wasla tiegħu f'port ieħor;

(b) jekk ikunu għaddew aktar minn xahrejn bejn it-tluq tiegħu minn, u l-wasla tiegħu fi, l-istess port, għalkemm ma jkunx daħal f'xi port ieħor;

(ċ) jekk il-bastiment, li jkun bahħar fuq vjaġġ twil, kien ikun ilu fuq il-baħar għal aktar minn xahrejn, min-għajr ma jkun sar xi protest mill-kredituri tal-bejjiegh:

Iżda kull protest tali jkun operattiv biss a favur tal-kreditur li jagħmlu.”.

20. L-artikolu 38 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 38 ta' l-Att prinċipali.

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandu jiżdied is-subartikolu ġdid li ġej:

“(2) Ipoteka naval toqot ma' kull dhul minn xi inden-nizz li jinholoq minn kollizzjonijiet u disgrazzji oħra kif ukoll minn xi dhul mill-assigurazzjoni.”.

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

21. Minnufih wara s-subartikolu (2) ta' l-artikolu 39 ta' l-Att prinċipali, għandu jiżdied is-subartikolu ġdid li ġej:

“(3) Meta fid-dokument ta' l-ipoteka navali jkun dikjarat li jkun projbit li jinholqu aktar ipoteki navali fuq bastiment minghajr il-kunsens bil-miktub minn qabel tal-kreditur ipotekarju, ir-registratur għandu jagħmel notament fir-registru dwar hekk, u r-registratur ma għandux jiddokumenta dik l-ipoteka ohra kemm-il darba lilu ma jiġix ipprezentat il-kunsens bil-miktub tad-detentur ta' ipoteka navali preċedenti, u kull ipoteka navali registrata bi ksur ta' din id-dispożizzjoni tkun nulla u bla effett.”.

Thassir u sostituzzjoni ta' l-artikolu 40 ta' l-Att prinċipali.

22. L-artikolu 40 ta' l-Att prinċipali għandu jithassar u minflok għandu jidhol l-artikolu ġdid li ġej:

“40. (1) Mar-registrazzjoni ta' xi ipoteka navali fir-registru d-drittijiet ta' xi kreditur ipotekarju ma jintlaqtux minn:

(a) il-holqien ta' xi privileġġ separat jew ipoteka fuq xi parti, oġġett li jkollu x'jaqsam ma', jew aċċessorju ta' bastiment li tista' tolqot bis-sahha ta' xi ligi:

Iżda l-proviżjon, *fuel* u oġġetti konsumabbli ohra ma jitqisux bhala oġġetti li għandhom x'jaqsmu mal-bastiment: jew

(b) it-tharis tad-drittijiet ta' proprjetà minn bejjiegh ta' xi parti, oġġett li jkollu x'jaqsam ma' jew aċċessorju ta' bastiment mibjughin lil sid ta' bastiment:

Iżda d-dispożizzjonijiet ta' dan l-artikolu ma għandhom bl-ebda mod jippreġudikaw jew inaqqsu d-drittijiet ta' xi kreditur li jkun igawdi privileġġ jew li jkun qed jirriserva drittijiet tal-proprjetà fir-relazzjonijiet tiegħu ma' xi kreditur li ma jkunx il-kreditur ipotekarju.

(2) F'kull żmien qabel ir-registrazzjoni ta' ipoteka navali fuq bastiment kull kreditur li jkollu privileġġ jew piż fuq xi parti, oġġett li jkollu x'jaqsam ma' jew aċċessorju ta' bastiment jista' jirregistra dak il-privileġġ jew *charge* fir-registru tal-bastiment permezz ta' dokument magħmul mis-sid fil-preżenza ta' xhud fil-forma speċifikata mill-Ministru: u mal-produzzjoni ta' dak id-dokument ir-registratur għandu, b'memorandum iffirmit minnu jinnota fuq kull *charge* li dan ġie minnu hekk imniżżel u jgħid id-data u l-hin ta' dak innotament.

(3) Bejjiegh li jriserva drittijiet ta' proprjetà fuq xi parti, oġġett li jkollu x'jaqsam ma' bastiment, jew aċċessorju ta' bastiment jista' wkoll jirregistra l-interess tiegħu fir-registru tal-bastiment f'kull żmien qabel ir-registrazzjoni ta' ipoteka navali.

(4) Ir-registrazzjoni ta' dak iċ-*charge* jew riserva ta' drittijiet tal-proprjetà qabel ir-registrazzjoni ta' ipoteka

navali tippriserva d-drittijiet ta' prijorità tal-kreditur fuq dik il-parti. oġġett li jkollu x'jaqsam mal-bastiment jew aċċessorju f' relazzjoni għal xi kreditur ipotekarju sussegwenti.

(5) Privileġġ jew riserva ta' drittijiet ta' proprjetà reġistrati fuq bastiment taht is-subartikolu (2) ta' dan l-artikolu jiġu kanċellati meta s-sid juri riċevuta għall-prezz u spejjeż oħra li jkollhom x'jaqsmu mat-trasferiment ta' dik il-parti. oġġett li jkollu x'jaqsam mal-bastiment jew aċċessorju tal-bastiment, u mal-prezentazzjoni ta' dik l-irċevuta ffirmata u attestata kif imiss, ir-reġistratur idahhal nota fir-reġistru li tgħid li l-privileġġ jew riserva ta' drittijiet ta' proprjetà jkun għew kanċellati.

(6) L-interess ta' xi kreditur li jkun igawdi privileġġ jew riserva ta' drittijiet ta' proprjetà reġistrati skond dan l-artikolu jista' jiġi trasferit lil xi persuna permezz ta' dokument ta' trasferiment magħmul minn min jittrasferixxi fil-preżenza ta' u ffirmat minn xhud; u meta jiġi prezentat dak id-dokument għar-reġistrazzjoni r-reġistratur għandu jiddokumentah billi jdahhal fir-reġistru l-isem ta' min jakkwista u permezz ta' *memorandum* iffirmit minnu jagħti avviż fuq id-dokument ta' trasferiment illi jkun gie reġistrat minnu."

23. L-artikolu 41 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 41 ta' l-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jithassar; u

(b) fis-subartikolu (2) tiegħu n-numru "(2)" u l-kliem "bla hsara tad-disposizzjonijiet tal-paragrafu (5) ta' l-artikolu 51 ta' dan l-Att", għandhom jithassru.

24. L-artikolu 42 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 42 ta' l-Att prinċipali.

(a) minnufih wara l-paragrafu (b) tas-subartikolu (1) tiegħu għandu jżidied il-paragrafu ġdid li ġej:

"(ċ) ikollu s-setgħa li jirreġistra mill-ġdid il-bastiment taht dan l-Att f'isem is-sid, jitlob xi estensjonijiet, ihallas drittijiet, jircievi ċertifikati, u ġeneralment jagħmel dawk l-affarijiet kollha f'isem is-sid skond kif ikun meħtieġ sabiex jinżammu l-*istatus* u l-validità tar-reġistrazzjoni tal-bastiment."; u

(b) minnufih wara s-subartikolu (2) tiegħu għandhom jżidiedu s-subartikoli ġodda li ġejjin:

"(3) Is-subartikolu (1) u (2) ta' dan l-artikolu għandhom japplikaw ukoll għal ipoteki navali li jiggarrantixxu s-somom dovuti fuq xi kont korrenti jew faċilita' ta' *overdraft*.

(4) B'riferenza għas-subartikolu (2) ta' dan l-artikolu is-somom dovuti fiż-żmien ta' eżekuzzjoni ta' xi ipoteka navali għandhom jiġu stabbiliti mil-kreditur ipotekarju permezz ta'

avviż, li jispeċifika il-bilanċ dovut f'dak iż-żmien, notitkat lid-debitur ipotekarju li jkollu f'mistax il-ġurnata biex fihom jikkontesta s-somma mitluba mil-kreditur ipotekarju permezz ta' rikors għal hekk quddiem il-Qorti tal-Kummerċ.”.

Thassir ta' l-artikolu 43 ta' l-Att prinċipali. Emenda ta' l-artikolu 45A ta' l-Att prinċipali.

25. L-artikolu 43 ta' l-Att prinċipali għandu jithassar.

Thassir u sostituzzjoni ta' l-artikoli 48 sa 54 ta' l-Att prinċipali.

26. Fit-test Inġliż tas-subartikolu (1) ta' l-artikolu 45A ta' l-Att prinċipali minflok il-kliem “together with the written consent of the said instrument,” għandhom jidhlu l-kliem “together with the written consent on the said instrument.”.

27. L-artikoli 48 sa 54A, it-tnejn inkluzi, ta' l-Att prinċipali għandhom jithassru u minflokhom għandhom jidhlu l-artikoli ġodda li ġejjin:

“Telf ta' l-Att originali ta' l-ipoteka navali.

48. (1) F'każ ta' telf ta' xi ipoteka navali originali, ir-registratur għandu, fuq it-talba tal-kreditur ipotekarju waħdu, jew flimkien mad-debitur ipotekarju, jikkostitwixxi mill-ġdid l-ipoteka navali originali u jiċċertifika dan id-dokument bħala oriġinal ri-kostitwit tad-dokument ta' l-ipoteka navali. Ir-registratur għandu jilqa din it-talba biss mal-preżentazzjoni mill-parti li tagħmel it-talba ta' dikjarazzjoni mahlufa dwar il-fatt li l-oriġinal ikun intilef.

(2) F'każ bħal dan ir-registratur għandu jagħmel nota fir-registru li jkun inhareġ dokument ta' ipoteka navali ri-kostitwit li fiha jgħid fuq it-talba ta' min tkun inharget dik l-ipoteka navali ri-kostitwita.

(3) F'każ ta' telf ta' xi dokument originali ta' ipoteka navali, ir-registratur jista' jirreġistra kull trasferiment jew hłas ta' ipoteka navali jekk il-kreditur ipotekarju jippreżenta dikjarazzjoni mahlufa li huwa jkun id-detentur ta' l-ipoteka navali li d-dokument ikun intilef, u li huwa jkun qiegħed ihallas jew jittrasferixxi l-imsemmija garanzija bis-saħħa tad-dikjarazzjoni mahlufa.

(4) F'każ bħal dak ir-registratur għandu, wara l-preżentazzjoni ta' l-imsemmija dikjarazzjoni mahlufa, jitratta dik id-dikjarazzjoni bħala d-dokument ta' l-ipoteka navali u jsegwi l-proċedura speċifikata f'dan l-Att għat-trasferiment jew hłas ta' ipoteka; ir-registratur għandu jdahħal fir-registru nota li tgħid li it-trasferiment jew hłas ta' l-ipoteka navali jkun sar bis-saħħa ta' dikjarazzjoni mahlufa.

Għarfien ta' ipoteki navali barranin.

49. Ipoteka navali barranija tigi rikonossuta bħala ipoteka navali bl-*istatus* u d-drittijiet u s-setgħat kollha speċifikati f'dan l-Att, minkejja l-fatt li ma tkunx qed tigi dokumentata fuq bastiment registrat jekk:

(a) dik l-ipoteka navali tkun ġiet validament dokumentata fir-registru ta' bastimenti tal-pajjiż li taht il-ligijiet tiegħu ikun dokumentat il-bastiment;

(b) dak ir-registru ikun registru pubbliku;

(ċ) dik l-ipoteka navali tidher wara riċerka tar-registru; u

(d) dik l-ipoteka navali tinghata *status* preferenzjali u ġeneralment ekwivalenti bħala ipoteka navali taht dan l-Att taht il-liġijiet tal-pajjiż fejn tkun registrata l-ipoteka navali.

Privileġġi Speċjali

50. Il-krediti speċifikati hawn taht jigu garantiti permezz ta' privileġġ speċjali fuq il-bastiment kif ukoll fuq kull dhul minn xi indennizz li jinholoq minn kollizjonijiet u disgrazzji oħra magħdud kull dhul mill-assigurazzjoni:

Privileġġi
speċjali
fuq bastimenti

(a) spejjeż ġudizzjarji sabiex isir il-bejgħ tal-bastiment u l-qsim tal-prezz li jġib:

(b) drittijiet u spejjes oħra dovuti taht dan l-Att lir-registratur ta' bastimenti Maltin:

(ċ) drittijiet ta' tunnellaġġ:

(d) is-salarji, l-ispejjes għal assistenza, irkupru jew salvataġġ, u għal drittijiet ta' bdoti:

(e) il-hlas ta' gwardjani u l-ispejjes ta' għassa tal-bastiment minn x'hin jidhol fil-port sal-bejgħ:

(f) il-kera ta' l-imhażen fejn jiġu merfugħin l-armor u l-ghodda tal-bastiment:

(g) l-ispejjeż magħmula għaż-żamma fi stat tajjeb tal-bastiment u ta' l-apparat tiegħu magħduda spejjeż ta' provisti u proviżjonijiet għall-ekwipaġġ tiegħu magħmula wara l-aħħar dhul tal-bastiment fil-port:

(h) is-salarji tal-kaptan u ta' l-ekwipaġġ impjegati għal tliet xhur qabel l-aħħar vjaġġ:

(i) danni u imghaxijiet dovuti lil xi bahri għal mewt jew korriment tal-persuna u spejjeż li jsir f'konnessjoni mal-marda, wegħha jew korriment ta' xi bahri:

(j) drittijiet ta' aġenzija tal-bastimenti dovuti għall-bastiment minn wara l-aħħar dhul tiegħu fil-port, skond it-tariffi tal-port, u kull infieq magħmul matul dak il-perijodu li ma jgawdix privileġġi fil-paragrafi (a) sa (i) ta' dan l-artikolu, għalkemm f'kull każ għal somma ta' mhux iżjed minn erbat elef lira:

(k) il-flus mislufa lill-kaptan għall-bżonnijiet tal-bastiment matul l-aħħar vjaġġ u r-rimborż tal-prezz tal-merkanzija mibjugħa minnu għall-istess hsieb:

(l) il-flus li jkollhom jiehdu il-kredituri għal proviżjonijiet, xogħlijiet, xogħol ta' haddiema, tiswijiet, hwejjeġ ta' ikel, armament u armar, qabel it-tluq tal-bastiment għall-aħħar vjaġġ tiegħu:

Iżda dan il-privileġġ ma jghoddx jekk id-dejn ma jkunx ġie magħmul direttament minn sid il-bastiment jew mill-kaptan, jew minn mandatarju tas-sid;

(m) il-flus mislufa b'kambju marittimu fuq il-korp tal-bastiment u fuq l-armar u l-ghodda, għal tiswijiet, hwejjeġ ta' ikel, armament u armar, qabel it-tluq tal-bastiment:

(n) id-danni u l-imghaxijiet li ghandhom jithallsu lin-nolleġġaturi għal nuqqas ta' kunsinna tal-merkanzija mgħobbija, u għall-avariji li jkunu batew f'dik il-merkanzija bi htija tal-kaptan jew ta' l-ekwipaġġ:

(o) id-danni u l-imghaxijiet li ghandhom jithallsu lil bastiment iehor jew lit-tagħbija tiegħu fil-każijiet ta' kollizzjoni ta' bastimenti;

(p) il-kreditu speċifikat fis-subparagrafu (d) ta' l-artikolu 2009 tal-Kodiċi Ċivili (Kapitolu 16) għall-bilanċ tal-prezz mill-bejgħ tal-bastiment.

Krediti magħmula f'portijiet differenti.

51. Meta l-kreditu tax-xorta li tixbah lil dawk imsemmijin fil-paragrafi (a) sa (p), it-tnejn magħduda, ta' l-artikolu 50 ta' dan l-Att jiġu magħmula f'portijiet differenti, jew fl-okkażjoni ta' iżjed minn ritorn wiehed furzat fl-istess port, il-preferenza stabbilita mill-imsemmi artikolu għandha tiġi osservata għar-rigward tad-diversi krediti magħmula fl-okkażjoni ta' kull wasla jew ritorn, iżda l-kreditu magħmula f'wasla jew ritorn ta' wara jkollhom preferenza fuq dawk magħmula fil-wasla jew ritorn ta' qabel.

Il-privileġġi tal-bejgiegħ għandhom ikunu registrati.

52. (1) Il-privileġġ li jingħata lill-bejgiegħ għall-prezz tal-haġa mibjugħa taht id-dispożizzjonijiet tal-paragrafu (d) ta' l-artikolu 2009 tal-Kodiċi Ċivili (Kapitolu 16), ma għandux effett fil-każ ta' bastimenti, jekk il-kreditu għal dak il-prezz ma jkunx ġie registrat, fil-każ ta' bastiment Malti, fir-Registru ta' l-imsemmi bastiment, u fil-każ ta' bastiment barrani, fir-registru speċjali miżmum għal dawk l-ghanijiet mir-registratur, fi żmien jumejn mid-data tal-bejgħ. Dak il-privileġġ jiġi registrat billi jiġi konsenjat lir-registratur fuq il-formola preskritta mimlija kif għandha tkun u iffirmata mill-bejgiegħ.

(2) Din ir-regola tghodd ukoll għall-jedd tar-rivendikazzjoni tal-haġa mibjugħa msemmi f'dak il-Kodiċi.

(3) Dak il-privileġġ jispicċa mal-hlas tal-prezz u l-ispejjeż li jkollhom x'jaqsmu, u mal-prezentazzjoni ta' riċevuta mahruġa mill-bejgiegħ, iffirmata minn xhud, ir-

reġistratur idahhal nota fir-reġistru li tagħti avviz tal-hlas tiegħu.

53. (1) Il-bejjiegha ta' bastiment għandu jgħarraf lix-xerrej bil-krediti privileġġati kollha, u għandu jagħtih lista tagħhom iffirmata minnu.

Il-bejjiegh għandu jgħarraf lix-xerrej bil-krediti kollha.

(2) Jekk din il-lista ma tiġix mogħtija lix-xerrej, jew jekk, fil-lista mogħtija lilu, ikun hemm nieqes xi wiehed mill-krediti hawn fuq imsemmija, ix-xerrej jista', jekk ibati hsara b'daqshekk, jeżerċita l-jeddijiet tiegħu kontra l-bejjiegh, bil-mezzi kollha li l-liġi tagħti kontra debitori li jagħmlu qerq meta jikkuntrattaw dejn.

54. (1) Kull min isewwi, jibni l-bastimenti jew kull kreditur iehor li taħt il-harsien u awtorità tiegħu ikun tqiegħed bastiment għall-eżekuzzjoni ta' xogħlijiet jew għanijiet oħra għandu jkollu plegg possessorju fuq il-bastiment.

Plegg jew privileġġ possessorju.

(2) Plegg possessorju jintitola lill-kreditur li jzomm pussess fuq il-bastiment li jkun ha-dem fuqu jew li fuqu jkun għamel xi attività sakemm dak il-kreditur jiġi mħallas il-krediti dovuti lilu għal dak il-bini, tiswijiet jew attività.

(3) Plegg possessorju jispiċċa bir-rilaxx volutarju tal-bastiment mill-kustodja tal-kreditur.

(4) Plegg possessorju ma jispiċċax jekk il-bastiment jiġi rilaxxat wara ordni tal-qorti jew wara bejgħ ġudizzjarju tal-bastiment. Fil-każ ta' l-aħħar il-kreditur igawdi l-preferenza speċifikata fl-artikolu 54A ta' dan l-Att fuq id-dhul mill-bejgħ tal-bastiment.

(5) Il-kreditur ikun obligat li jrrilaxxa l-bastiment jekk jiġi mħallas is-somma kreditata, jew tiġi depożitata garanzija adegwata fil-Qorti Kummerċjali taħt id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili:

Izda l-kreditur għandu jgawdi l-istess preferenza fuq dik is-somma.

54A. (1) Il-krediti speċifikati fl-artikolu 50 ta' dan l-Att għandhom ikunu gradwati fl-ordni murija fih u fi preferenza għal krediti ipotekarji u privileġġati oħra, minkejja li l-bastiment ikun għadu fil-pussess tad-debitur, u l-krediti speċifikati fil-paragrafi (a) u (b) ta' l-artikolu 50 ta' dan l-Att għandhom fiċ-ċirkostanzi kollha jigradwaw fi preferenza għal kull kreditu.

Gradwazzjoni tal-kredituri.

(2) Kull kreditu garantit bi plegg jew privileġġ possessorju fuq bastiment kif jingħad fl-artikolu 54 ta' dan l-Att, għandu jithallas fi preferenza għall-krediti l-oħra kollha

hliet il-kreditu speċifikati fil-paragrafi (ċ), (d), (e), (f), (g), (h), (i) u (j) ta' l-artikolu 50 ta' dan l-Att jekk daww il-kreditu jkun nholqu qabel il-kreditu tal-kreditur li jkun igawdi l-plegġ possessorju.

(3) Kull kreditu garantit minn ipoteka navali registrata taht id-dispożizzjonijiet ta' dan l-Att jew garantiti minn ipoteka barranija rikonoxxuta taht dan l-Att ghandu jgradwa wara l-kreditu speċifikati fl-artikolu 54 u fil-paragrafi (ċ), (d), (e), (f), (g), (h), (i) u (j) ta' l-artikolu 50 ta' dan l-Att imma qabel il-kreditu speċifikati fil-paragrafi (k), (l), (m), (n), (o) u (p) ta' l-artikolu 50 ta' dan l-Att.

(4) Meta l-fond ma jkunx sufficjenti, il-kredituri li jikkonkorru taht l-istess intestatura ghandhom jaqsmu dak il-fond skond ir-rata."

Emenda ta' l-artikolu 55 ta' l-Att prinċipali.

28. Minnufih wara s-subartikolu (2) ta' l-artikolu 55 ta' l-Att prinċipali ghandhom jiddiedu s-subartikoli godda li ġejjin:

"(3) Is-sid ta' bastiment li jkun fi hsiebu jirregistra bastiment taht dan l-Att, jista' mal-hlas ta' dak id-dritt li jista' ikun preskritt u fuq talba lir-registratur, jirriserva l-isem propost tal-bastiment ghal perjodu massimu ta' tliet xhur.

(4) It-talba msemmija fis-subartikolu (3) ta' dan l-artikolu tista' ssir flimkien mat-talba ghar-registrazzjoni ta' bastiment, jew mat-talba ghal permess biex jinbidel l-isem tal-bastiment li ghalih tkun qed issir ir-riserva jkun identifikat adegwament."

Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

29. L-artikolu 56 ta' l-Att prinċipali ghandu jigi emendat kif ġej:

(a) kulfejn tidher il-kelma "Ministru" din ghandha tithassar u minflokha ghandha tidhol il-kelma "Registratur-Generali"; u

(b) minnufih wara l-kliem "jigi pubblikat" fis-subartikolu (3) tiegħu ghandhom jidhlu l-kliem "jigħu xort'ohra tinghata pubblicita'."

Emenda ta' l-artikolu 57 ta' l-Att prinċipali.

30. Is-subartikolu (1) ta' l-artikolu 57 ta' l-Att prinċipali ghandu jithassar u minflok ghandu jidhol dan is-subartikolu gdid li ġej:

"57. (1) Meta bastiment registrat jigi mibdul hekk li ma jkunx jikkorrispondi mal-partikolaritajiet dwar it-tunnellagg jew id-deskrizzjoni li jkunu jinsabu fir-registru, applikazzjoni li magħha jkun hemm certifikat tas-*surveyor* xieraq, u li titlob ir-registrazzjoni tat-tibdil, ghandha ssir lir-registratur li ghandu, meta jrcieviha flimkien mac-certifikat ku intqal qabel, jew jirregistra t-tibdil jew jordna li l-bastiment jigi registrat mill-gdid."

Emenda ta' l-artikolu 58 ta' l-Att prinċipali.

31. Is-subartikolu (2) ta' l-artikolu 58 ta' l-Att prinċipali ghandu jithassar u minflok ghandu jidhol is-subartikolu gdid li ġej:

“(2) Il-partikolaritajiet tat-tibdil hekk magħmul u l-fatt li ċertifikat ġdid ikun ġie mahruġ jew tkun saret reġistrazzjoni fuq iċ-ċertifikat oriġinali, għandhom jitnizzlu fir-reġistru mir-reġistratur.”.

32. L-artikoli 59, 62 u 66 ta' l-Att prinċipali għandhom jithassru. Thassir ta' l-artikoli 59, 62 u 66 ta' l-Att prinċipali.

33. L-artikolu 67 ta' l-Att prinċipali għandu jithassar u minflok u għandu jidhol l-artikolu ġdid li ġej: Thassir u sostituzzjoni ta' l-artikolu 67 ta' l-Att prinċipali.

“Spezzjoni tal-ktieb tar-reġistrazzjoni u traskrizzjoni jew estratti tar-reġistru.”
67. Bla hsara ta' kull dispożizzjoni ohra ta' dan l-Att, persuna tista', mal-hlas ta' dak id-dritt li jista' jiġi preskritt u fuq applikazzjoni lir-reġistratur f'kull hin xieraq matul il-hinijiet ta' l-attendenza ufficjali tiegħu, tispezzjona kull reġistru, u tikseb traskrizzjoni jew estratt tar-reġistru.”.

34. Il-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 68 ta' l-Att prinċipali għandu jithassar u minflok u għandu jidhol il-paragrafu ġdid li ġej: Emenda ta' l-artikolu 68 ta' l-Att prinċipali.

“(a) kull traskrizzjoni jew estratt tar-reġistru mahruġin taht din it-Taqsima ta' dan l-Att mir-reġistratur jew persuna ohra li jkollha l-kustodja legittima jew kontroll legittimu tar-reġistru.”.

35. Minnufih wara l-kliem “jew il-proprjeta' ta'.” fil-paragrafu (a) ta' l-artikolu 71 ta' l-Att prinċipali, għandhom jidhlu l-kliem “xi piż jew ipoteka navali reġistrati ezistenti fuq.”. Emenda ta' l-artikolu 71 ta' l-Att prinċipali.

36. L-artikoli 78 u 80 ta' l-Att prinċipali għandhom jithassru. Thassir ta' l-artikoli 78 u 80 ta' l-Att prinċipali.

37. Minnufih wara l-paragrafu (ċ) ta' l-artikolu 88 ta' l-Att prinċipali, għandu jidholl il-paragrafu ġdid li ġej: Emenda ta' l-artikolu 88 ta' l-Att prinċipali.

“(d) ir-reġistrazzjoni ta' kull ipoteka navali jew *charge* fuq xi bastiment eżentat, it-trasferiment jew il-hlas tagħhom, kull riċevuta li jkollha x'taqsam magħhom, u kull assenjazzjoni mogħtija f'konnessjoni magħhom bl-iffinanzjar ta' xi bastiment eżentat jew bil-garanzija ta' xi kreditu kontra dak il-bastiment.”.

38. Is-subartikolu (1) ta' l-artikolu 364 ta' l-Att prinċipali għandu jithassar u minflok u għandu jidholl is-subartikolu ġdid li ġej: Emenda ta' l-artikolu 364 ta' l-Att prinċipali.

“(1) Il-Ministru jista' wkoll jinnomina reġistraturi għall-finijiet ta' dan l-Att f'dak in-numru li huwa jista' jqis meħtieġ għall-eżekuzzjoni kif imiss ta' dan l-Att.”.

39. L-artikolu 365 ta' l-Att prinċipali għandu jithassar u minflok u għandu jidholl dan l-artikolu ġdid li ġej: Thassir u sostituzzjoni ta' l-artikolu 365 ta' l-Att prinċipali.

“Registru. 365. (1) Kull registratur ghandu jzomm dokumentazzjoni li tissejjah ir-registru u ghandu jitniżżel fih dak kollu li hum mehtieġ li jitniżżel fih b’dan l-Att.

(2) Kull registratur ghandu jiffajlja u jindicja sewwa d-dokumenti kollha li hu ghandu jzomm.”.

Żieda ta’ artikolu gdid 372A ma’ l-Att prinċipali.

40. Minnufih wara l-artikolu 372 ta’ l-Att prinċipali ghandu jiżded l-artikolu gdid li ġej:

“Iffissar u impozizzjoni ta’ multi.

372A. (1) Il-multi kollha maħsubin b’xi dispożizzjoni ta’ dan l-Att jistgħu jiġu stabbiliti u imposti mir-Registatur-Ġenerali.

(2) L-impozizzjoni ta’ multa skond dan l-Att tikkostitwixxi titolu eżekuttiv fis-sens u għall-finijiet tat-Titolu 7 tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta’ Organizzazzjoni u Proċedura Ċivili.

Eżekuzzjoni ta’ multi.

372B. Ir-Registatur-Ġenerali ghandu jinnotifika sejha għall-hlas lill-persuna mmultata u jekk il-hlas ma jsirx fi żmien sebat ijiem mid-data tan-notifika ta’ dik is-sejha għall-hlas, ir-Registatur-Ġenerali jista’ jipproċedi bl-eżekuzzjoni tal-hlas bis-saħħa tat-titolu eżekuttiv imsemmi fl-artikolu 372A ta’ dan l-Att, wara jumejn min-notifika lid-debitur ta’ sejha għall-hlas magħmula b’att ġudizzjarju.”

Thassir ta’ l-artikoli 469 sa 476 tal-Kodiċi Kummerċjali.

41. L-artikoli 469 sa 476 fit-Titolu V tal-Kodiċi Kummerċjali għandhom jithassru.

Dispożizzjonijiet transitorji.

42. Id-dispożizzjonijiet relattivi ta’ dan l-Att għandhom japplikaw ukoll, hekk kif u meta jidhlu fis-seħh, għal bastimenti Maltin u għal ipoteki navali imdahhla fir-registru tagħhom:

Iżda ċ-ċertifikati ta’ registrazzjoni maħruġin qabel il-bidu fis-seħh ta’ l-artikolu 19 ta’ l-Att prinċipali, kif emendat, jibqgħu validi biss sa u magħdud il-31 ta’ Jannar tas-sena sussegwenti għall-bidu fis-seħh ta’ dak l-artikolu, u jkunu jridu jiġu mġedda skond kif hemm provdut f’dak l-artikolu.

Għanijiet u Raġunijiet

L-Għan tal-Abbozz huwa sabiex jaġġorna l-Att ta’ l-1973 dwar il-Bastimenti Merkantili skond l-esegenzi ta’ l-Att ta’ l-1988 dwar Attivitajiet Kummerċjali Internazzjonali ta’ Malta, u sabiex iġib ‘il quddiem l-iżvilupp tal-Kummerċ marittimu f’Malta.

A BILL
entitled

AN ACT further to amend the Merchant Shipping Act, 1973.

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

1. This Act may be cited as the Merchant Shipping (Amendment) Act, 1988 and shall be read and construed as one with the Merchant Shipping Act, 1973, hereinafter referred to as "the principal Act". Short title.

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

3. The principal Act shall be amended as follows: Amendment
the principal
Act.
 - (a) wherever reference is made to the words "certificate or certificates of mortgage" and to the words "certificate or certificates of sale" such reference shall be deleted; and
 - (b) wherever reference is made to the word "pounds" it shall be substituted by the word "liri".

4. Section 2 of the principal Act, shall be amended as follows: Amendment
of section 2
of the
principal Act.
 - (a) Subsection (1) thereof shall be amended as follows:
 - (i) after the definition of "Minister" there shall be added the following new definition:

" "month" means "calendar month;"

(ii) the definition of "register book" shall be deleted and substituted by the following new definition:

" "register" means the record to be kept by the registrar under section 365 of this Act;"

and wherever the words "register book" occur in the principal Act, they shall be substituted by the word "register";

(iii) the definition of "registrar" shall be deleted and substituted by the following new definition:

" "registrar" means a person appointed as registrar under section 364 of this Act, and includes any person acting under his authority with the permission of the Registrar-General;"

(iv) the definition of "Registrar-General" shall be deleted and substituted by the following new definition:

" "Registrar-General" means the Registrar-General of Shipping and Seamen appointed under section 363 of this Act and includes any person acting under his authority;"

(v) the definition of "ship" shall be deleted and substituted by the following new definition:

" "ship" means every description of vessel used in navigation, whether self propelled or not, and it includes barges, pontoons and oil rigs and other similar installations, but not including vessels propelled by oars, and for those parts of the Act wherever applicable it shall also include a ship under construction;"

(vi) the definition of "ship's registrar" shall be deleted;

and wherever the words "the ship's registrar" occur in the principal Act, they shall be deleted and substituted by the words "the registrar"; and

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

"(2) Any notice required to be sent under this Act to the master, owner, or any other person representing the ship shall be deemed to have been duly received and notified if sent by registered post to the last address of the owner registered with the registrar."

5. Section 3 of the principal Act, shall be amended as follows:

(a) the words "fifteen net tons" in subsection (2) thereof shall be deleted and substituted by the words "twenty-four metres in length"; and

(b) immediately after subsection (2) thereof there shall be added the following new subsections:

“(3) It shall be lawful to register any ship which is being built or equipped and that when built or equipped will be a ship registrable under this Act.

(4) Pending completion the ship may be assigned an official number and a name.

(5) For the purposes of identification the owner of such ship that is being built or equipped shall identify it by painting the official number, name and port of registry on the keel, such details to be reproduced on the ship's side and eventually on the stern, as may be possible from time to time and prior to the above being possible the owner shall identify it by painting on a board, maintained near the place in the yard of builder where the ship is being built, the assigned number, name and port of registry, on a dark background, in white or yellow figures and letters of not less than four inches in length.

(6) The requirements of this Act relating to survey and safety of ships already built shall be suspended until the construction or equipping of the ship is completed.”.

6. Following subsection (2) of section 4 of the principal Act, there shall be added the following new subsection: Amendment of section 4 of the principal Act.

“(3) For the purposes of paragraph (b) of subsection (1) hereof the Minister may, by regulations, establish such other conditions as he may deem expedient in order to ensure the proper application of this Act, and the due observance of the laws of Malta relating to merchant shipping.”.

7. The words “the certificate of registry” in section 5 of the principal Act, shall be deleted and substituted by the words “any certificate of registry issued under section 19 of this Act.”. Amendment of section 5 of the principal Act.

8. Section 7 of the principal Act, shall be deleted and substituted by the following new section: Amendment of section 7 of the principal Act.

Payment of fees.

“7. (1) The fee due on initial registration and the annual fee for one year shall be paid before the ship is registered, and no certificate of registry as described in section 19 shall be issued in respect of a ship unless the said fees have been paid in respect of the ship.

(2) Upon the expiry of one year from the date of registration there shall be payable a fee for the period commencing from the expiry of the said first year until the next first day of February, and such fee shall be in proportion to the annual fee otherwise payable for that year calculated for this purpose from the first day of the month of the expiry date:

Provided that if the expiry date falls after the first day of January, the proportion referred to above shall not apply and the fee payable shall be calculated over thirteen months up to the first day of February of the subsequent year, provided that the owner shall be entitled to a refund of the annual fee, commencing on the first day of February, should the registry of the ship be cancelled prior to the first day of February of that same year.

(3) Thereafter the annual fee shall be payable in advance on the first day of February of each year.

(4) The fees specified in subsection (2) and in subsection (3) of this section may be paid cumulatively, in which case the ship may be issued with a certificate of registry valid until the expiry of the combined period:

Provided that nothing in this section shall oblige the registrar to issue any provisional certificate for a period in excess of the maximum period provided for under this Act.

(5) Notwithstanding that a ship remains on the register under this Act, no registry fees shall be payable unless and until a certificate is issued under this Act:

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

(6) The fees specified in subsection (1) of this section are paid on the basis of the tonnage declared by the owner of the ship on the application for registry and such fees shall be adjusted in accordance with the tonnage specified in the surveyor's certificate issued in accordance with section 14 of this Act upon receipt of such certificate by the registrar.

(7) Save in such circumstances in which, in accordance with such regulations as the Minister may make, there is an abatement or a refund of fees, fees on initial registration and annual fees shall not be subject to abatement or refund for any reason whatsoever."

9. Sections 9 to 16, both inclusive, of the principal Act, shall be deleted and substituted by the following new section:

"Default of payment. "9. A registrar is entitled to demand payment of any outstanding fees, charges or penalties due under this Act prior to recording any transaction in the register of a ship or prior to granting any services in connection with a ship:

Deletion and substitution of sections 9 to 16 of the principal Act.

Provided that any interested party, on payment of such fee as may be prescribed, may at any time inspect, and request an informal copy of the register:

Provided further that in any case any registered mortgagee shall always be entitled, on payment of such fee as may be prescribed, to official documentary evidence as to the status of his mortgage in the register of any ship.”.

Procedure for registration

Applica-
tion
for
registry.

10. An application for registry of a ship, whether provisional or otherwise, shall be made, in the case of individuals by the person requiring to be registered as owner or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent; and the authority of the agent shall be testified by writing, if appointed by individuals under the hand of the appointors, and, if appointed by a body corporate under the hand of a person or persons authorised to authenticate documents for the body corporate.

Declara-
tion of
owner-
ship.

11. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a body corporate the person authorised by this Act to make declarations on behalf of the body corporate, has made and signed a declaration of ownership referring to the ship as described in the application referred to in section 10 of this Act and containing the following particulars:

(a) a statement of his qualification to own a Maltese ship or, in the case of a body corporate, of such circumstances as prove it to be qualified to own a Maltese ship;

(b) a statement of the time and place where the ship was built or if these are not known, a statement that the declarant does not know the time and place of her building;

(c) a statement of the name and citizenship of the master, where applicable;

(d) a statement of the extent to which he or the body corporate, as the case may be, is entitled to be registered as owner;

(e) a declaration that to the best of his knowledge and belief no unqualified person or body of persons is entitled as owner to any interest in the ship or any share therein; and

(f) a declaration as to what registered encumbrances, if any, exist on the ship.

Provi-
sional
registra-
tion.

12. Upon receipt of an application for registry, whether provisional or otherwise, made in accordance with section 10 of this Act accompanied by a declaration of ownership as required by section 11 of this Act, and upon the payment of the fees specified in this Act or any regulations made thereunder, the registrar may provisionally register the ship as a Maltese ship for six months provided the applicant for registry has furnished evidence satisfactory to the Minister that:

(a) the ship is either a vessel being built or equipped, or if already built is seaworthy; and

(b) where required the registered owner has satisfied such conditions as may be established in accordance with the provisions of subsection (3) of section 4 of this Act:

Provided that the registrar may, on good cause being shown, renew the provisional registry of a ship for a further period of, or further periods not exceeding in the aggregate, six months.

Docu-
ments
and
evidence
after
provi-
sional
registra-
tion.

13. (1) Within one month of provisional registry, extendable for good reason for another period of one month, the owner shall, unless the ship is otherwise exempted, produce to the registrar the following documents and evidence:

(a) a builder's certificate, that is to say a certificate signed by the builder of the ship (which expression includes such person as the Registrar-General recognises as carrying on the business of the builder of a ship) and containing true account of the proper denomination and of the tonnage of the ship as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built or, if there has been any sale, the bill of sale or other document under which the ship or a share therein was transferred to the applicant for registry;

(b) evidence satisfactory to the registrar, or as may be prescribed by the Minister, that any foreign certificate of registry of the ship, or equivalent documents, has been legally cancelled or the registry has been duly closed:

Provided that the Minister may, in such circumstances as he may deem appropriate, direct that no such certificate shall be required where subsequent to a court order in Malta in sale by auction of the ship, or any other order of that court, the owner has attempted to obtain such certificate but due to reasons beyond the

control of the owner inordinate delay has occurred. The Minister may give any direction as to the production of such other documents as he deems fit; and

(c) evidence that the ship's name, her official number and her port of registry have been marked as provided for in section 15 of this Act.

(2) Within six months of provisional registry, extendable for good reason for another period of three months, the owner shall, unless the ship is otherwise exempted, produce to the registrar the following documents and evidence:

(a) certified copies of the certificate of competency of every officer serving on the ship; the registrar may require such certificates to be translated into the English language by a competent person;

(b) a crew list signed by the master of the ship and stamped by the port authorities of a port of call;

(c) copies of the safety and load line certificates of the ship issued by a surveyor of ships;

(d) a tonnage measurement certificate and a certificate of survey issued in terms of section 14 of this Act; and

(e) a carving and marking note issued in accordance with section 15 of this Act.

Survey
and
measure-
ment of
ship.

14. (1) Every ship shall before registry be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act.

(2) The surveyor shall in his certificate specify the ship's tonnage and build and such other particulars descriptive of the identity of the ship as may from time to time be required by the Minister, and shall certify that the tonnage has been ascertained in accordance with the tonnage regulations of this Act.

(3) The surveyor's certificate shall be delivered to the registrar before registry.

Marking
of ship.

15. (1) Every ship shall before registry be marked permanently and conspicuously to the satisfaction of the registrar as follows:

(a) her name shall be marked on each of her bows and her name and the name of the home port shall be marked on her stern, on a dark ground in white or yellow

letters or on a light ground in black letters, such letters to be of a length of not less than four inches and of proportionate breadth;

(b) her official number and the number denoting her registered tonnage shall be cut in on her main beam; and

(c) a scale of feet, or decimetres denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures must be marked by being cut in and printed white or yellow on a dark ground or in such other way as the Minister approves.

(2) The Minister may exempt any class of ships from all or any of the requirements of this section under such conditions as he may deem appropriate.

(3) If the scale showing the ship's draught of water is in any respect inaccurate so as to be likely to mislead, the owner of the ship shall be liable to a fine (*multa*) not exceeding one hundred liri.

(4) The marks required by this section shall be permanently continued and no alteration shall be made therein except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.

(5) If any owner or master of a ship neglects to keep his ship marked as required by this section, or if any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, that owner, master or person shall for each offence be liable to a fine (*multa*) not exceeding one hundred liri, and, on a certificate from a surveyor of ships that a ship is insufficiently or inaccurately marked, the ship may be detained until the insufficiency or inaccuracy has been remedied.

Com-
pliance
with the
require-
ments
of this
Act.

16. (1) All ships provisionally registered under this Act shall comply, except where expressly exempted, with the requirements of this Act within the periods specified in this Act, and in any case, within a maximum period of twelve months of the date of provisional registration and thereafter shall observe such requirements that are laid down in the Act or in any regulations made thereunder.

(2) Any person who fails to observe the requirements of this Act within the time limits specified shall be liable to a fine (*multa*) of fifty liri per month or part thereof for each violation and any ship not complying with the requirements of provisional registry within a maximum period of twelve months shall be liable to a fine (*multa*) of two hundred liri per month or part thereof and in these cases the registrar may take steps to cancel such ship in accordance with this Act.

(3) The registrar may not re-register any ship, provisionally or otherwise, prior to the payment of all fines previously incurred and unless satisfactory evidence is supplied to the registrar that the ship has been registered in a foreign register the fines for the intervening period shall also be collected.

(4) It shall be the obligation of the owner throughout the whole period of registry, whether provisional or otherwise, to notify the registrar of any changes which might have occurred in the intervening period since registry, to the information contained in any certificates and evidence produced before registry.”.

10. Section 17 of the principal Act, shall be amended as follows: Amendment of section 17 of the principal Act.

(a) following the words “preliminary to registry” there shall be inserted the words “, whether provisional or otherwise,”;

(b) immediately after the words “the surveyor’s certificate” in paragraph (b) thereof there shall be added the words “where applicable”; and

(c) immediately after paragraph (d) thereof there shall be added the following new paragraph:

“(e) any registered encumbrances that may be declared by the applicant for registry.”.

11. Section 19 of the principal Act, shall be deleted and substituted by the following new section: Amendment of section 19 of the principal Act.

Certificates of registry, provisional or other.

19. (1) On completion of the provisional registry of a ship the registrar, shall, subject to such conditions as he may deem proper, grant a provisional certificate of registry:

Provided that, unless exempted, if the ship is not in possession of valid safety and load line certificates, the registrar shall grant a non-operational provisional certificate.

Provided further that unless the requirements for registry have been completed the registrar shall also issue a non-operational provisional certificate to any laid up ship qualifying for special treatment under this Act, or to a ship under tow.

(2) On completion of registry of a ship the registrar shall grant a certificate of registry:

Provided that, unless exempted, if the ship is not in possession of valid safety and load line certificates, the registrar shall issue a non-operational certificate of registry.

Provided further that if the requirements for registry have been completed the registrar shall also issue a non-operational certificate to any laid up ship qualifying for special treatment under this Act, or to a ship under tow.

(3) The period of validity of a certificate of registry shall be as follows:

(a) if issued within the first twelve months of provisional registry for the remaining period of the said twelve months; and

(b) if issued at the expiry of the first twelve months for either:

(i) the period until the following first February; or

(ii) the period specified in paragraph (i) of this subsection together with the following year until the subsequent first February;

as may be determined by the owner upon payment of fees for the ship.

(4) Thereafter all certificates of registry shall be issued for a period of twelve months, provided that on or before the first day of February of each subsequent year, upon the payment of the annual fees, the registrar shall issue a renewal certificate of registry in the prescribed form.

(5) No certificate may be issued, except in cases of loss or destruction of a certificate, other than on the return of the certificate currently being held by the owner or at the discretion of the registrar, upon the issue of an undertaking by the owner to return the certificate within a maximum period of one month.

(6) A certificate of registry, whether provisional or otherwise, issued to a ship in terms of the provisions of this section, may be issued subject to such conditions as the registrar may deem proper and shall include her particulars entered in the register showing the port of Valletta as the port to which she belongs.

(7) For the purpose of this section a laid up vessel shall qualify for special treatment under this Act or any regulations made thereunder if —

(a) the registered owner makes a declaration to the effect that the ship is laid up and shall remain laid up for a period of not less than twelve months; and

(b) evidence satisfactory to the registrar is produced to the effect that the ship is laid up certifying the location where the ship lies:

Provided that should the ship be reactivated within six months from the date of the declaration specified in paragraph (a) hereof, the ship shall be deemed not to have been laid up, and the fees payable in accordance with section 7 of this Act shall become due in full from the date of the declaration:

Provided further that should the ship be reactivated after the lapse of six months from the date of the declaration specified in paragraph (a) hereof the fees payable under section 7 of this Act shall be payable in proportion to the remaining period until the lapse of the current certificate of registry:

Provided further that where a declaration specified in paragraph (a) hereof is made on a date after the annual fee becomes due, the difference in the fees payable had the declaration been made on or before the date on which the annual fee becomes due, will be deducted only upon the payment of the next annual fee.”.

12. Sections 20, 21, 22, and 23 of the principal Act, shall be amended as follows: Amendment of sections 20, 21, 22 and 23 of the principal Act.

(a) In sections 20, 21, 22 and 23 of the principal Act, wherever the words “the certificate” and “a certificate” occur they shall be deleted and substituted by the words “any certificate”;

(b) Subsections (2) and (3) of section 23 shall be deleted.

13. Section 24 of the principal Act, shall be deleted. Deletion of section 24 of the principal Act.

14. Section 25 of the principal Act, shall be amended as follows: Amendment of section 25 of the principal Act.

(a) subsection (1) thereof shall be deleted and substituted by the following new subsection:

“(1) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on any certificate of registry of the ship.”;

(b) the words “the certificate of registry” in subsections (2), (3) and (4) thereof shall be deleted and substituted by the words “any certificate of registry”; and

Amendment of section 26 of the principal Act.

(c) in subsection (3) thereof the words "at any port, not being the port at which the ship has been registered," shall be deleted.

15. Section 26 of the principal Act, shall be amended as follows:

(a) immediately after the words "of a registered ship" in subsection (1) thereof there shall be inserted the words ", whether provisionally or otherwise,"; and

(b) subsection (2) and (3) thereof shall be deleted and substituted by the following new subsection:

"(2) In any such case except where the ship's provisional or other certificate of registry is lost or destroyed, the master or owner of the ship shall within four days of such occurrence deliver such certificates to the registrar and if the owner or master fail, without reasonable cause, to comply with the provisions of this section, he shall for each offence be liable to a fine (multa) not exceeding one hundred liri."

Deletion and substitution of sections 27 to 31 of the principal Act.

16. Section 27 to section 31, both inclusive, of the principal Act, shall be deleted and substituted by the following new sections:

"Validity of provisional and other certificates of registry.

27. (1) A certificate shall cease to have effect:

(a) on the expiry of its validity date;

(b) on its substitution by another certificate issued in accordance with the provisions of this Act; or

(c) on closure of registry in accordance with the provisions of this Act.

(2) The registrar shall make note in the register of the type of certificate issued to the ship and the expiry date thereof.

(3) Except where one certificate is issued in place of another in accordance with the provisions of this Act, upon a certificate ceasing to have effect the owner or the master shall forthwith forward this certificate to the registrar not later than one month of its expiry.

(4) If any such person as aforesaid fails without reasonable cause to deliver up the certificate as required by this section, he shall be liable to a fine (multa) not exceeding one hundred liri.

Closure of Registry

Voluntary closure of registry.

28. (1) Where the owner of a Maltese ship desires to close the register of his 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.

(2) Any such application made and substantiated as aforesaid shall be acceded to if —

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

(b) the consent in writing of all mortgagees whose mortgage is duly registered in respect of the ship is produced to the registrar; and

(c) the owner undertakes to surrender to the registrar within one month, any certificate issued in terms of section 19 of this Act.

(3) Where any such application is acceded to the registrar shall make an entry thereof in the register and thereupon the ship shall cease to be a Maltese ship and the registry of the ship shall be considered as closed except so far as relates to any unsatisfied mortgages entered therein.

29. (1) The Minister may order that a ship shall cease to be registered in the following cases:

(a) if the annual fee has not been duly paid in accordance with this Act;

(b) if the formalities specified in section 13 of this Act are not complied with within the maximum periods therein specified;

(c) if it is in the national interest or in the interest of Maltese shipping and after giving the owners of the ship a reasonable opportunity to make representations;

(d) if in the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing, whether by reason of a transfer to persons not qualified to own a Maltese ship or for any other reason, to be a Maltese ship;

(e) if the owner fails to observe the provisions of this Act;

(f) if it is established that the ship will not or cannot be registered under this Act;

(g) if, where required, any conditions established by the Minister in accordance with subsection (3) of section 4 of this Act are not observed for period in excess of one month;

(h) if the owner fails to pay any fine within one month of it being demanded in writing by the registrar upon a violation of this Act; or

(i) if the owner fails to be in possession of a valid certificate of registry, whether provisional or otherwise, for a period in excess of one month.

(2) Prior to the issue of any such order the registrar shall give one month's notice in writing to the registered owner and any registered mortgagee of his intention to mend closure of registry unless the cause of closure is remedied. The registrar shall specify in the notice the reason for closure and the expiry date for compliance failing which closure will be ordered.

(3) Upon the issue of any notice in terms of subsection (2) of this section the registrar shall make a note thereof in the register book and shall record the date on which the one month period shall lapse.

(4) Upon the lapse of the said one month from the giving of notice and upon receipt of the order from the Minister, the registrar shall make an entry thereof in the register and thereupon the ship shall cease to be a Maltese ship and the registry of the ship shall be considered as closed except so far as relates to any unsatisfied mortgages entered therein, and the mortgagees shall have the right to demand the immediate sale of the ship or share therein as if the debtor had not adhered to all the conditions under which the credit was granted.

Deletion Certificate.

30. (1) When the registry of a ship, whether provisional or otherwise, has been closed, the registrar shall, upon request of the registered owner, issue a deletion certificate provided that, all fees, charges and penalties due under this Act have been paid and, the certificate of registry, whether provisional or otherwise, has been surrendered to the registrar.

(2) The registrar shall specify on the deletion certificate the reason for closure of registry, and, where the registry of a ship, whether provisional or otherwise, has been closed saving any unsatisfied mortgages entered therein, the deletion certificate shall also include a full description of any such mortgage or mortgages, together with a statement that the registry of the ship was closed saving such mortgages which remain an encumbrance on the ship."

Amendment of section 32 of the principal Act.

17. Immediately after subsection (3) of section 32 of the principal Act, there shall be added the following new subsection:

"(4) Upon the entry of a transfer of a registered ship or a share therein in favour of a person qualified to own a Maltese ship the registrar shall notify accordingly the holder of any registered mortgage."

Amendment of section 37 of the principal Act.

18. Section 37 of the principal Act, shall be amended as follows:

(a) immediately after the words "on any terms and conditions it thinks just," there shall be inserted the words "including, without prejudice to the generality of the above, the imposition of an obligation to provide appropriate security, for damages, interests and costs,"; and

(b) the following proviso shall be added to the existing provision:

"Provided that if the order is issued in order to secure a claim which has not yet been judicially verified, unless proceedings on the merits of the claim are already pending, whether in a Maltese court or any other competent court or arbitration, the plaintiff obtaining such order shall be obliged to prosecute such claim, in Malta or in any other competent jurisdiction or in arbitration, within four working days of the issue of the order failing which the court issuing the order shall, on the application of the shipowner, or any other interested party, revoke the same."

19. The title "Mortgages" following section 37 of the principal Act, shall be deleted and substituted by the new title "Maritime privileges and mortgages", and thereafter there shall be added the following new sections:

-Definition of ships as security for debts.

37A. (1) Ships and other vessels constitute a particular class of moveables whereby they form separate and distinct assets within the estate of their owners for the security of actions and claims to which the vessel is subject. Such actions and claims shall have preference over any other actions or claims for debts against the estate of the owner of the ship.

(2) A ship shall include together with the hull, all equipment, machinery and other appurtenances or accessories belonging to the ship, which are on board or which have been temporarily removed therefrom.

Types of charges over ships.

37B. (1) A ship may constitute security for a debt or other obligation either by agreement or by operation of the law as hereinafter provided.

(2) A debt or other obligation may be secured —

(a) by means of a mortgage which is a special charge over a vessel, or

(b) by a general hypothec which attaches to all the assets of a debtor including any vessel such debtor may own, or

(c) by a special privilege upon the vessel:

Provided that special privileges arise in virtue of law and no debt or other obligation other than those specified at law shall be secured by a special privilege.

Substitution of title and addition of new sections, 37A, 37B, 37C and 37D to the principal Act.

(3) Subject to the provisions of section 40 of this Act, separate items upon a vessel may themselves be subject to special privileges in accordance with paragraph (d) of section 2009 of the Civil Code, in security of the debts therein specified.

Priority of claims on ship over all other debts of owner.

37C. (1) All registered mortgages, any special privileges and all actions and claims to which a vessel may be subject shall not be affected by the bankruptcy of the mortgagor or shipowner happening after the date on which the mortgage was created or the special privilege, action or claim arose, notwithstanding that the owner at the commencement of the bankruptcy had the ship in his possession, order or disposition, or was the reputed owner thereof, and such mortgage, privilege, action or claim shall have preference, on the said vessel, over all other debts, claims or interests of any other creditor of the bankrupt or of any curator, trustee or receiver, acting on behalf of any other creditors.

Register.

(2) Any judicial sale proceedings instituted by any registered mortgagee or privileged creditor shall not be interrupted or in any way hindered by any curator in bankruptcy, whether voluntary or compulsory, or any liquidator or receiver of the shipowner.

Attachment and extinguishment of charges.

37D. (1) A registered mortgage shall attach to the ship or share therein in respect of which it is registered until it is discharged:

Provided that where the ship has been forfeited under this Act the interest of the mortgagee in the ship shall terminate if the mortgagee has authorised, consented to, or conspired, to the act, failure or omission in consequence of which the ship is forfeited:

Provided further, that where a ship has been sold pursuant to a court order in the sale by auction of the ship, by a competent court within whose jurisdiction the vessel was at the time of the sale, the interest of the mortgagees in the ship shall pass on to the proceeds of the sale of the ship, and where in any such case the purchaser is not a person who is qualified to own a Maltese ship, upon obtaining knowledge or being given notice of such a fact and upon receiving copies of the proceedings of the sale, certified to his satisfaction, the registrar shall make an entry thereof in the register and the register of the vessel shall be considered as closed except in so far as relates to any unsatisfied mortgages entered therein.

(2) Any hypothec or privilege whether general or special to which a ship may be subject under the provisions of the Civil Code shall not continue to attach to it when the vessel is transferred to third parties.

(3) Independently of the general causes for which obligations are extinguished at law the special privileges specified in section 50 of this Act are not extinguished by the sale of the vessel, except in case of a judicial sale made according to the forms prescribed by law, or where, subsequently to a voluntary sale the vessel has made a voyage and without any opposition on the part of the creditors of the seller, or in any case one year has elapsed from the date of such voluntary sale.

For the purposes of this section a vessel is deemed to have made a voyage:

(a) if one month has elapsed since her departure from one port, and her arrival in another port is proved;

(b) if more than two months have elapsed between her departure from, and her return to, the same port, although she has not put into any other port;

(c) if the vessel, having sailed for a long voyage, shall have been at sea for more than two months, without any protest having been made by the creditors of the seller:

Provided that any such protest shall only be operative in favour of the creditor making it.”.

20. Section 38 of the principal Act, shall be amended as follows: Amendment of section 38 of the principal Act.

(a) the present provision shall be renumbered as subsection (1) thereof; and

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

“(2) A mortgage shall attach to any proceeds from any indemnity arising from collisions and other mishaps as well as any insurance proceeds.”.

21. Immediately after subsection (2) of section 39 of the principal Act, there shall be added the following new subsection: Amendment of section 39 of the principal Act.

“(3) Where it is stated in the mortgage instrument that it is prohibited to create further mortgages over a vessel without the prior written consent of the mortgagee, the registrar shall make a note in the register to such effect, and the registrar shall not record such further mortgage unless the consent in writing of the holder of a prior mortgage is produced to him, and any mortgage registered in violation of this provision shall be null and void.”.

22. Section 40 of the principal Act, shall be deleted and substituted by the following new section: Deletion and substitution of section 40 of the principal Act.

40. (1) Upon the registration of any mortgage in the register the rights of any mortgagee shall not be effected by:

(a) the creation of any separate privilege or charge on any part, appurtenance or accessory of a ship which may attach in virtue of any law:

Provided that provisions, fuel and other consumable goods shall not be considered as appurtenances; or

(b) the reservation of ownership rights by a seller of any part, appurtenance or accessory sold to a shipowner:

Provided that the provision of this section shall in no way prejudice or reduce the rights of any creditor enjoying a privilege or reserving ownership rights in his relation with any creditor other than the mortgagee.

(2) At any time prior to the registration of a mortgage over a ship any creditor having a separate privilege or charge over any part, appurtenance or accessory of a ship may register such privilege or charge in the register of the ship by means of an instrument executed by the owner in the presence of a witness in the form specified by the Minister; and on the production of such instrument the registrar shall by memorandum under his hand notify on each charge that it has been recorded by him stating the day and hour of that record.

(3) A seller reserving ownership rights in any part, appurtenance or accessory of a ship may also register his interest in the register of the ship at any time prior to the registration of a mortgage.

(4) The registration of such a charge or reservation of ownership rights prior to the registration of a mortgage shall preserve the creditor's priority rights on that part, appurtenance or accessory in relation to any subsequent mortgagee.

(5) A privilege or reservation of ownership rights registered over a ship under subsection (2) of this section shall be cancelled upon production by the owner of a receipt for the price and other charges relative to the transfer of such part, appurtenance or accessory, and upon production of such receipt duly signed and attested, the registrar shall make an entry in the register to the effect that the privilege or reservation of ownership rights have been cancelled.

(6) The interest of any creditor enjoying a privilege or reservation of ownership rights registered in terms of this section may be transferred to any person by an instrument of transfer executed by the transferor in the

presence of and attested by a witness; and on the production of such instrument for registration the registrar shall record it by entering in the register the name of the transferee and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him.”.

23. Section 41 of the principal Act, shall be amended as follows: Amendment of section 41 of the principal Act.
- (a) subsection (1) thereof shall be deleted; and

(b) in subsection (2) thereof the number “(2)” and the words “saving the provisions of paragraph (5) of section 51 of this Act” shall be deleted.

24. Section 42 of the principal Act, shall be amended as follows: Amendment of section 42 of the principal Act.
- (a) immediately after paragraph (b) of subsection (1) thereof there shall be added the following new paragraph:

“(c) have power to re-register the ship under this Act in the name of the owner, apply for any extensions, pay fees, receive certificates, and generally do all such things in the name of the owner as may be required in order to maintain the status and validity of the registration of the ship.”; and

(b) immediately after subsection (2) thereof there shall be added the following new subsections:

“(3) Subsections (1) and (2) of this section shall also apply to mortgages which secure sums due on any account current or overdraft facility.

(4) With reference to subsection (2) of this section the sums due at the moment of enforcement of any mortgage shall be established by the mortgagee by means of a notice, specifying the balance due at that time, served on the mortgagor who shall have fifteen days within which to contest the sum claimed by the mortgagee by means of an application to that effect before the Commercial Court.”.

25. Section 43 of the principal Act, shall be deleted. Deletion of section 43 of the principal Act.

26. The words “together with the written consent of the said instrument,” in subsection (1) of section 45A of the principal Act, shall be deleted and substituted by the words “together with the written consent on the said instrument.”. Amendment of section 45A of the principal Act.

27. Section 48 to 54, both inclusive, of the principal Act shall be deleted and substituted by the following new sections: Deletion and substitution of sections 48 to 54 of the principal Act.

“Loss of original mortgage deed.

48. (1) In case of loss of any original mortgage the registrar shall, at the request of the mortgagee alone, or together with the mortgagor, reconstitute the original

mortgage and certify this instrument as a reconstituted original of the mortgage instrument. The registrar shall only accede to such a request upon the production by the party making the request of a sworn declaration to the effect that the original has been lost.

(2) In such a case the registrar shall make a note in the register that a reconstituted mortgage instrument has been issued, reciting at whose request such a reconstituted mortgage has been issued.

(3) In case of loss of any original mortgage instrument, the registrar may enter any transfer or discharge of mortgage if the mortgagee produces a sworn declaration that he is the holder of the mortgage, the instrument of which has been lost, and that he is discharging or transferring the said security in virtue of the sworn declaration.

(4) In such a case the registrar shall, on production of the said sworn declaration, treat such declaration as the mortgage instrument and shall follow the procedure specified in this Act for the transfer or discharge of mortgage; the registrar shall make a note in the register that the transfer or discharge of mortgage has taken place in virtue of a sworn declaration.

Recognition
of foreign
mortgages.

49. A foreign mortgage shall be recognised as a mortgage with the status and all the rights and powers specified in this Act, notwithstanding the fact that it is not entered over a registered ship if:

(a) such mortgage has been validly recorded in the registry of ships of the country under whose laws the ship is documented;

(b) such registry is a public registry;

(c) such mortgage appears upon a search of the registry; and

(d) such mortgage is granted a preferential and generally equivalent status as a mortgage under this Act under the laws of the country where the mortgage is registered.

Special privileges

Special
privileges
on ships.

50. The debts hereunder specified are secured by a special privilege upon the vessel, as well as any proceeds from any indemnity arising from collisions and other mishaps as well as any insurance proceeds:

(a) judicial costs incurred in respect of the sale of the ship and the distribution of the proceeds thereof;

(b) fees and other charges due to the registrar of Maltese ships arising under this Act;

(c) tonnage dues;

(d) wages and expenses for assistance, recovery or salvage, and for pilotage;

(e) the wages of watchmen, and the expenses of watching the ship from the time of her entry into port up to the time of sale;

(f) rent of the warehouses in which the ship's tackle and apparel are stored;

(g) the expenses incurred for the preservation of the ship and of her tackle including supplies and provisions to her crew incurred after her last entry into port;

(h) wages of the master and the crew employed for three months prior to the last voyage;

(i) damages and interest due to any seaman for death or personal injury and expenses attendant on the illness, hurt or injury of any seaman;

(j) ship agency fees due for the ship from after her last entry into port, in accordance with port tariffs, and any disbursements incurred during such period not enjoying a privilege in paragraphs (a) to (i) of this section, though in any case for a sum not in excess of four thousand liri;

(k) moneys lent to the master for the necessary expenses of the vessel during her last voyage, and the reimbursement of the price of goods sold by him for the same purpose;

(l) moneys due to creditors for provisions, labour, work, repairs, victuals, outfit and apparel, previously to the departure of the ship on her last voyage:

Provided that such privilege shall not be competent where the debt has not been contracted directly by the owner of the ship, or by the master, or by an authorised agent of the owner;

(m) moneys lent on bottomry, upon the hull, tackle and apparel, for repairs, victuals, outfit and equipment before the departure of the ship;

(n) damages and interest due to the freighters for non-delivery of the goods shipped, and for injuries sustained by such goods through the fault of the master or the crew;

(o) damages and interest due to another vessel or to her cargo in cases of collision of vessels;

(p) the debt specified in sub-paragraph (d) of section 2009 of the Civil Code (Chapter 16) for the balance of the price from the sale of a ship.

Debts contracted in different ports.

51. Where debts of a nature similar to the ones mentioned in paragraphs (a) to (p), both inclusive, of section 50 of this Act shall have been contracted in different ports, or on the occasion of several forced returns to the same port, the priority established by the said section shall be observed with regard to the several debts contracted on the occasion of each arrival or return, but the debts contracted on the occasion of a subsequent arrival or return shall have preference over those contracted on the occasion of a former arrival or return.

Privileges of seller to be registered.

52. (1) The privilege granted to the seller for the price of the thing sold under the provisions of paragraph (d) of section 2009 of the Civil Code (Chapter 16), is not effectual in regard to vessels, unless the claim for such price be registered, in the case of a Maltese ship, in the register of the said ship, and in the case of a foreign ship, in a special register held for such purposes by the registrar, within two days from the date of the sale. Such privilege is registered by delivery to the registrar on the prescribed form duly completed and signed by the seller.

(2) The same rule shall apply with regard to the right of recovering the thing sold, as provided in the said Code.

(3) Such privilege shall be extinguished upon payment of the price and relative charges, and upon production of a receipt issued by the seller, attested by a witness, the registrar shall make a note in the register notifying the discharge thereof.

Seller bound to make debts known to buyer.

53. (1) The seller of a vessel is bound to inform the purchaser of all privileged debts, and to furnish him with a list thereof duly signed by himself.

(2) If the aforesaid list is not given to the purchaser, or if, in the list given to him, any of the aforesaid debts is omitted, he may, in the event of his sustaining any damage therefrom, exercise such rights as are competent to him against the seller, with all such means as the law provides against debtors committing fraud in contracting debts.

Possessory lien or privilege.

54. (1) Any shiprepairer, shipbuilder or other creditor into whose care and authority a ship has been placed for the execution of works or other purposes shall have a possessory lien over the ship.

(2) A possessory lien shall entitle the creditor to retain possession over the ship on which he has worked or carried out activity until such creditor is paid the debts due to him for such building, repairs or activity.

(3) A possessory lien shall be extinguished by the voluntary release of the ship from the custody of the creditor.

(4) A possessory lien shall not be extinguished if the vessel is released pursuant to a court order or following a judicial sale of the vessel. In the latter case the creditor shall enjoy the priority specified in section 54A of this Act over the proceeds of sale of the ship.

(5) The creditor shall be obliged to release the ship if he is paid the sum claimed, or adequate security is deposited in the Commercial Court under the provisions of the Code of Organisation and Civil Procedure:

Provided that the creditor shall enjoy the same priority over such sum.

Ranking
of
creditors.

54A. (1) The debts specified in section 50 of this Act shall rank in the order therein set out and in preference to other hypothecary and privileged claims, notwithstanding that the ship is still in the possession of the debtor, and the debts specified in paragraphs (a) and (b) of section 50 of this Act shall under all circumstances rank in preference to any claim.

(2) Any debt secured by a possessory lien or privilege over a ship as stated in section 54 of this Act, shall be paid in preference to all other claims except the debts specified in paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) of section 50 of this Act if such debts were created prior to the debt of the creditor enjoying the possessory lien.

(3) Any debt secured by a mortgage registered under the provisions of this Act or secured by a foreign mortgage recognised under this Act shall rank after the debts specified in section 54 and in paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) of section 50 of this Act but before the debts specified in paragraphs (k), (l), (m), (n), (o) and (p) of section 50 of this Act.

(4) Where the fund is insufficient, competing creditors under the same heading shall share in such fund ratably.”.

28. Immediately after subsection (2) of section 55 of the principal Act, there shall be added the following new subsections:

Amendment of
section 55
of the
principal Act.

“(3) The owner of a ship intending to register a ship under this Act, may, on payment of such fee as may be prescribed and on

application to the registrar, reserve the proposed name of the ship for a maximum period of three months.

(4) The application referred to in subsection (3) of this section may be made together with the application for registry of a ship, or with the application for permission to change the name of a ship, or by any other writing provided that the ship for which the reservation is being made is adequately identified.”.

Amendment of section 56 of the principal Act.

29. Section 56 of the principal Act, shall be amended as follows:

(a) wherever the word “Minister” occurs it shall be deleted and substituted by the word “Registrar-General”; and

(b) immediately after the words “to be published” in subsection (3) thereof there shall be inserted the words “, or otherwise publicised,”.

Amendment of section 57 of the principal Act.

30. In subsection (1) of section 57 of the principal Act, the words “if the alteration is made at any port having a registrar, to that registrar or, if it is made elsewhere, to the registrar of the port having a registrar at which the ship first arrives after the alteration; and”, and the words “to whom the application” shall be deleted.

Amendment of section 58 of the principal Act.

31. Subsection (2) of section 58 of the principal Act, shall be deleted and substituted by the following new subsection:

“(2) The particulars of the alteration so made and the fact of the new certificate having been granted or endorsement having been made, shall be entered by the registrar in the register.”.

Deletion of sections 59, 62 and 66 of the principal Act.

32. Sections 59, 62 and 66 of the principal Act, shall be deleted.

Deletion and substitution of section 67 of the principal Act.

33. Section 67 of the principal Act, shall be deleted and substituted by the following new section:

“Inspection of register and transcript and extract of register.

67. Saving any other provisions of this Act, a person may, on payment of such fee as may be prescribed and on application to the registrar at all reasonable time during the hours of his official attendance, inspect any register, and obtain a transcript or extract of the register.”.

Amendment of section 68 of the principal Act.

34. Paragraph (a) of subsection (1) of section 68 of the principal Act, shall be deleted and substituted by the following new paragraph:

“(a) any transcript or extract of the register issued under this Part of this Act by the registrar or other person having the lawful custody or control of the register;”.

Amendment of section 71 of the principal Act.

35. Immediately after the words “or ownership of,” in paragraph (a) of section 71 of the principal Act, there shall be inserted the words “any registered encumbrance or mortgage existing on,”.

36. Sections 78 and 80 of the principal Act, shall be deleted.

Deletion of sections 78 and 80 of the principal Act.

37. Immediately after paragraph (c) of section 88 of the principal Act, there shall be added the following new paragraph:

Amendment of section 88 of the principal Act.

“(d) the registration of any mortgage or other charge over an exempted ship, the transfer or the discharge thereof, any receipt relative thereto, and any assignments granted in connection therewith with the financing of any exempted ship or the securing of any claims against such ship.”.

38. Subsection (1) of section 364 of the principal Act, shall be deleted and substituted by the following new subsection:

Amendment of section 364 of the principal Act.

“(1) The Minister may also appoint registrars for the purposes of this Act in such number as he may deem necessary for the proper execution of this Act.”.

39. Section 365 of the principal Act, shall be deleted and substituted by the following new section:

Deletion and substitution of section 365 of the principal Act.

“365. (1) Every register shall keep a record to be called the register and there shall be made therein all such entries as required so to be made by this Act.

(2) Every registrar shall file and properly index all documents that are required to be kept by him.”.

40. Immediately after section 372 of the principal Act, there shall be added the following new section:

Addition of new section 372A to the principal Act.

372A. (1) All fines contemplated by any provision of this Act may be fixed and imposed by the Registrar-General.

(2) The imposition of a fine in terms of this Act shall constitute an executive title within the meaning and for the purposes of Title 7 Part I of Book Second of the Code of Organisation and Civil Procedure.

372B. The Registrar-General shall serve a demand note upon the person fined and if payment is not made within seven days from the date of the service of such demand note, the Registrar-General may proceed to enforce payment in virtue of the executive title referred to in section 372A of this Act, after two days from the service on the debtor of an intimation for payment made by means of a judicial act.”

41. Sections 469 to 476 contained in title V of the Commercial Code shall be deleted.

Deletion of sections 469 to 476 of the Commercial Code.

42. The relative provisions of this Act shall also apply, as and when they come into force, to existing Maltese ships and to mortgages entered in the register thereof:

Transitory provisions.

Fixing and imposition of fines.

Enforcement of fines.

Provided that certificates of registry issued prior to the coming into force of section 19 of the principal Act, as amended, shall only remain valid up to and including the thirty-first day of January of the year subsequent to coming into force of that section, and shall fall to be renewed as provided for in that section.

Objects and Reasons

The Object of the Bill is to bring the Merchant Shipping Act, 1973, in line with the exigencies of the Malta International Business Activities Act, 1988, and to further the development of maritime business in Malta.