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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Emanuel Bonnici, M.P., Ministru għall-Iżvilupp Terzjarju, u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Lulju, 1990.

A BILL introduced by the Honourable Emanuel Bonnici, M.P., Minister for Development of Tertiary Sector, and read for the First time at the Sitting of the 17th July, 1990.

ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità tal-Portijiet ta' Malta, għat-trasferiment lil dik l-Awtorità tas-setgħat mogħtija b'ligi lid-Direttur tal-Portijiet, u għall-eżercizzju u l-qadi minn jew f'isem dik l-Awtorità ta' funzjonijiet li għandhom x'jaqsmu ma' portijiet u bastimenti merkantili f'Malta; biex jipprovdi għat-trasferiment ta' xi attiv lill-imsemmija Awtorità; u biex jipprovdi dwar hwejjeġ ancillari għalihom jew konnessi magħhom.

AN ACT to provide for the establishment of a body corporate to be known as the Malta Ports Authority for the transfer to that Authority of the powers vested by law in the Director of Ports, and for the exercise and performance by or on behalf of such Authority, of functions relating to ports and merchant shipping in Malta; to provide for the transfer to the said Authority of certain assets; and to make provision in respect of matters ancillary thereto or connected therewith.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

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SKEDI

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ATT biex jipprovdi għat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità tal-Portijiet ta' Malta, għat-trasferiment lil dik l-Awtorità tas-setgħat mogħtija b'ligi lid-Direttur tal-Portijiet, u għall-eżercizzju u l-qadi minn jew f'isem dik l-Awtorità ta' funzjonijiet li għandhom x'jaqsmu ma' portijiet u bastimenti merkantili f' Malta; biex jipprovdi għat-trasferiment ta' xi attiv lill-imsemmija Awtorità; u biex jipprovdi dwar hwejjeġ ancillari għalihom jew konnessi magħhom.

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

Preliminari

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta.

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-Portijiet jista' jstabilixxi b'avviż fil-Gazzetta, u jistghu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal partijiet differenti ta' dispożizzjonijiet jew għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġ xort'ohra —

Tifsir.

“l-Awtorità” tfisser l-Awtorità tal-Portijiet ta' Malta mwaqqfa bl-artikolu 3 ta' dan l-Att u tinkludi d-Direttur Eżekuttiv li hemm provdut għalih fis-subartikolu (4) ta' l-artikolu 8 ta' dan l-Att;

“hłasijiet” tfisser il-hłasijiet li jistghu jingabru taht l-artikolu 38 ta' d-in l-Att;

“kuntrattur” tfisser persuna li taġixxi bis-saħħa ta’ ftehim li tagħmel ma’ l-Awtorità skond is-subartikolu (3) ta’ l-artikolu 8 ta’ dan l-Att;

“drittijiet” tfisser id-drittijiet li jistgħu jingabru taht l-artikolu 38 ta’ dan l-Att;

“Direttur Eżekuttiv” tfisser Direttur Eżekuttiv mahtur taht l-artikolu 8 ta’ dan l-Att;

“pagamenti” tfisser il-pagamenti li jistgħu jingabru taht l-artikolu 38 ta’ dan l-Att;

“sena finanzjarja” tfisser perijodu ta’ tnax-il xahar li jagħlaq fit-tletin ta’ Settembru ta’ kull sena;

Iżda l-ewwel sena finanzjarja tkun il-perijodu li jibda fid-data li fiha titwaqqaf l-Awtorità skond dan l-Att, u li jagħlaq fit-tletin ta’ Settembru tas-sena ta’ wara;

“funzjoni” tinkludi setgħa u dmir;

“oġġetti” tinkludi valiġġa, annimali (sew hajjin jew mejtin) u kull proprjetà mobbli oħra tkun ta’ liema xorta tkun;

“bastiment qieghed” tfisser bastiment li jkun f’xi port u li ma jkunx użat regolament skond l-użu xieraq għal dak ix-xorta ta’ bastiment għal żmien ta’ aktar minn erbatax-il jum; u għall-fini ta’ din it-tifsira “bastiment” tinkludi *floating dock*, *floating crane*, tagħmir ta’ salvataġġ jew ta’ rfiġh, sew fuq wiċċ il-baħar, mgħarrqin jew immuntati fuq xi nġenji tal-baħar, u barkun, li jitmexxew b’mezzi mekkaniċi jew xort’oħra jew irmunkati, iżda ma tinkludix xi dgħajsa jew xi inġenji tal-baħar, użati biss għad-divertiment jew għall-industrija tas-sajd, jew xi bastiment li jkun qieghed f’xi port biex jissewwa;

Iżda l-Awtorità tista’, għall-finijiet ta’ din it-tifsira, fid-diskrezzjoni tagħha, tiddikjara li dgħajsa jew inġenji tal-baħar ma jkunux użati biss għad-divertiment jew għall-industrija tas-sajd, jew li bastiment ma jkunx qieghed għat-tiswija, u kull bastiment bħal dak jitqies bħala bastiment qieghed;

“kaptan” tfisser, meta wżata dwar xi bastiment, il-persuna li jkollha l-kmand tal-bastiment jew tkun inkarigata minnu għal dak iż-żmien, iżda ma tinkludix bdot;

“Ministru” tfisser il-Ministru responsabbli għall-portijiet u għall-bastimenti;

“irmigġatur” tfisser persuna li għandha liċenza skond l-artikolu 56 ta’ dan l-Att;

“għajnuna jew servizzi ta’ navigazzjoni” tinkludi kull għajnuna jew servizz maħsuba biex jgħinu jew jiggwidaw il-moviment ta’ bastiment, u t-tbattil, it-tfondija u t-titjib ta’ xi port;

“uffiċjal” u “impjegat” dwar l-Awtorità tinkludi uffiċjal pubbliku imqabbad għal xogħol ma’ l-Awtorità;

“sid” dwar bastiment tinkludi *ċ-charterer* jew l-operatur tal-bastiment;

“bdot” tfisser persuna li għandha liċenza taħt l-artikolu 55 ta’ dan l-Att;

“port” tfisser post dikjarat bħala port bl-artikolu 27 ta’ dan l-Att jew tahtu, u tinkludi meta jkun xieraq ċentru tal-*yachting* kemm-il darba ma jkunx provdut xort’ohra dwar dak iċ-ċentru;

“faċilitajiet tal-port” tfisser faċilitajiet għall-irmigġ, irmonk, ankrar jew moviment ta’ bastimenti ġewwa port jew fil-qarba tiegħu, jew fid-dhul jew hruġ ta’ port jew ta’ qarba tiegħu, għat-tagħbija jew hatt ta’ oġġetti, jew għall-imbark jew l-iżbark ta’ passigġieri fuq jew minn xi bastiment bħal dan, jew għat-tagħbija fil-braken jew għall-għażla, użin, hażna jew manigġar ta’ oġġetti, u għall-ġarr ta’ passigġieri jew oġġetti dwar xi faċilitajiet bħal dawn;

“preskritt” tfisser preskritt taħt dan l-Att;

“uffiċjal pubbliku” għandha l-istess tifsir kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

“rati” tfisser ir-rati li jistgħu jingabru taħt l-artikolu 38 ta’ dan l-Att;

“vapur” tfisser kull deskrizzjoni ta’ bastiment użat fin-navigazzjoni, sew jekk imexxi lilu nnifsu sew jekk le, u tinkludi braken, *oil rigs*, pontuni, ajruplani tal-baħar, u kull inġenji ohra u bastimenti simili;

“ibhra territorjali” tfisser il-partijiet kollha tal-baħar miftuħ sa tnaħ-il mil nawiha ta’ barra mill-kosta ta’ Malta, jew dik id-distanza l-oħra li tista’ tkun stabbilita taħt l-artikolu 3 ta’ l-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa, mkejla kif provdut f’dak l-Att, u tinkludi l-ibhra magħluqin bejn il-linji bażi hemm imsemmija u l-kosta;

Kap. 226

“vettura” tfisser kull vettura barra vapur;

“mahżen” tfisser kull tinda, bini, post, vagun, vapur jew vettura meta wżati mill-Awtorità jew minn kuntrattur għall-fini ta’ hażna jew depożitu għall-finijiet ta’ dan l-Att;

“yacht” tfisser bastiment registrat li jbahhar użat biss għad-divertiment u hekk aċċettat mill-Awtorità;

“ċentru tal-yachting” tfisser dak il-post li jkun dikjarat bhala ċentru tal-yachting bl-artikolu 27 ta’ dan l-Att jew tahtu.

TAQSIMA I

Kostituzzjoni, Ghamla u Funzjonijiet ta’ l-Awtorità

Kostituzzjoni ta’ l-Awtorità tal-Portijiet ta’ Malta.

3. (1) B’dan qed jitwaqqaf korp, li jkun magħruf bhala “l-Awtorità tal-Portijiet ta’ Malta”.

(2) L-Awtorità tkun korp magħqud li jkollha personalità ġuridika distinta u li tkun tista’, sugġetta biss għad-dispożizzjonijiet ta’ dan l-Att, li tħarrek jew li tkun imħarrka, tagħmel kull kuntratt, takkwista, iżzomm jew tiddisponi minn kull proprjetà, mobbli jew immobbli, u b’kull titolu jkun li jkun, u li tagħmel kull haġ’ohra hi x’inh.

Ghamla ta’ l-Awtorità.

4. (1) L-Awtorità tkun magħmula minn mhux inqas minn seba’ u mhux iktar minn hdx-il membru, li minnhom wiehed ikun iċ-*Chairman* u ieħor ikun Viċi *Chairman* ta’ l-Awtorità.

(2) Iċ-*Chairman*, il-Viċi *Chairman* u l-membri l-oħra ta’ l-Awtorità jinhatru mill-Ministru:

Izda d-Diretturi Eżekuttivi jkunu membri *ex officio* ta’ l-Awtorità.

(3) Fin-nuqqas taċ-*Chairman*, jew jekk dan ma jkunx jista’ jaqdi l-funzjonijiet tal-kariga tiegħu, il-Viċi *Chairman* għandu jaqdi dawk il-funzjonijiet.

(4) Il-membri ta’ l-Awtorità, barra mill-membri *ex officio*, għandhom iżommu l-kariga għal dak iż-żmien u b’dawk il-pattijiet u l-kundizzjonijiet li l-Ministru jidhirlu xieraq; u meta membru jispiċċa dan jista’ jerga’ jinhatar membru:

Izda l-Ministru jista’, f’kull żmien, itemm il-hatra ta’ xi membru, jekk, fil-fehma tiegħu, dak il-membri ma jkunx tajjeb biex ikompli fil-kariga jew ma jkunx baqa’ kapaċi li jaqdi sewwa l-funzjonijiet tiegħu bhala membru ta’ l-Awtorità.

(5) Persuna tkun skwalifikata milli tinhatar, jew li tibqa’ membru, ta’ l-Awtorità jekk —

(a) issir membru tal-Kamra tad-Deputati; jew

(b) ikollha nteress finanzjarju jew interess ieħor f'xi mpreġa jew attivit ta' x'aktarx jeffettwa l-qadi tal-funzjonijiet tagħha bhala membru ta' l-Awtorit:

Izda l-iskwalifika ta' persuna taħt dan il-paragrafu tista' tinteħha mill-Ministru jekk l-interess ikun dikjarat u d-dikjarazzjoni tkun pubblikata fil-Gazzetta.

(6) Kull membru ta' l-Awtorit, barra minn membru *ex officio*, jista' jirriżenja mill-kariga tiegħu b'ittra ndirizzata lill-Ministru.

(7) Il-hatra ta' kull persuna bhala membru ta' l-Awtorit u t-tmiem ta' dik il-kariga jew ir-riżenja ta' dik il-persuna tkun avzata fil-Gazzetta.

5. Ir-rappreżentanza legali u ġuridika ta' l-Awtorit tkun vestita fi-*Chairman*:

Rappreżentanza
legali u ġuridika
ta' l-Awtorit.

Izda l-Awtorit tista' taħtar wiehed jew iktar mill-membri tagħha, jew wiehed jew iktar mill-uffiċjali jew impjegati tagħha, biex jidhru f'isimha jew għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, strument jew dokument ieħor ikun li jkun:

Izda wkoll dwar kull haġa li taqa' taħt il-funzjonijiet delegati lil Direttur Eżekuttiv, ir-rappreżentanza legali u ġuridika ta' l-Awtorit tkun ukoll vestita f'dak id-Direttur jew f'dak il-membri, uffiċjal jew impjegat ieħor ta' l-Awtorit, kif l-Awtorit tista' taħtar jew tawtorizza għal hekk.

6. (1) Tkun il-funzjoni ta' l-Awtorit:

Funzjonijiet
ta' l-Awtorit.

(a) li tipprovdi, żżomm u thaddem portijiet f'Malta, u li tipprovdi, żżomm u thaddem fihom u fil-qarba tagħhom servizzi u faċilitajiet xierqa u effiċjenti li minn żmien għal żmien jidhriha meħtieġa jew vantaġġu biex jaħdmu tajjeb, bla periklu u b'mod effiċjenti dawk il-portijiet jew kif l-Awtorit jidhriha xort'ohra xieraq biex tipprovdi fl-interess pubbliku;

(b) li teżerċita kontroll fuq ix-xogħol kollu tal-port inkluż il-provdiment ta' haddiema tal-port għal xogħol tal-port;

(ċ) li tirregola u tikkontrolla l-hwejjeġ kollha li għandhom x'jaqsmu ma' bastimenti merkantili jew li hemm provdut għalihom taħt l-Att dwar il-Bastimenti Merkantili jew taħt xi leġislazzjoni oħra li għandha x'taqsam;

Kap. 234

(d) bla hsara għad-dispożizzjonijiet ta' l-Att tal-1991 biex l-hares l-Ambjent, li thares u tikkontrolla tingiż biż-żejt jew xi sustanza oħra ta' kull port jew qarba tiegħu;

Att V
ta' l-1991.

(e) li tippromovi l-faċilitajiet marittimi f'Malta; u

(f) li taghti pariri lill-Gvern fuq kull haġa li għandha x'taqsam ma' portijiet, bastimenti merkantili, tharis u kontroll ta' tniġġiz tal-baħar u fuq kull haġa li għandha x'taqsam mal-funzjonijiet jew dmirijiet tagħha.

(2) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, ikun id-dmir ta' l-Awtorità —

(a) li tirregola u tikkontrolla navigazzjoni fil-limiti ta' kull port u fil-qarba tiegħu;

(b) li ttiprovdi jew tiżgura l-provdiment ta' servizzi ta' pilutaġġ u rmiġġ lil bastimenti;

(c) li ttiprovdi jew tiżgura l-provdiment ta' servizzi xierqa għat-tifi tan-nar fil-portijiet;

(d) li ttiprovdi u żżomm b'mod xieraq u effiċjenti, fanali, antenni u dwal ohra, baġi u għajnuniet u servizzi ohra ta' navigazzjoni f'dawk il-postijiet, inklużi l-ibhra territorjali ta' Malta, kif l-Awtorità jidhrilha xieraq;

Att IX
ta' l-1989.

(e) bla hsara għad-dispożizzjonijiet ta' l-Att ta' l-1989 dwar l-Awtorità dwar it-Trasport Pubbliku li ttiprovdi jew tiżgura l-provdiment ta' servizzi għat-trasport ta' passiġġieri u oġġetti, magħduda vetturi, fil-portijiet u fl-ibhra territorjali ta' Malta;

(f) li ttiprovdi jew tiżgura l-provdiment ta' haddiema tal-port għal xogħol tal-port partikolari jew għal prinċipali partikolari;

(g) li ttiprovdi u tuża jew tiżgura l-provdiment u l-użu ta' bastimenti, vetturi u mezzi ohra għas-salvataġġ jew tharis ta' hajja u proprjetà;

(h) li ttiprovdi jew tiżgura l-provdiment ta' *fuel* u htigiet ohra lil bastimenti;

(i) li ttipromovi, tiżviluppa, ttejjeb u tibdel kull port u kull faċilità li jkollu, magħduda t-tindif, l-iżbarazzar u t-tfondija ta' kull port jew qarba tiegħu;

(j) li ttipromovi u tavvanza l-hila ta' bahhara u ta' persuni mpjegati fil-portijiet u fl-industrija marittima u l-effiċjenza ta' tagħmir użat fihom;

(k) bla hsara għal dak li ntqal hawn fuq, li ttiprovdi jew tiżgura l-provdiment ta' dawk is-servizzi u l-faċilitajiet l-ohra li fil-fehma ta' l-Awtorità jkunu meħtieġa għat-thaddim ta' portijiet;

(l) li tirregola u tamministra l-hwejjeġ kollha u li ttiprovdi s-servizzi kollha maħsuba fl-Att dwar il-Bastimenti Merkantili jew f'xi leġislazzjoni ohra li għandha x'taqsam;

(m) li tirregola, tikkontrolla, tiżviluppa u tippromovi ċentri tal-yachting;

(n) li taqdi kull dmir moghti lilha b'dan l-Att jew b'xi liġi oħra.

7. (1) Bla hsara għall-ġeneralità tad-dispożizzjonijiet ta' qabel ta' dan l-Att, iżda suġġetta għad-dispożizzjonijiet ta' dan l-Att, l-Awtorità jkollha s-setgħa — Setgħat ta' l-Awtorità.

(a) li tipprojbixxi, tikkontrolla u xort'ohra tirregola —

(i) l-użu minn xi persuna ta' xi port jew xi faċilità ta' port;

(ii) il-preżenza ta' xi persuna, bastiment, vettura jew oġġetti f'xi port;

(b) li tgħabbi jew thott xi bastiment f'kull port;

(ċ) li tagħmel dak ix-xogħol u attivitajiet oħra, li tagħmel dawk il-hwejjeġ kollha u li tagħmel dawk it-transazzjonijiet kollha li fil-fehma ta' l-Awtorità jkunu mehtieġa, konvenjenti jew vantaġġużi biex hi tkun tista' tmexxi jew taqdi jew tagħmel, għall-qadi jew li għandu x'jaqsam mal-qadi tal-funzjonijiet tagħha, jew li fil-fehma ta' l-Awtorità huma incidentali għal dan jew iwasslu għalih.

(2) L-Awtorità tista' ġġieghel jew tawtorizza lil kull wiehed mill-uffiċjali jew impjegati tagħha biex jitla' abbord xi bastiment f'port jew barra port jew jekk hekk jidhrilha mehtieġ li tagħmel fil-qadi ta' xi funzjoni tagħha taht dan l-Att jew taht xi liġi oħra jew jekk jidhrilha li hemm raġunijiet xierqa li taħseb li jkun sar jew li jkun se jsir xi reat kontra dan l-Att, jew kontra xi liġi oħra, jew xi regolament, regola jew ordni magħmul bis-saħħa tagħhom.

(3) L-Awtorità tista' ġġieghel jew tawtorizza lil kull wiehed mill-uffiċjali jew impjegati tagħha, flimkien ma' dawk il-haddiema li jkunu mehtieġa li —

(a) jidhlu f'kull art jew bini sabiex jibnu jew jiehdu hsieb xi fanal jew lanterna jew xi għajjnuna oħra ta' navigazzjoni għall-bastimenti, jew biex jeżaminaw, isewwu, jibdlu jew inehhu xi wiehed minn dawk il-fanali, antenni jew għajjnuniet oħra, u li jibqghu hemm għal dak iż-żmien xieraq għal dak l-għan;

(b) li jibnu jew jiehdu hsieb fanali jew għajjnuniet oħra msemmija qabel fuq jew f'xi art, bini, xatt, moll, jew ix-xtajta jew qiegh il-baħar u li jibdlu jew inehhu kull fanal, antenna jew għajjnuna oħra hemm imqegħda;

Izda —

(i) L-Awtorità ghandha, meta tkun tista', taghti avviż lill-okkupant ta' kull art jew bini li fuqha jkun mahsub li se jsir dhul skond is-setghat moghtija b'dan is-subartikolu; u

(ii) L-Awtorità, fl-eżerċizzju ta' l-imsemmija setghat ghandha taghmel l-inqas hsara possibbli fiċ-ċirkostanzi u ghandha thallas kumpens ghal kull hsara li tkun saret u għall-holqien jew rekwiżizzjoni ta' xi jeddijiet fuq proprjetà.

(4) Bla hsara ghal kull regolament magħmul taht dan l-Att, l-Awtorità jkollha wkoll is-setgha —

(a) li tordna fejn xi bastiment ghandu jsorġi, jirmigġa jew jankra f'xi port u l-mod kif jankra fil-port;

(b) li tordna li bastiment jitneħħa minn xi rmiġġ, stazzjon jew ankraġġ ghal port ieħor, u l-hin li fih ghandu jitneħħa dak il-bastiment;

(ċ) tirregola l-moviment ta' bastimenti fil-portijiet u bejniet-hom, jew fil-qarba ta' port jew fl-ibħra territorjali.

(5) Meta tkun saret xi hsara lil xi xoghlijiet, impjant jew makkinarju f'xi port jew lil xi proprjetà oħra ta' l-Awtorità minn bastiment jew minn xi persuna li tkun qed taħdem xogħol fuq jew dwar bastiment, l-Awtorità tista' żżomm lil dak il-bastiment u ghandha ma' dan tgħarraf lill-kaptan, lis-sid jew lill-aġent ta' dak il-bastiment, jew lill-aġent jew rappreżentant ta' dak is-sid, biex fiż-żmien speċifikat fl-avviż, jipprovdi garanzija biżżejjed biex taghmel tajjeb għall-hlas tal-hsarat li jkunu hekk saru, u l-bastiment ma jinhelixx sakemm tingħata dik il-garanzija.

Diretturi
Eżekuttivi u
delega ta'
funzjonijiet.

8. (1) L-Awtorità ghandha tahtar mhux iktar minn erba' Diretturi Eżekuttivi, li minnhom wiehed ikun responsabbli ghal bastimenti merkantili, ieħor għall-portijiet, u ieħor ghal ċentri dwar *yachting*, u tiddelegalhom, suġġetti għas-sorveljanza u l-kontroll komplet tagħha, dawk mill-funzjonijiet tagħha li għandhom x'jaqsmu ma' hwejjeġ li għalihom huma responsabbli, u dawk il-hwejjeġ l-oħra li l-Awtorità jidhrilha xierqa, li bihom dawk id-Diretturi jkunu jistgħu jwettqu l-*policies* ta' l-Awtorità u biex xort'oħra jkunu jistgħu b'mod effettivi u effiċjenti jaqdu l-funzjonijiet ta' l-Awtorità fl-oqsma rispettivi tagħhom ta' xogħol:

Izda l-ewwel Diretturi Eżekuttivi jinhatru mill-Ministru.

(2) Kull wiehed mid-Diretturi Eżekuttivi jkun uffiċjal pubbliku dettaljat ghal dmirijiet ma' l-Awtorità jew impjegat permanenti ta' l-Awtorità. F'kull każ li jkollu taghrif biżżejjed dwar bastimenti merkantili jew fit-thaddim ta' portijiet jew f'ċentri dwar *yachting*, skond il-każ.

(3) Il-funzjonijiet kollha delegati taht dan l-artikolu għandhom jiġu pubblikati fil-Gazzetta. L-Awtorità u kull wieħed mid-Diretturi Eżekuttivi jistgħu jeżerċitaw waħda jew iżjed mill-funzjonijiet, direttament jew bil-mezz ta' kull uffiċjal jew impjegat ta' l-Awtorità li jkun awtorizzat għal hekk, jew bil-mezz ta' kuntrattur jew persuna oħra li magħha jkun sar ftehim għall-qadi ta' waħda jew iżjed minn dawk il-funzjonijiet.

(4) Meta f'dan l-Att xi haġa għandha ssir minn jew kontra jew dwar l-Awtorità, jew xi avviż għandu jew jista' jingħata mill-Awtorità, kull haġa jew avviż bħal dawk jistgħu wkoll isiru minn jew kontra jew dwar jew jingħataw lid-Direttur Eżekuttiv li l-haġa tkun taqa' taht il-ġurisdizzjoni tiegħu minhabba delega ta' funzjonijiet lil dak id-Direttur; u għall-finijiet imsemmija kull referenza f'dan l-Att għall-Awtorità tinkludi riferenza għad-Direttur Eżekuttiv li jkun.

9. (1) Il-laqgħat ta' l-Awtorità jissejhu miċ-*Chairman* fuq inizjattiva tiegħu stess jew fuq talba ta' tnejn mill-membri l-oħra.

Proċeduri ta' l-Awtorità.

(2) Nofs in-numru ta' membri li għaż-żmien jikkostitwixxi l-Awtorità jagħmel *quorum*. Id-deċiżjonijiet jittiehdu f'laqgħa li għaliha *quorum* ikun preżenti b'maġġoranza tal-membri li jkunu preżenti u li jivvotaw. Iċ-*Chairman*, jew il-persuna l-oħra li tkun qed tippresjedi l-laqgħa, jkollhom vot originali u, fil-każ ta' voti ndaqs, vot konkluziv.

(3) Kull membru li jkollu nteress dirett jew indirett f'xi kuntratt magħmul jew propost li jsir mill-Awtorità, li ma jkunx interess li jiskwalifika lil dak il-membru milli jibqa' membru, għandu jikkaxef ix-xorta ta' l-interess tiegħu fl-ewwel laqgħa ta' l-Awtorità wara li jkun sar jaf bil-fatti rilevanti. Dak il-kaxif għandu jkun reġistrat fil-minuti tal-laqgħa, u dak il-membru għandu jirtira minn kull laqgħa waqt li dak il-kuntratt ikun qed jiġi diskuss jew deċiż mill-Awtorità.

(4) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u għall-proċeduri li jistgħu jiġu preskritti, l-Awtorità tista' tirregola l-proċeduri tagħha stess.

(5) Kull għemil magħmul minn xi persuna li taġixxi in *bona fede* bħala membru ta' l-Awtorità jkun validu daqsliekieku kienet membru minkejja xi difett li wara jinkaxef fil-hatra jew fil-kwalifiki tagħha.

(6) Kull dokument li juri li hu att magħmul jew mahruġ mill-Awtorità u li jkun iffirmit miċ-*Chairman* f'isimha jittiehed bħala prova u għandu, sakemm ma jkunx ippruvat kuntrarju, jitqies li hu att magħmul jew mahruġ mill-Awtorità.

10. (1) Fil-qadi tal-funzjonijiet ta' l-Awtorità, l-Awtorità u d-Direttur Eżekuttivi għandhom —

Relazzjonijiet bejn il-Ministru u l-Awtorità.

(a) jagħtu effett, kemm jista' jkun malajr, lil kull direttiva li l-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħti lill-Awtorità taht il-firma tiegħu dwar kull haġa li fil-fehma tiegħu

tolqot l-interess pubbliku fuq il-*policy* li ghandha timxi fuqha l-Awtorità jew xi azzjoni li ghandha taghmel fil-qadi tal-funzjonijiet taghha;

(b) jaghtu lill-Ministru faċilitajiet biex jikseb taghrif dwar il-proprjetà u l-hidma ta' l-Awtorità u jaghtuh dawk il-prospetti, kontijiet u taghrif iehor dwar dan u jaghtuh faċilitajiet biex jivverifika kull taghrif moghti, b'dak il-mod u f'dawk iż-żminijiet li l-Ministru b'mod xieraq jehtieg.

(2) Jekk l-Awtorità tonqos li tħares xi direttiva mahruġa taht dan l-artikolu, l-Prim Ministru jista' jaghmel ordni li jittrasferixxi lill-Ministru, għal kollox jew f'parti, kull waħda mill-funzjonijiet ta' l-Awtorità.

Eżenzjoni.

11. L-Awtorità tkun eżentata minn kull responsabbiltà għall-hlas ta' taxxa jew taxxa fuq l-*income* jew xi dazju ta' importazzjoni jew taxxa fuq dokumenti skond xi liġi li f'dak iż-żmien tkun isseħħ f'Malta.

Kumitat
Konsultattiv
ta' min juża
l-Portijiet.

12. (1) Għandu jkun hemm Kumitat Konsultattiv ta' min juża l-Portijiet biex jaghti pariri u jaghmel rakkomandazzjonijiet lill-Ministru u lill-Awtorità fuq titjib tas-servizzi, faċilitajiet u xogħlijiet fil-portijiet.

(2) Il-Kumitat ikun magħmul minn *chairman* u min dak in-numru ta' membri fost il-korpi u l-organizzazzjonijiet li jirrappreżentaw lil min juża l-portijiet, kif il-Ministru jista' jahtar minn żmien għal żmien.

(3) F'kull laqgħa tal-Kumitat iċ-*Chairman* u nofs in-numru tal-membri li jiffurmaw il-Kumitat jaghmlu *quorum*.

(4) Il-Kumitat għandu jiltaqa' għall-anqas tliet darbiet fis-sena f'dak il-hin u f'dak il-post stabbilit miċ-*Chairman*.

(5) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Kumitat jista' jirregola l-proċedura tiegħu stess.

TAQSIMA II

Dispożizzjonijiet Finanzjarji

L-Awtorità
thallas l-infiq
mid-dhul.

13. (1) L-Awtorità tingħata kapital inizzjali ta' tliet mija u hamsin elf lira, li jithallas mill-Gvern mill-Fond Konsolidat, bla hteġa ta' approprijazzjoni ohra hlief dan l-Att, b'ordni mahruġ taht il-firma tal-Ministru tal-Finanzi li jawtorizza lill-*Accountant General* jaghmel dak il-hlas.

(2) L-Awtorità ghandha wkoll tithallas mill-Gvern mill-Fond Konsolidat dawk is-somom li l-Parlament jista' minn żmien għal żmien jawtorizza li jkun approprijati u mħallsa minn dak il-Fond sabiex jithallsu xogħlijiet speċifiċi li għandhom jitkomplew, jitlestew jew xort'ohra jsiru mill-Awtorità, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali simili.

(3) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, l-Awtorità għandha tmexxi l-affarijiet tagħha b'dak il-mod li l-infieq meħtieġ għall-qadi xieraq tal-funzjonijiet tagħha, kemm jista' jkun, jithallas mid-dhul tagħha.

(4) L-Awtorità għandha tiġbor kull dritt u taxa tal-port u kull pagament, rata u hlas iehor preskritt jew meqjus li huwa preskritt b'dan jew taht dan l-Att jew l-Att dwar il-Bastimenti Merkantili jew xi ligi ohra li għandha x'taqsam mas-setgħat u l-funzjonijiet ta' l-Awtorità.

(5) Kull dhul li jkun iktar mill-infieq għandu, skond dawk id-direttivi li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jagħti minn żmien għal żmien, ikun użat mill-Awtorità biex tibni fondi ta' riżervi biex jintużaw għall-finijiet ta' l-Awtorità; u bla hsara għall-ġeneralità tas-setgħat mogħtija lill-Ministru b'dan is-subartikolu, kull direttiva mogħtija mill-Ministru kif intqal qabel tista' tordna t-trasferiment lill-Gvern, jew l-użu b'dak il-mod kif jista' jiġi speċifikat fid-direttiva, ta' kull parti minn dak id-dhul żejjed.

(6) Kull fond ta' l-Awtorità li ma jkunx immedjatement meħtieġ biex jithallas l-infieq jista' jkun investit b'dak il-mod li minn żmien għal żmien ikun approvat mill-Ministru.

14. (1) L-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tiġbor flus, b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, taht dawk il-pattijiet u l-kundizzjonijiet u b'dik il-garanzija li tista' tqis xieraq, għal xi wiehed jew iktar mill-ghanijiet li ġejjin:—

Setgħa għal self ta' kapital.

- (a) il-provdiment ta' kapital biex taħdem;
- (b) it-twetiq tal-funzjonijiet ta' l-Awtorità taht dan l-Att;
- (c) il-provdiment ta' kapital għall-espansjoni ta', jew zieda ma', l-attiv fiss ta' l-Awtorità;
- (d) il-fidwa ta' kull obligazzjonijiet, *stock* ta' obligazzjonijiet jew sigurtajiet ohra li l-Awtorità tista' teħtieġ jew tkun meħtieġa li tifdi;
- (e) kull infieq iehor li jista' jiġi addebitat lil kont kapitali.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef permezz ta' *overdraft* jew b'mod ieħor, dawk is-somom li tkun teħtieġ biex taqdi l-funzjonijiet tagħha taħt dan l-Att:

Iżda tkun meħtieġa l-approvazzjoni bil-miktub tal-Ministru għal kull ammont li jeċċedi hamsin elf lira.

Self minghand il-Gvern.

15. (1) Meta jkun meħtieġ li l-Awtorità tiegħi b'self minghand il-Gvern xi ammonti li jkollha bżonn biex twettaq il-funzjonijiet tagħha taħt dan l-Att, il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta mal-Ministru, b'ordni taħt il-firma tiegħu u bla hteġa ta' ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jsellef lill-Awtorità mid-dhul ta' xi self miftiehem jew magħmul għal dak il-ghan jew mill-Fond Konsolidat; u dak is-self għandu jsir taħt dawk il-pattijiet u l-kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jordna.

(2) Il-Ministru responsabbli għall-finanzi jista', għal kull hteġa ta' l-Awtorità ta' natura kapitali, jissellef flus, jew jidhol f'obbligi, għal dak iż-żmien u taħt dawk il-pattijiet u l-kundizzjonijiet li jidhirlu xierqa, u kull ammont dovut dwar jew in konnessjoni ma' kull self jew obbligu bħal dan ikun piż fuq il-Fond Konsolidat.

(3) Avviż dwar self jew obbligi li jkunu magħmula taħt id-dispożizzjonijiet ta' qabel ta' dan l-artikolu għandu jingħata lill-Kamra tad-Deputati kemm jista' jkun malajr.

(4) Sakemm jingabar xi self hekk kif imsemmi fis-subartikolu (2) ta' dan l-artikolu, jew sabiex l-Awtorità tkun provduta b'kapital biex taħdem, il-Ministru responsabbli għall-finanzi jista', b'ordni mahruġ taħt il-firma tiegħu, u bla hteġa ta' approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jagħmel self lill-Awtorità mill-Fond ta' Helsen tat-Teżor b'dawk il-pattijiet li l-Ministru jista' jispeċifika meta jagħmel l-ordni.

(5) Id-dhul minn kull self miġbur għall-finijiet ta' avvanzi lill-Awtorità, u kull flejjes oħra li jkunu avvanzati lill-Awtorità taħt dan l-artikolu, għandhom jithallsu f'fond li jkun stabbilit b'mod speċjali għal dan il-ghan u li jkun magħruf bhala "il-Fond ta' Self tal-Awtorità tal-Portijiet".

(6) Somom riċevuti mill-*Accountant General* minghand l-Awtorità dwar avvanzi magħmula mill-Awtorità taħt is-subartikolu (1) ta' dan l-artikolu għandhom jithallsu fil-"Fond ta' Self tal-Awtorità tal-Portijiet".

(7) Somom riċevuti mill-*Accountant General* minghand l-Awtorità dwar avvanzi magħmula lill-Awtorità taħt is-subartikolu (4) ta' dan l-artikolu għandhom jithallsu dwar ammonti riċevuti bhala hlas lura ta' kapital fil-Fond ta' Helsen tat-Teżor u, dwar ammonti riċevuti bhala mgħax, fil-Fond Konsolidat.

16. Hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali, l-Awtorità ma' tista' tagħmel ebda kuntratt għall-provvista ta' oġġetti jew materjali jew sabiex isir xi xogħol jew biex jingħataw xi servizzi lil jew għall-benefiċċju ta' l-Awtorità, li skond l-Awtorità jkun stmat li jilhaq spiża ta' aktar minn għaxart elef lira, hlief wara li avviz li l-Awtorità tkun bi hsiebha tagħmel ikun ġie pubblikat u jkunu ħargu offerti b'kompetizzjoni.

Kuntratti
għall-provvista
jew xoghlijiet.

17. (1) Kull sena finanzjarja l-Awtorità għandha tiehu hsieb thejji, u għandha mhux iktar tard minn tmien ġimgħat wara t-tmien ta' dik is-sena tadotta, estimi ta' dħul u nfieq ta' l-Awtorità għas-sena finanzjarja li tiġi wara, fejn tagħzel, b'mod partikolari, bejn bastimenti merkantili, portijiet u ċentri tal-*yachting*.

Estimi ta'
l-Awtorità.

(2) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni ma' estimi ta' qabel kif il-Ministru jista' jordna.

(3) Kopja ta' l-estimi għandha, malli dawn ikunu adottati mill-Awtorità, tintbagħat minnufih lill-Ministru.

(4) Il-Ministru għandu, ma' l-ewwel opportunità u mhux iktar tard minn tmien ġimgħat wara li jkun irċieva kopja ta' l-estimi ta' l-Awtorità, jew, jekk f'dak iż-żmien il-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jiehu hsieb li dawk l-estimi jitqiegħdu quddiem il-Kamra, flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Għandha tingħata seduta wahda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jstgħu jkunu b'emendi għall-estimi jew mingħajr emendi.

(5) Ma jista' jsir ebda nfieq mill-Awtorità jekk dan ma jkunx approvat mill-Kamra tad-Deputati:

Iżda —

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja, jew sakemm il-Ministru japprova l-estimi għal dik is-sena, skond liema tkun l-ewwel data, l-Awtorità tista' tagħmel infieq biex taqdi l-funzjonijiet tagħha skond dan l-Att ta' mhux iktar b'kollox minn nofs l-ammont approvat għas-sena finanzjarja ta' qabel;

(b) infieq approvat dwar kap jew sotto-kap ta' l-estimi jista', bl-approvazzjoni tal-Ministru, jsir dwar kap jew sotto-kap iehor ta' l-estimi;

(ċ) jekk dwar sena finanzjarja jinstab li l-ammont approvat mill-Kamra ma jkunx biżżejjed, jew tinqala' l-htieġa għal infieq li ma jkunx provdut għaliha fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm dawn ikunu approvati, bil-kundizzjoni li din tingħata, l-Awtorità tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, tagħmel l-

infieq relattiv; u d-dispożizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom, safejn ikunu prattikabbli, japplikaw għall-estimi supplimentari:

Iżda wkoll dwar l-ewwel sena finanzjarja ta' l-Awtorità dan l-artikolu għandu japplika daqskieku kien jehtieg lill-Awtorità li tadotta estimi għal dik is-sena mhux aktar tard minn għoxrin gimgha wara l-bidu fis-sehh ta' dan l-artikolu u daqslikieku l-infieq totali li jista' jsir mill-Awtorità sakemm ikunu approvati l-estimi għal dik is-sena mill-Kamra ma jkunx iżjed minn nofs l-ammont muri f'dawk l-estimi.

(6) L-estimi u l-estimi supplimentari kollha approvati mill-Kamra tad-Deputati għandhom, kemm jista' jkun malajr, ikunu pubblikati fil-Gazzetta.

Kontijiet u verifika.

18. (1) L-Awtorità għandha tiehu hsieb li jinżammu kotba ta' kontijiet xierqa u *records* oħra dwar ix-xogħol tagħha u għandha tiehu hsieb li thejji prospett ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' l-Awtorità għandhom ikunu verifikati minn awditur jew awdituri mahtura minnha u approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista' jehtieg li l-kotba u r-*records* l-oħra ta' l-Awtorità jkun verifikati jew eżaminati mid-Direttur tal-Verifika li għal dan il-ghan ikollu s-setgħa li jagħmel kull verifika fizika u l-verifika l-oħra, u jista' jehtieg dak it-tagħrif, li jidhirlu mehtieg.

(3) Wara li tispicča kull sena finanzjarja, fl-istess hin li kopja ta' l-estimi ta' l-Awtorità tintbagħat lill-Ministru skond l-artikolu 17 ta' dan l-Att, l-Awtorità għandha tiehu hsieb li kopja tal-prospett tal-kontijiet verifikat kif imiss tintbagħat lill-Ministru flimkien ma' kopja tar-rapport magħmul mill-awditur jew mill-awdituri fuq dak il-prospett jew il-kontijiet ta' l-Awtorità.

(4) Il-Ministru għandu jiehu hsieb li kopja ta' kull prospett u rapport bħal dawk jitqiegħdu quddiem il-Kamra tad-Deputati flimkien mal-mozzjoni mqiegħda quddiem il-Kamra skond l-imsemmi artikolu 17.

Depożiti ta' flus u hlasijiet.

19. (1) Il-flus kollha ta' l-Awtorità għandhom jitqiegħdu f'bank jew f'banek mahtura minnha bl-approvazzjoni tal-Ministru. Dawk il-flus għandhom, kemm jista' jkun, jitqiegħdu fil-bank minn jum għal iehor, hlief għal dik is-somma li tkun mehtieġa li tinzamm biex jithallsu nfieq żgħir u hlasijiet immedjati.

(2) Il-hlasijiet kollha mill-fondi ta' l-Awtorità, barra minn nfieq żgħir sa somma stabbilita mill-Awtorità, għandhom isiru minn dak l-ufficjal jew dawk l-ufficjali ta' l-Awtorità li dan tista' tahtar jew tqabbad għal dan il-ghan.

(3) Ċekkijiet miġbuda jew żbanek magħmula minn kull kont tal-bank ta' l-Awtorità għandhom ikunu iffirmati minn dak l-uffiċjal ta' l-Awtorità li din tista' tqabbaad għal hekk u għandhom ikunu kontrofirmati miċ-*Chairman* jew minn dak il-membri jew uffiċjal ieħor ta' l-Awtorità kif ikun awtorizzat mill-Awtorità.

(4) L-Awtorità għandha tipprovdi wkoll għal —

(a) il-mod li bih hlasijiet għandhom ikunu approvati u l-uffiċjali li għandhom japprovawhom;

(b) l-isem ta' kull kont fil-bank jew fil-banek li fihom jithallsu l-flus ta' l-Awtorità, u t-trasferiment ta' fondi minn kont għal ieħor;

(c) il-mod li jkun użat biex isiru hlasijiet mill-fondi ta' l-Awtorità;

(d) b'mod ġenerali l-hwejjeġ kollha meħtieġa biex jinżammu u jkunu kontrollati kif jixraq il-kontijiet, il-kotba u r-*records* l-oħra u l-kontroll tal-finanzi ta' l-Awtorità.

20. (1) L-Awtorità għandha, mhux iktar tard minn sitt gimghat wara li tintemm kull sena finanzjarja, tagħmel u tibghat lill-Ministru u lill-Ministru responsabbli għall-finanzi, rapport dwar l-attivitajiet tagħha matul dik is-sena, fejn tiddistingwi, b'mod partikolari, bejn bastimenti merkantili, portijiet u ċentri ta' *yachting*, u li jkun fih dak it-tagħrif dwar il-proċeduri ta' l-Awtorità li l-Ministru minn żmien għal ieħor jeħtieġ, magħduda kull direttivi mogħtija mill-Ministru.

Rapport
annwali.

(2) Il-Ministru għandu jiehu hsieb li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati kemm jista' jkun malajr.

TAQSIMA III

Trasferiment ta' Ċertu Attiv lill-Awtorità

21. (1) Il-proprjetà u l-imprizi li kienu proprjetà tal-Gvern u li kienu wżati minnu għat-thaddim ta' xi port minnufih qabel id-data tal-bidu fis-seħħ ta' din it-Taqsima ta' dan l-Att għandhom, fl-imsemmija data, bis-saħħa ta' dan l-Att u mingħajr aktar assikurazzjoni, jiġu trasferiti lil u jkunu vestiti fl-Awtorità bl-istess titolu li bih kienu miżmuma mill-Gvern minnufih qabel l-imsemmija data.

Trasferiment ta'
attiv lill-
Awtorità.

(2) Dak it-trasferiment u l-vestment għandhom jestendu għal dik il-proprjetà u dawk l-imprizi kollha u, bla hsara għall-ġeneralità ta' dak li ntqal qabel, jinkludi kull impjant, tagħmir ta' manijġ ta'

merkanzija, mekkaniku jew le, u taghmir ieħor, l-apparat, l-istrumenti, il-vetturi, l-bastimenti, l-inġenji, ix-xtut, il-mollijiet, il-*piers*, il-bankini, il-bini, l-istrutturi, l-istallazzjonijiet, l-artijiet, ix-xogħlijiet, l-istokkijiet kollha u proprjetà oħra, mobbli jew immobbli, kull attiv, setgħa, jedd u privileġġ u kull haġa meħtieġa jew anċillari għalihom li tkun miżmuma jew posseduta dwarhom jew li għandha x'taqsam magħhom, kif ukoll l-obbligi kollha li jolqtu jew li għandhom x'jaqsmu ma' kull waħda mill-imsemmija proprjetà jew impriża jew kull haġa nkluża fihom kif intqal qabel:

Iżda, dwar xtut, mollijiet, *piers* u bankini, l-imsemmija trasferiment u vestiment ma jestendux għall-proprjetà tagħhom iżda jkunu limitati għall-użu, amministrazzjoni u thaddim tagħhom, inkluż kull benefiċċju li jinkiseb minn dak l-użu, amministrazzjoni u thaddim, b'mod li l-Awtorità tkun sugġett għall-obbligu li tiehu hsieb u żżomm dik il-proprjetà kollha, f'kull żmien, f'ordni u kundizzjoni tajba, u għall-finijiet ta' l-artikoli 22 u 23 ta' dan l-Att dik il-proprjetà għandha titqies li hi nkluża fil-proprjetajiet trasferiti lill-Awtorità b'dan l-Att jew tahtu.

Ftehim ta' ligijiet, kuntratti eċċ., dwar attiv trasferit.

22. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, kull ligi, regola, regolament, ordni, sentenza, digriet, deċiżjoni, rabta', kuntratt, ftehim, att, dokument, mandat u arrangament ieħor, eżistenti minnufih qabel id-data tal-bidu fis-seħħ ta' din it-Taqsima ta' dan l-Att li jolqtu jew għandhom x'jaqsmu ma' proprjetà jew impriża trasferita lill-Awtorità b'dan l-Att jew tahtu għandhom isehħu u jkollhom effett shiħ kontra jew favur l-Awtorità, u jistgħu jitwettqu għal kollox u b'effett shiħ, bħalliekieku minflok il-Gvern jew awtorità tal-gvern, l-Awtorità kienet imsemmija fihom jew kienet parti fihom, u xort'oħra b'sostituzzjoni tal-Gvern jew l-awtorità tal-gvern.

Dispożizzjonijiet tranżitorji.

23. (1) Meta xi haġa tkun inbdiet bis-saħħa jew taht l-awtorità tal-Gvern qabel id-data tal-bidu fis-seħħ ta' din it-Taqsima ta' dan l-Att u dik il-haġa tkun dwar xi proprjetà jew impriża jew xi dritt jew responsabbiltà trasferita lill-Awtorità b'dan l-Att jew tahtu, dik il-haġa tista' titkompla u tiġi mitmuma mill-Awtorità jew kif awtorizzat minnha.

(2) Meta minnufih qabel il-bidu fis-seħħ ta' din it-Taqsima ta' dan l-Att, jkunu pendenti xi proċedimenti legali li fihom il-Gvern ikun jew ikollu jedd li jkunu parti, u dawk il-proċedimenti jkunu dwar xi proprjetà jew impriża, jew xi dritt jew responsabbiltà trasferita b'dan l-Att jew tahtu, l-Awtorità għandha, mid-data msemmija, tiġi sostitwita f'dawk il-proċedimenti minflok il-Gvern, jew għandha tkun parti fihom bl-istess mod kif seta' kien il-Gvern, u dawk il-proċedimenti m'għandhomx jintemmu minhabba s-sostituzzjoni.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali u supplementari li jidhru meħtieġa jew spedjenti sabiex jistabbilixxi, kif xieraq, l-attiv trasferit lill-Awtorità b'dan l-Att u sabiex jiżgura u jagħti effett shiħ għat-trasferiment ta' kull proprjetà jew impriża, jew kull dritt jew responsabbiltà ta' l-Awtorità skond dan l-Att u jista' jagħmel dawk l-

ordnijiet li jistghu jkunu mehtieġa sabiex xi setgħat u dmirijiet eżerċitati mill-Gvern dwar xi proprjetà jew impriża trasferita jsiru eżerċitabbli minn jew f'isem l-Awtorità.

TAQSIMA IV

Uffiċjali u Impjegati ta' l-Awtorità

24.(1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, l-Awtorità għandha minn żmien għal żmien taħtar u timpjega dawk l-uffiċjali u mpjegati, b'dik ir-rimunerazzjoni u taħt dawk il-pattijiet u kundizzjonijiet li jidhrilha xierqa, għall-qadi xieraq u effiċjenti tal-funzjonijiet tagħha.

Hatra ta' uffiċjali u mpjegati ta' l-Awtorità.

(2) Il-membri ta' l-Awtorità, id-Diretturi Eżekuttivi u l-membri tal-Kumitat Konsultattiv ta' Min Juża' l-Portijiet u uffiċjali u impjegati oħra kollha ta' l-Awtorità għandhom, għall-finijiet tal-Kodiċi Kriminali u ta' kull liġi jew dispożizzjoni ta' liġi oħra ta' xorta penali, jitqiesu li huma uffiċjali pubbliċi, iżda mhux xort'oħra.

25. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien għal iehor jordna li xi uffiċjal pubbliku jkun allokat għal xogħol ma' l-Awtorità f'dik il-kariga u b'effett minn dik id-data li tista' tiġi speċifikata fl-ordni.

Allokazzjoni ta' uffiċjali pubbliċi għal xogħol ma' l-Awtorità.

(2) Il-perijodu li matulu ordni kif intqal qabel għandu japplika għal kull uffiċjal speċifikat fih, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew xort'oħra ma jtemmx qabel milli jżomm kariga, jew kemm-il darba ma tkunx speċifikata fl-ordni data differenti, għandu jtemm malli ssehh xi waħda mill-ġrajjet li ġejjin, jiġifieri —

(a) l-aċċettazzjoni minn dak l-uffiċjal ta' offerta ta' trasferiment għas-servizz ta', u mpieg permanenti ma', l-Awtorità li ssir skond l-artikolu 26 ta' dan l-Att; jew

(b) ir-revoka mill-Prim Ministru ta' xi ordni magħmul minnu taħt dan l-artikolu dwar dak l-uffiċjal.

(3) Meta ordni dwar xi uffiċjal kif intqal qabel ikun revokat mill-Prim Ministru, il-Prim Ministru jista', b'ordni iehor, jalloka lil dak l-uffiċjal jagħmel xogħol ma' l-Awtorità, f'dik il-kariga u b'effett minn dik id-data li tista' tkun speċifikata fl-ordni l-iehor, u d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ma' dan japplikaw sakemm idum isehh l-ordni l-iehor dwar dak l-uffiċjal.

(4) Meta uffiċjal pubbliku jkun allokat għal xogħol ma' l-Awtorità skond xi waħda mid-dispożizzjonijiet ta' dan l-artikolu, dak l-uffiċjal għandu, matul iż-żmien li fih l-ordni jkollu effett dwaru, ikun taħt l-awtorità amministrattiva u l-kontroll ta' l-Awtorità, iżda għandu għall-finijiet u effetti oħra jibqa', u jitqies u jiġi trattat bħala uffiċjal pubbliku.

(5) Bla ħsara għall-ġeneralità ta' dak li ntqal qabel, uffiċjal allokat għal xogħol kif inghad qabel —

(a) m'għandux matul iż-żmien li dwaru jkun hekk allokat —

(i) ikun preklus milli japplika għal trasferiment għal Dipartiment tal-Gvern skond il-pattijiet u l-kundizzjonijiet ta' servizz annessi mal-hatra tiegħu li kellu mal-Gvern fid-data li fiha jkun ġie allokat għal xogħol;

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kundizzjonijiet tas-servizz tiegħu jkunu anqas vantaġġużi minn dawk annessi mal-hatra tiegħu li kellu mal-Gvern fid-data li fiha jkun ġie allokat għal xogħol kif intqal qabel jew li kienu jkunu annessi ma' dik il-hatra, matul dak il-perijodu, kieku dak l-uffiċjal ma kienx allokat għal xogħol ma' l-Awtorità; u

(b) ikollu l-jedd li s-servizz tiegħu ma' l-Awtorità jitqies bħala servizz mal-Gvern għall-fini ta' kull pensjoni, gratifikazzjoni taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltima, u ta' kull jedd jew privileġġ iehor li għalih kien ikollu dritt, u suġġett għal kull responsabbiltà li għaliha kien ikun suġġett, kieku mhux għall-fatt li hu kien allokat għal xogħol ma' l-Awtorità.

(6) Meta ssir applikazzjoni kif provdut fis-sub-paragrafu (i) tal-paragrafu (a) tas-subartikolu (5) ta' dan l-artikolu, din għandha tinghata l-istess konsiderazzjoni bhallikieku l-applikant ma kienx allokat għal xogħol ma' l-Awtorità.

(7) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal iehor ikunu stabbiliti mill-Ministru responsabbli għall-finanzi għal kemm jiswew il-pensjonijiet u l-gratifikazzjonijiet dovuti lil uffiċjal allokat għal xogħol ma' l-Awtorità kif intqal qabel matul il-perijodu li fih ikun hekk allokat.

26. (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal pubbliku allokat għal xogħol ma' l-Awtorità taħt l-artikolu 25 ta' dan l-Att impieg permanenti ma' l-Awtorità b'rimunerazzjoni u b'pattijiet u kondizzjonijiet speċifikati fl-offerta.

(2) Kull uffiċjal li jaċċetta mpieg permanenti ma' l-Awtorità li jkun offrut lilu taħt dan l-artikolu għandu, għall-finijiet kollha jitqies li spicċa mis-servizz tal-Gvern u li jkun dahal f'servizz ma' l-Awtorità fid-data ta' l-aċċettazzjoni tiegħu.

Kap. 93.
Kap. 58.

Offerta ta'
mpieg permanenti
lil uffiċjali
pubbliċi.

TAQSIMA V

Dikjarazzjoni u Regolament ta' Portijiet

27. (1) Il-Ministru jista' b'ordni —

Dikjarazzjoni ta' portijiet.

(a) jiddikjara kull post flimkien ma' kull area ta' art f'Malta bhala port, jew centru tal-*yachting*, għall-finijiet ta' dan l-Att;

(b) jistabbilixxi l-limiti ta' kull post, dikjarat bhala port, jew centru tal-*yachting* skond il-paragrafu (a) ta' dan is-subartikolu;

(c) jiddikjara kull ilmiet navigabbli jew area ta' art bhala qarba ta' port jew centru tal-*yachting*, skond kif imfisser f'dan l-Att.

(2) Bla hsara għad-dispożizzjonijiet l-oħra ta' dan l-artikolu l-postijiet speċifikati fit-Taqsima I u II ta' l-Ewwel Skeda li tinsab ma' dan l-Att qed jiġu b'dan dikjarati bhala portijiet; u l-postijiet speċifikati fit-Taqsima IV ta' l-imsemmija Skeda qed jiġu b'dan dikjarati bhala centri tal-*yachting*.

(3) Bla hsara għas-setgħat tiegħu li jirrevoka, jibdel jew jissostitwixxi xi ordni magħmul taht dan l-artikolu, il-Ministru jista' wkoll b'ordni jirrevoka, jibdel jew jissostitwixxi l-Ewwel Skeda li tinsab ma' dan l-Att.

28. (1) Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti għall-manutenzjoni, kontroll u tmexxija ta' kull port u l-art u l-baħar li jkunu qarba ta' kull port u biex tinzamm il-bon ordni fihom u jista' jagħmel regolamenti separati u differenti għal portijiet, u centri tal-*yachting* u għal bastimenti u *yachts*; u b'mod partikolari, iżda bla hsara għall-generalità ta' dak li ntqal qabel, jista' jagħmel regolamenti għall-għanijiet kollha li ġejjin jew għal xi wieħed minnhom:

Setgħa għall-egħmil ta' regolamenti.

(a) biex jirregolaw it-traffiku fil-limiti ta' port jew l-art u l-baħar fil-qarba tiegħu;

(b) biex jirregolaw l-irmiggi, l-istazzjonijiet u l-ankraġġi li għandhom ikunu okkupati minn bastimenti u t-tneħħija ta' bastimenti minn irmiggi, stazzjon jew ankraġġ ieħor, u ż-żmien li matulu dik it-tneħħija għandha ssir;

(c) biex jirregolaw bastimenti waqt li jkunu jgħabbu jew inizzlu ekwipaġġ, passigġieri, merkanzija jew saborra, skond il-każ, jew waqt li jkunu qed jieħdu *fuel* jew hażniet;

(d) biex iżommu passagġi liberi ta' dik il-wisa' li titqies meħtieġa, f'xi port u matul, fuq jew hdejn il-*piers*, bankini, postijiet ta' żbark, xtut, mollijiet, baċiri, rmiġġi u xogħlijiet oħra bħal dan li jkunu fihom jew imissu magħhom jew ma' postijiet oħra bħalhom; u biex jimmarkaw il-postijiet sabiex jibqgħu hekk liberi;

(e) biex jirregolaw, jikkontrollaw u jipprojbixxu l-preżenza ta' kull persuna f'xi post jew bini f'port jew l-użu minn xi persuna ta' dak il-post jew bini;

(f) biex jirregolaw l-ankraġġ, l-irbit, l-irmigġ u t-tneħħija ta' l-irmigġ u t-tmexxija bil-ġbid ta' gerlin ta' bastimenti u l-użu ta' gerlini, bażi għall-irmigġ, ankri, ktajjen u rmiġġi oħra f'xi port;

(g) biex jirregolaw it-traffiku, jevitaw ingombri u jzommu l-ordni fuq kull area, *pier*, bankina, post ta' żbark, xatt, moll u baċir f'port jew fl-art u l-baħar tal-qarba tiegħu u sabiex ikun żgurat ħarsien mill-periklu ta' kull wieħed mill-imsemmija postijiet u xogħlijiet;

(h) biex jirregolaw l-użu ta' nirien u dwal u s-sinjali li għandhom jintużaw bi nhar u bil-lejl u l-miżuri li għandhom jittiehdu f'każ ta' nar f'port;

(i) biex jirregolaw l-użu ta' dwal ta' navigazzjoni jew dwal tas-sinjali minn bastimenti, l-użu ta' bandieri u sinjali li jintużaw minn bastimenti li jaslu, jkunu fi jew li jtilqu minn port u l-użu minn bastimenti ta' sfafar ta' l-istim, sireni ta' l-istim u strumenti oħra bħal dawn;

(j) biex jipprojbixxi t-tlaqqix, it-tqaxxir, it-thaddim bil-makna jew it-tiswijiet fuq bastimenti, skond il-każ, hliet f'dawk l-ankraġġi jew postijiet stabbiliti mill-Awtorità;

(k) biex jirregolaw il-galleġġar ta' kull haġa f'xi port jew fil-qarba ta' xi port u t-tfiegħ jew id-depożitu ta' xi korp mejjet, saborra, żibel jew haġa oħra f'xi port jew qarba ta' xi port;

(l) biex ifissru oġġetti perikolużi, riskjużi, infjammabbli, esplożivi jew ta' ħsara, biex jirregolaw il-movimenti u l-ankraġġ ta' bastimenti li jkollhom fuqhom dawk l-oġġetti u biex jippreskrivu d-dmirijiet ta' kaptani u bdoti li jkollhom il-kmand ta' kull bastiment bħal dawn u ta' persuni mqabbdin fi jew li jissorveljaw it-tagħbija, il-hatt, l-iżbark u t-trasport ta' kull oġġett bħal dawn;

(m) biex ma jithallewx isiru, biex jitneħħew u biex ikunu mmarkati ostakoli f'xi port u l-qarba tiegħu u biex jithares u jkun kontrollat it-tniġġiż bi żjut u sustanzi oħra, jew b'xi mod iehor, ta' kull port u l-qarba tiegħu;

(n) biex jirregolaw it-tqegħid u l-manutenzjoni ta' rmiġġi u baġi f'xi port;

(o) biex jittiehdu miżuri biex bastimenti ma jithallewx jitolqu minn xi port jekk ikunu mgħobbija ż-żejjed, mgħobbija mhux kif imiss, jew jekk xort'oħra mhux tajbin biex ibahħru, bla ħsara għad-dispożizzjonijiet ta' kull liġi dwar bastimenti merkantili;

(p) biex bastimenti, passigġieri u merkanzija jkunu protetti, u biex jitnehhew bastimenti u l-merkanzija tagħhom u l-oġġetti li għandhom x'jaqsmu magħhom li jkunu qed jingumbraw jew li x'aktarx jingumbraw xi port, biex jithallsu lura spejjeż li għandhom x'jaqsmu ma' dan, u l-impożizzjoni u l-ġbir ta' kera biex buk ta' bastiment jew bastimenti mgarrfa jew fdalijiet ta' bastiment mgħarraġ jithallew qiegħda f'xi port jew fil-qarba tiegħu;

(q) biex jirregolaw, jiddikjaraw u jfissru x-xtut, il-mollijiet, il-baċiri, il-*piers* u postijiet fil-portijiet, li minnhom jew fuqhom persuni jitnizzlu jew jitgħabbew u oġġetti jkunu mbarkati jew żbarkati;

(r) biex jirregolaw il-mod li bih, u l-kundizzjonijiet li tahtom it-tagħbija u l-hatt ta' bastimenti, u t-tagħbija jew hatt bi braken, il-manigġar u l-hażna ta' oġġetti, magħduda l-konsenja minn mażen, għandhom isiru;

(s) biex jirregolaw l-użu ta' mhażen, xtut, mollijiet, baċiri, *piers* u postijiet ohra fil-portijiet li fuqhom jew minnhom oġġetti jkunu mbarkati jew żbarkati u l-imġieba ta' persuni li jieħdu sehem fl-imbark fuq jew fl-iżbark minn bastiment f'xi port;

(t) biex jipprovdu għad-dixxiplina ta' l-impjegati ta' l-Awtorità jew tal-kuntrattur, sew jekk regolari jew każwali, u l-proċeduri li għandhom jitharsu għal dan il-għan, magħduda l-hatra ta' bord ta' dixxiplina u t-tmexxija u l-proċedura tiegħu, u biex jipprovdu għall-penalitajiet li jistgħu jinghataw minn dak il-bord;

(u) biex jehtieġu u jirregolaw l-użu ta' liċenża lil persuna biex tkun aġent ta' bastiment, il-kondizzjonijiet li tahtom tinhareġ dik il-liċenża u l-ġbir ta' pagament li għandu jsir għall-hruġ ta' dik il-liċenża, u b'mod ieħor biex jirregolaw u jikkontrollaw l-attivitajiet ta' aġenti tal-bastimenti u persuni li jirrappreżentaw sidien ta' bastimenti safejn daww l-attivitajiet ikunu dwar bastimenti li jistgħu jkunu jew li kienu f'port;

(v) biex jirregolaw il-mod li bih bastimenti li jithallew qiegħda f'port, għal iktar minn dak iż-żmien permess mill-Awtorità, jew li jithallew jew għal kollox waħedhom jew mingħajr ekwipaġġ biżżejjed fuqhom, għandhom ikunu trattati u x'isir minnhom;

(w) biex jirregolaw kull haġa minn dan li ġej:

(i) it-tnehhija ta' oġġetti li jithassru jew ma ssirx talba għalihom li jinsabu f'xi port;

(ii) il-projbizzjoni ta' tipjip f'kull parti ta' xi port jew il-qarba tiegħu;

(iii) il-bejgħ ta' oġġetti f'kull parti ta' xi port;

(x) biex jirregolaw hwejjeg li għandhom x'jaqsmu ma' purtiera, dawk li jgħorru u haddiema oħra li jkunu mpjegati fil-limiti ta' port, il-hruġ ta' liċenzi għat-twettiq ta' dak ix-xogħol u kull haġa oħra li għandha x'taqsam mad-dixxiplina ta' dawk il-haddiema;

(y) biex jippreskrivi kull haġa li b'dan l-Att tista' jew għandha tkun preskritta.

(2) Kull persuna li tikser jew li tonqos li thares xi waħda mid-dispożizzjonijiet ta' xi wieħed mir-regolamenti magħmula jew li huma meqjusa li saru taħt dan l-artikolu tkun haġta ta' reat u tehel meta tinsab haġta multa ta' mhux iżjed minn erbat elef lira jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multa u prigunerija flimkien, u fil-każ ta' reat kontinwu l-hlas ta' multa addizzjonali ta' mhux iżjed minn hames mitt lira għal kull jum li matulu jkompli r-reat.

Tagħrif li għandu jingħata mal-wasla ta' bastiment.

29. Il-kaptan ta' kull bastiment li jasal f'Malta minn xi post 'il hemm mill-ibhra għandu jagħti lill-Awtorità —

(a) ir-registru tal-bastiment u l-karti tal-bastiment;

(b) il-manifest, f'duplikat, tal-merkanzija kollha li tkun se tiġi żbarkata f'Malta;

u għandu wkoll jagħti lill-Awtorità dak it-tagħrif l-iehor dwar il-bastiment u l-passiġġieri, l-annimali u merkanzija li jkollu fuqu kif jista' jkun preskritt, u kull tagħrif bħal dan li l-Awtorità tista' tehtieg fid-diskrezzjoni tagħha.

Tagħrif li għandu jingħata qabel jitlaq bastiment.

30. (1) Qabel ma japplika għal helsien biex johroġ minn port skond id-dispożizzjonijiet ta' dan l-Att u ta' xi liġi oħra li tkun fiż-żmien isseħħ, il-kaptan ta' bastiment għandu jagħti lill-Awtorità —

(a) lista li jkun fiha n-numru ta' passiġġieri żbarkati jew imbarkati f'Malta;

(b) rendikont bil-miktub tal-kwalitajiet, kwantitajiet, piżijiet u qisien tal-merkanzija żbarkata jew mghobbija f'Malta;

u għandu wkoll jagħti lill-Awtorità dak it-tagħrif l-iehor dwar il-bastiment u l-passiġġieri, l-annimali u merkanzija li jkollu fuqu kif jista' jkun preskritt jew kif l-Awtorità tista' tehtieg fid-diskrezzjoni tagħha:

Iżda l-kaptan ta' bastiment jista' jkun eżentat minn dawk id-dmirijiet meta s-sid jew l-aġent, jew ir-rappreżentant tas-sid jew l-aġent tal-bastiment jiggarrantixxi għas-sodisfazzjon ta' l-Awtorità illi jaqdi dawn id-dmirijiet minflok il-kaptan f'dak iż-żmien u taħt dawk il-kondizzjonijiet li jistghu jiġi preskritti jew kif l-Awtorità tista' tistabbilixxi.

(2) Il-partikolaritajiet mehtieġa taħt is-subartikolu (1) ta' dan l-artikolu għandhom jingħataw jew ikunu provduti f'dik il-forma, f'dak in-numru ta' kopji u f'dak iż-żmien li jista' jkun preskritt jew kif l-Awtorità tista' tehtieg.

31. (1) Kull persuna li tippreżenta oġġetti lill-Awtorità jew lill-kuntrattur biex ikunu mbarkati jew jitqiegħdu f'maħżen, jew li titlob konsenja ta' oġġetti minn maħżen għandha tagħti dak it-tagħrif dwar l-oġġetti kif jista' jkun preskritt jew kif l-Awtorità jew il-kuntrattur jistgħu jehtieġu.

Tagħrif dwar oġġetti ppreżentati għall-imbark jew biex jitqiegħdu f'imhażen.

(2) Il-partikolaritajiet mehtieġa skond is-subartikolu (1) ta' dan l-artikolu għandhom jingħataw jew ikunu provduti f'dik il-forma u f'dak iż-żmien li jistgħu jkunu preskritti jew kif l-Awtorità jew il-kuntrattur jistgħu jehtieġu.

(3) Meta l-ghoti ta' dokumenti biex ikun iritirati oġġetti minn maħżen ikun preskritt taht dan l-Att għall-finijiet ta' dan l-artikolu, l-Awtorità jew il-kuntrattur għandhom ikunu mehlusa minn kull responsabbiltà għall-konsenja ta' l-oġġetti jekk l-Awtorità jew il-kuntrattur jikkonsenjaw l-oġġetti li għalihom jirreferu d-dokumenti lill-persuna li tippreżenta dawk id-dokumenti.

32. Il-kaptan u l-aġenti ta' bastiment ikunu responsabbli biex jiżguraw li l-bastiment f'kull hin fil-waqt li jkun qiegħed f'port ikollu ekwipaġġ xieraq fuqu kif mehtieġ mill-Awtorità.

Bastiment f'port għandu jkollu l-ekwipaġġ xieraq.

Izda l-Awtorità tista', bil-miktub u taht dawk il-kundizzjonijiet li jidhrilha xierqa, tagħti permess biex bastiment ikollu fuqu numru inqas ta' ekwipaġġ.

33. (1) Il-kaptan, is-sid jew l-aġent ta' bastiment, m'għandux iħalli dak il-bastiment qiegħed jew iżommu għal iktar minn kemm ikun mehtieġ f'port hlief bil-permess miktub bil-quddiem ta' l-Awtorità.

Thollija ta' bastiment qiegħed.

(2) Fl-ghoti ta' dak il-permess l-Awtorità tista' tagħmel dawk il-kundizzjonijiet li jidhrilha xierqa u b'mod partikolari tista' tispeċifika iż-żmien li matulu dak il-bastiment hekk jista' jithalla qiegħed.

(3) Malli jagħlaq dak iż-żmien, jew ma' xi ksur jew nuqqas ta' tharis ta' xi wahda mill-imsemmija kundizzjonijiet, il-permess mogħti mill-Awtorità jiskadi, sakemm l-Awtorità ma ggeddidx dak il-permess.

(4) L-Awtorità tista', ma' l-ghoti ta' avviż ta' mhux inqas minn tlett ijiem, thassar kull permess mogħti taht dan l-artikolu.

34. (1) L-Awtorità tista' tordna li kull bastiment li jkun thalla qiegħed f'port f'Malta bla permess iħalli dak il-port f'dak iż-żmien li tista' tistabilixxi.

Bastiment li jkun thalla qiegħed.

(2) Tkun ir-responsabbiltà tal-kaptan, sid jew aġent tal-bastiment, li jħares kull ordni mogħti kif intqal qabel.

(3) Minkejja kull dispożizzjoni oħra ta' liġi, bastiment li jkun thalla qiegħed f'xi port f'Malta, wara li jkun ingħata ordni biex jitlaq, ikun sugġett li jinbiegħ kif provdut f'dan l-artikolu.

(4) Ma' l-avviż ta' erbatax-il jum lill-kaptan tal-bastiment, l-Awtorità tista' tapplika lill-Qorti tal-Kummerċ biex tohroġ ordni biex il-bastiment jinbiegħ bil-qorti; u l-bejgħ bil-qorti għandu jsir fi żmien hamsa u erbghin jum mid-data li fiha jkun sar l-ordni tal-Qorti.

Garanzija għall-hlas ta' drittijiet, rati eċċ.

35. Il-kaptan, is-sid jew l-aġent ta' bastiment, jistgħu individwalment, jew solidalment, ikunu mehtieġa li jagħtu dik il-garanzija għall-ġbir ta' drittijiet, rati, u pagamenti jew spejjeż dovuti lill-Awtorità dwar dak il-bastiment f'dak l-ammont li l-Awtorità tista' tehtieġ.

Setgħat ta' l-Awtorità jistgħu jiġu eżerċitati minkejja mandat.

36. Is-setgħat mogħtija b'dan l-Att lill-Awtorità dwar bastiment li jkun thalla qiegħed jistgħu jiġu eżerċitati mill-Awtorità minkejja kull mandat ta' impediment ta' tluq mahruġ minn qorti kompetenti dwar il-bastiment li fuqu jkunu qed jiġu eżerċitati dawk is-setgħat.

Aġent ma jistax jitlaq aġenzija.

37. Aġent ta' bastiment, li jkun wettaq xi għemil dwar il-bastiment li b'xi wahda mid-dispożizzjonijiet ta' dan l-Att huwa mehtieġ li jsir jew li jkun dahal għal jew għamel xi hlas jew ha xi responsabbiltà dwar bastiment f'xi port, għandu, għall-finijiet ta' dan l-Att, jitqies li hu l-aġent tal-bastiment, sakemm dak il-bastiment jibqa' Malta.

TAQSIMA VI

Drittijiet, Hlasijiet u Rati tal-Port

Ġbir ta' drittijiet, eċċ.

38. (1) L-Awtorità għandha tiġbor id-drittijiet, ir-rati, il-ħlasijiet u l-pagamenti li minn żmien għal żmien jistgħu jkunu preskritti taht l-artikolu 51 ta' dan l-Att.

(2) Il-persuni li ġejjin ikunu responsabbli għall-ħlas ta' kull dritt, hlas jew pagament miġbur taht dan l-Att:

(a) il-kaptan jew sid tal-bastiment;

(b) l-aġent tal-bastiment, li jkun ħallas jew ha r-responsabbiltà li jħallas xi hlas akkont ta' dak il-bastiment.

(3) Meta xi drittijiet, ħlasijiet jew pagamenti miġbura taht dan l-artikolu jithallsu mill-aġent jew mir-rappreżentant li jkun ha r-responsabbiltà għall-ħlas skond il-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu, dak l-aġent jew rappreżentant jista' jzomm mill-flus li jkollu f'idejh li jkun irċieva akkont tal-bastiment, jew tas-sid tiegħu, l-ammont imħallas minnu flimkien ma' kull spejjeż xierqa li jkun seta' għamel minħabba dak il-ħlas jew dik ir-responsabbiltà.

39. (1) Għall-ammont tar-rati kollha li għandhom jingabru taht dan l-artikolu dwar kull oġġett, l-Awtorità jkollha plegg jew privileġġ fuq dawk l-oġġetti u jkollha dritt li taqbadhom u żżommhom sakemm dawk ir-rati jithallsu għal kollox.

Plegg jew privileġġ dwar rati.

(2) Ir-rati dwar oġġetti li jkunu se jiġu żbarkati għandhom jithallsu minnufih ma' l-iżbark ta' dawk l-oġġetti.

(3) Ir-rati dwar oġġetti li jkunu se jitnehhew minn imħażen, jew li jkunu se jiġu mbarkati, għandhom jithallsu qabel ma dawk l-oġġetti jitnehhew jew ikunu mbarkati, skond il-każ:

Iżda, sabiex ikun evitat dewmien, l-Awtorità tista' thalli li oġġetti jkunu mbarkati qabel ma jithallsu dawk ir-rati, u f'dawn il-każijiet l-Awtorità għandha żżomm ir-riċevuti tal-bastiment bhala garanzija għall-hlas ta' dawk ir-rati.

(4) Il-plegġ jew privileġġ għal dawk ir-rati jkollhom preċedenza fuq il-privileġġi u l-ipoteki l-oħra kollha fuq l-oġġetti u talba dwar dawk ir-rati għandha tithallas bi preferenza għal kull talba oħra, kemm jekk privileġġata jew jekk ipotekata, fuq dawk l-oġġetti, minkejja kull dispożizzjoni oħra tal-liġi f'sens kuntrarju.

40. (1) Jekk il-kaptan jew is-sid ta' bastiment jew agent jew rappreżentant ta' xi waħda minn dawk il-persuni, jew il-persuna li minnha jkunu żbarkati l-oġġetti, jagħtu avviz xieraq bil-miktub lill-Awtorità illi xi oġġetti li se jkunu żbarkati jew li jkunu ġew żbarkati f'xi maħzen ikunu sugġetti għal plegg jew privileġġ tan-noll, għal avarija generali, jew għal drittijiet sa ammont li jissemma' f'dak l-avviz, l-Awtorità tista' żżomm dawk l-oġġetti, għar-riskju u għas-spejjeż tas-sid ta' l-oġġetti, sakemm il-plegġ jew privileġġ ikun mehlu kif hawnhekk iżjed 'il quddiem jinghad, jew sakemm ikollha dritt, skond id-dispożizzjonijiet hawnhekk iżjed 'il quddiem speċifikati, li tbiegghom, jew sakemm l-oġġetti jkunu trasferiti f'maħzen tal-Gvern kif imfisser fl-Ordinanza tad-Dwana skond id-dispożizzjonijiet ta' dik l-Ordinanza.

Plegg għan-noll u drittijiet oħra.

Kap. 37.

(2) Ebda haġa f'dan l-artikolu ma għandha tinftiehem bhala li tehtieg lill-Awtorità jew kuntrattur, skond il-każ, li jiehu taht il-kustodja tiegħu xi oġġetti li l-Awtorità jew kuntrattur jistgħu jirrifjutaw li jaċċettaw skond id-dispożizzjonijiet ta' dan l-Att, jew bhala li tehtieg lill-Awtorità li jara dwar il-validità ta' xi talba magħmula f'xi avviz mogħti taht is-subartikolu (1) ta' dan l-artikolu.

41. Meta jingieb lill-Awtorità dokument li juri li hu riċevuta għall-ammont mitlub bhala dovut, jew helsien għall-ammont ta' xi plegg jew privileġġ li għalih oġġetti jkunu sugġetti taht l-artikolu 39 ta' dan l-Att mill-persuna li minnha jew f'isimha jkun ingħata dak l-avviz, l-Awtorità tista' tagħti permess li dawk l-oġġetti jitnehhew mingħajr ma jittqies il-plegġ jew privileġġ, kemm-il darba l-Awtorità tkun użat attenzjoni xierqa biex tistabbilixxi li dak id-dokument ikun awtentiku.

Helsien ta' plegg.

Setgħa ta' l-Awtorità li tbiegħ oġġetti.

42. (1) Minkejja kull plegg jew privileġġ imsemmi fl-artikoli 39 u 40 ta' dan l-Att, jekk ir-rati li għandhom jithallsu lill-Awtorità dwar xi oġġetti ma jkunux thallsu, l-Awtorità tista', malli jgħaddu disghin jum miż-żmien meta l-oġġetti jkunu tqegħdu taht il-kustodja tagħha jew tal-kuntrattur, jew jekk l-oġġetti jkunu ta' xorta li jistgħu jithassru f'dak iż-żmien qabel, li ma jkunx inqas minn erbgħa u għoxrin siegħa, wara l-iżbark ta' l-oġġetti, kif l-Awtorità jidhrilha xieraq, tbiegħ b'irkant pubbliku l-imsemmija oġġetti jew daqs kemm ikun mehtieg biex jithallsu l-ispejjeż, u jithallsu r-rati u t-talbiet l-oħra li skond ma jinghad hawnhekk iżjed 'il quddiem għandhom jithallsu mid-dhul ta' dak il-bejgħ.

(2) Qabel ma jsir dak il-bejgħ għandu jinghata avviż ta' għaxart ijiem dwaru fil-Gazzetta kemm-il darba l-oġġetti ma jkunux ta' xorta li jistgħu hekk jithassru li, fil-fehma ta' l-Awtorità, ikun mehtieg u konsiljabbli l-bejgħ immedjat tagħhom, f'liema każ dak l-avviż għandu jinghata skond kif tehtieg l-urgenza tal-każ.

(3) Jekk l-indirizz tas-sid ta' l-oġġetti jew ta' l-aġent tiegħu jkun dikjarat fuq il-manifest tal-merkanzija, jew f'xi wiehed mid-dokumenti mogħtija lill-Awtorità, jew ikun xort'oħra magħruf, u dak l-indirizz ikun f'Malta, għandu jinghata wkoll avviż lis-sid ta' dawk l-oġġetti b'ittra konsenjata f'dak l-indirizz jew mibgħuta bil-posta; iżda t-titolu ta' xerrej in bona fede ma jkunx invalidat minhabba n-nuqqas li jintbagħat dak l-avviż, l-anqas ma għandu dak ix-xerrej ikun marbut li jara jekk dak l-avviż ikunx intbagħat.

(4) Jekk fl-irkant li jsir skond dan l-artikolu xi oġġetti jibqgħu ma jinbighux, l-Awtorità tista' tiddisponi minnhom bil-mod li jidhrilha xieraq.

X'isir mid-dhul tal-bejgħ.

43. (1) Dak li jidhol minn kull bejgħ jew tneħħija ta' oġġetti skond l-artikolu 42 ta' dan l-Att, għandu jkun applikat kif ġej, u fl-ordni li ġej:—

(a) għall-hlas ta' l-ispejjeż tal-bejgħ jew tat-tneħħija;

(b) għall-hlas tar-rati u spejjeż li jkollhom jithallsu lill-Awtorità dwar l-oġġetti;

(c) għall-hlas tan-noll jew ta' talbiet oħra jew plegg jew privileġġ li avviż dwarhom ikun inghata taht l-artikolu 40 ta' dan l-Att;

u dak li jifdal, jekk ikun hemm, jithallas lis-sid ta' l-oġġetti fuq talba tiegħu wara li jithallas kull dazju ta' importazzjoni li jista' jkun dovut fuq l-oġġetti mibjugħa.

(2) F'każ li talba bħal din ma ssirx fi żmien sena mill-bejgħ ta' l-oġġetti, dak li jifdal għandu jinżamm mill-Awtorità, u ma' dan id-drittijiet kollha tas-sid għalihom għandhom jispiċċaw.

44. Jekk xi ammont dwar drittijiet, rati, pagamenti jew hlasijiet oħra li għandhom jingabru skond id-dispożizzjonijiet ta' dan l-Att kontra xi bastiment ikunu għadhom ma thallsux, f'dan il-każ, fuq it-talba ta' l-Awtorità, dak il-bastiment ma għandu jingħata ebda ħelsien jew permess għall-ħruġ taht l-Ordinanza tad-Dwana sakemm —

Ħelsien jinżamm sakemm jithallsu r-rati.

(a) l-ammont ta' dawk id-drittijiet, rati, hlasijiet jew pagamenti jkun thallas; jew

(b) ma tkunx ingħatat garanzija għas-sodisfazzjon ta' l-Awtorità għall-ħlas tagħhom.

45. Id-Direttur Eżekuttiv responsabbli għall-portijiet, u kull persuna oħra awtorizzata mill-Awtorità, tista' titla' fuq kull bastiment, f'port jew barra minnu, biex tistabbilixxi l-ammont li għandu b'mod xieraq jithallas dwar dak il-bastiment.

L-Awtorità tista' titla' fuq bastiment.

46. Jekk ikun hemm xi nuqqas ta' qbil bejn l-Awtorità u l-kaptan jew sid ta' bastiment, jew is-sid ta' xi oġġetti, jew l-aġent ta' xi waħda mill-persuni msemmija, dwar il-piż jew kejl ta' l-oġġetti li dwarhom xi drittijiet, rati jew hlasijiet ikollhom jithallsu, l-Awtorità għandha tara li dawk l-oġġetti jintiżnu jew jitkejlu u tista', jekk jidhrilha xieraq, iżzomm il-bastiment li minnu dawk l-oġġetti jkunu nħattu sakemm dawn jintiżnu jew jitkejlu.

Użin u kejl ta' oġġetti f'każ ta' kwistjoni.

47. (1) Jekk l-użin jew kejl ta' dawk l-oġġetti jirriżulta li jkun iktar minn dak muri fil-partikolaritajiet mogħtija mill-kaptan jew is-sid ta' l-oġġetti, jew l-aġent ta' xi waħda minn dawk il-persuni skond l-artikoli 29, 30 u 31 ta' dan l-Att, l-ispejjeż ta' dak l-użin jew kejl għandhom jithallsu lill-Awtorità mill-kaptan tal-bastiment, jew mis-sid ta' l-oġġetti, jew l-aġent ta' xi waħda minn dawk il-persuni, skond id-dispożizzjonijiet ta' dan l-Att u jkunu jingabru bl-istess mod kif jingabru drittijiet, rati jew hlasijiet taht dan l-Att.

Ħlas ta' spejjeż ta' użin u kejl.

(2) Jekk l-użin jew il-kejl ta' dawk l-oġġetti jirriżulta li jkun l-istess bħal, jew inqas minn, dak muri fil-partikolaritajiet mogħtija kif intqal qabel, l-Awtorità għandha thallas l-ispejjeż kollha ta' dak l-użin jew kejl.

48. (1) Jekk il-kaptan ta' bastiment li dwaru għandhom jithallsu drittijiet, rati jew hlasijiet li għandhom jingabru skond dan l-Att jiċhad jew jittraskura milli jhallas dawk id-drittijiet, rati jew hlasijiet meta hekk mitlub, l-Awtorità tista' toħroġ ordni biex dak il-bastiment jinżamm milli jsiefer; u f'kull każ bħal dan l-Awtorità għandha fi żmien erbgha u ghoxrin siegħa mill-ħruġ ta' l-ordni tibda proċedimenti kontra l-kaptan jew bdot, skond il-każ, b'taħrika quddiem il-Qorti tal-Pulizija Ġudizzjarja, fejn titlob il-konferma ta' l-ordni li tarresta jew iżzomm il-bastiment sakemm jithallsu dawk id-drittijiet, rati jew hlasijiet.

Ordni li jinżamm bastiment.

(2) Meta xi ordni ta' tiżmim magħmul taht is-subartikolu (1) ta' dan l-artikolu jkun konfermat mill-Qorti dan għandu jibqa' jseħħ sakemm ikun irtirat mill-Awtorità jew revokat mill-Qorti.

(3) Jekk sa perijodu ta' erbatax-il jum ordni ta' tiznim magħmul taħt is-subartikolu (1) ta' dan l-artikolu jkun ġie konfermat mill-Qorti —

(a) xi drittijiet, rati jew hlasijiet dovuti, jew

(b) xi spejjeż ta' tiznim, magħduda spejjeż li jkollhom x'jaqsmu mat-taħrika, jew l-arrest jew detenzjoni tal-bastiment,

jibqgħu mhux imħallsa, l-Awtorità tista' ġġiegħel li dak il-bastiment, jew xi parti mit-*tackle*, għodod, armamenti, jew tagħmir jinbiegħu b'irkant pubbliku, u minn dak li jidhol minn dak il-bejgħ l-Awtorità tista' żżomm l-ammont dovut flimkien ma' l-ispejjeż tal-bejgħ u dawk l-ammonti l-oħra li jistgħu jkunu dovuti minhabba li l-bastiment ikun baqa' fil-port, u tagħti l-bilanċ, jekk ikun hemm, lill-kaptan tal-bastiment.

(4) Meta xi ordni ta' tiznim magħmul taħt is-subartikolu (1) ta' dan l-artikolu ma jkunx konfermat mill-Qorti dan għandu jintemm u jkun bla ebda effett.

Indenniz meta l-oġġetti jintalbu minn iktar minn persuna wahda.

49. Meta —

(a) xi oġġetti jew id-dhul mill-bejgħ jew tneħħija ta' xi oġġetti jkunu fil-pussess ta' l-Awtorità jew ta' kuntrattur u dawk l-oġġetti jew dhul jintalbu minn żewġ persuni jew iżjed; jew

(b) xi persuna li titlob xi oġġetti li jkunu fil-pussess ta' l-Awtorità jew ta' kuntrattur ma tipproduċix id-dokumenti li juru li jkollha jedd li tiehu l-konsenja tagħhom,

l-Awtorità jew il-kuntrattur jista' ma jikkonsenjax dawk l-oġġetti jew id-dhul sakemm il-persuna li fil-fehma ta' l-Awtorità jew tal-kuntrattur ikollha jedd għalihom ma tagħtix indenniz għas-sodisfazzjon ta' l-Awtorità u l-kuntrattur kontra talbiet li jistgħu jsiru minn xi persuna oħra dwar dawk l-oġġetti jew dhul.

Jeddijiet oħra ta' l-Awtorità.

50. Minkejja dak kollu li jinsab f'dan l-Att, l-Awtorità tista' tiehu kull azzjoni ġudizzjarja taħt kull liġi oħra biex tiġbor kull dritt, rata, hlas, spiża, kost u dejn ieħor jew, fil-każ ta' bejgħ, biex tiġbor il-bilanċ tagħhom, meta d-dhul mill-bejgħ ma jkunx bizżejjed.

Setgħa għall-egħmil ta' regolamenti għall-ġbir ta' drittijiet, hlasijiet jew pagamenti.

51. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, jagħmel regolamenti —

(a) għall-ġbir ta' drittijiet, hlasijiet jew pagamenti minn kull bastiment, jiġifieri —

(i) drittijiet, hlasijiet jew pagamenti dwar bastimenti li jidhlu f'port jew jitilqu minnu, jew meta jkunu f'port jew fl-ibhra territorjali ta' Malta;

(ii) drittijiet, hlasijiet jew pagamenti tal-port dwar passigġieri, annimali jew merkanzija li jingarru minn xi bastiment;

(iii) drittijiet dwar pilutaġġ, dwal, irmiġġi, bagi, ankrar jew tressiq, jew drittijiet, hlasijiet jew pagamenti oħra dwar bastimenti.

(b) għall-ġbir ta' rati għall-użu ta' xi xoghlijiet, apparat jew tagħmir provdut jew għal xi servizz mogħti jew li jkun se jingħata dwar xi bastiment jew xi oġġetti, mill-Awtorità jew minn kuntrattur, u bla hsara għall-ġeneralità ta' dak li ntqal qabel, għal kull haġa minn dawn li ġejjin:—

(i) l-iżbark, l-imbark, xogħol fuq ix-xatt, xogħol bil-gruwa, hażna, ġarr jew *demurrage* ta' oġġetti li jinhattu minn, jew jitgħabbew fuq, jew ippreżentati biex jitgħabbew fuq xi bastiment;

(ii) l-użu minn xi bastiment jew persuna, ta' xi xatt, moll, *pier*, baċir, post ta' żbark jew ta' xi faċilità jew stallazzjoni oħra proprjetà ta' l-Awtorità jew li fuqha tkun teżerċita awtorità;

(iii) l-użu ta' xi *gear*, *tackle*, għodod, strumenti, tagħmir, tavlar jew vetturi provduti mill-Awtorità jew minn kuntrattur;

(iv) l-użu ta' xi bastiment jew barkun, jew xi makna, dgħajsa jew vettura, jew ta' xi apparat għat-tifi tan-nar li jkun proprjetà ta' jew amministrat minn jew fil-pussess ta' l-Awtorità jew kuntrattur;

(v) il-ġbid ta', u l-ġhoti ta' għajnuna u servizz lil, xi bastiment, f'xi post;

(vi) għal ilma provdut lil xi bastiment mill-Awtorità jew minn kuntrattur;

(ċ) li jagħtu s-setgħa lill-Awtorità li xxebbah għal kull wieħed mill-għanijiet ta' l-artikolu 38 ta' dan l-Att, kull xogħol, servizz jew faċilità li ma jkunux b'mod speċifiku imsemmija f'xi regolamenti magħmula taħt dan is-subartikolu ma' dawk imsemmijin b'mod speċifiku f'dawk ir-regolamenti li magħhom, fil-fehma ta' l-awtorità, tista' ssir analogija;

(d) li jippreskrivu l-kondizzjonijiet li taħthom xi xogħol jew servizz li dwaru tingabar rata jew hlas għandu jsir jew ikun provdut mill-Awtorità jew kuntrattur;

(e) li jipprovdu għall-eżenzjoni ta' xi bastiment, jew klassi jew klassijiet ta' bastimenti, jew ta' xi passigġieri, annimali jew oġġetti minn kull jew uħud mid-drittijiet, rati, hlasijiet jew pagamenti jew biex dawn jithallsu lura jew jinħafu għal kollox jew f'parti;

(f) li jippreskrivu pagamenti dwar xi liċenza jew permiss mahruġ jew mogħti mill-Awtorità taht xi wahda mid-dispożizzjonijiet ta' dan l-Att;

(g) li jippreskrivu kull haġa li taht dan l-Att għandha jew tista' tiġi preskritta;

(h) b'mod ġenerali biex jinghata effett ahjar lil kull wahda mid-dispożizzjonijiet ta' dan l-Att.

(2) Biex ikun evitat kull dubju, regolamenti magħmula taht dan l-artikolu jistgħu —

(a) jippreskrivu drittijiet, rati, hlasijiet u pagamenti differenti għal portijiet differenti u għal ċentri tal-*yachting*;

(b) jippreskrivu drittijiet, rati, hlasijiet u pagamenti differenti għal klassijiet ta' bastimenti jew passigġieri, annimali jew oġġetti differenti;

(ċ) jipprovdu li l-Awtorità tkun tista' tagħmel kull ftehim speċjali dwar kull haġa msemmija f'dan l-artikolu minflok xi drittijiet, rati, hlasijiet jew pagamenti li għandhom jingabru taht dan l-Att.

Applikazzjoni ta' din it-Taqsima.

52. Id-dispożizzjonijiet ta' din it-Taqsima ta' dan l-Att għandhom japplikaw għal oġġetti li huma proprjetà tal-Gvern, iżda ma japplikawx għal —

(a) kull bastiment registrat f'Malta u wżat biss jew prinċipalment fl-industrija tas-sajd jew fil-kummerċ tas-sajd;

(b) xi bastiment ta' Gvern barrani, iżda li ma jkunx qed jagħmel negozju jew kummerċ;

(ċ) inġenji tal-baħar, kemm jekk imexxu lilhom infushom kemm jekk le, ta' anqas minn għaxar tunnellati gross.

TAQSIMA VII

Pilutaġġ

Pilutaġġ obbligatorju.

53. (1) Il-portijiet speċifikati fit-Taqsima III ta' l-Ewwel Skeda li tinsab ma' dan l-Att ikunu portijiet ta' pilutaġġ obbligatorju: u l-bastimenti kollha, hlief bastimenti li għalihom qed issir eċċezzjoni taht is-subartikolu (2) ta' dan l-artikolu, għandhom, fil-waqt li jkun qad jinnavigaw, sew billi jidhlu, ihallu jew jimxu fil-limiti ta' port ta' pilutaġġ obbligatorju, ikunu taht il-pilutaġġ ta' bdot:

Iżda meta bastiment li ghalih qed issir eċċezzjoni —

(a) ma jkunx ha rmiġġ mogħti lilu mill-Awtorità, u, fil-fehma ta' l-Awtorità, ikun imhabbel jew x'aktarx jithabbel ma' xi marka, бага jew xi bastiment ieħor minhabba xi raġuni tkun li tkun; jew

(b) ikun ankra fil-passaġġ ta' xi port,

f'dak il-każ, mingħajr hsara għal kull proċeduri kriminali li jistgħu jittieħdu kontra l-kaptan ta' dak il-bastiment, l-Awtorità tista' tordna li dak il-bastiment ikun irmiġġat jew irmiġġat mill-ġdid taħt id-direzzjoni ta' bdot:

Iżda wkoll meta xi bastiment li dwaru qed issir eċċezzjoni għandu jkun irmiġġat jew jitneħħa minn irmiġġ f'xi moll, xatt, bankina, pier jew бага l-Awtorità tista' tordna illi dak il-bastiment ikun irmiġġat jew irmiġġat mill-ġdid taħt id-direzzjoni ta' bdot.

(2) Għall-finijiet ta' dan l-artikolu, il-bastimenti li ġejjin għandhom ikunu bastimenti li dwarhom qed issir eċċezzjoni —

(a) bastimenti tal-Gvern ta' Malta jew imħaddma minnu;

(b) bastimenti tal-gwerra ta' qawwa barranija;

(ċ) *yachts* u bastimenti tas-sajd;

(d) bastimenti ta' anqas minn hames mitt tunnelleta gross ikkalkolati skond ir-regoli li għal dak iż-żmien ikunu fis-seħħ għall-kejl ta' bastimenti taħt l-Att dwar il-Bastimenti Merkantili;

(e) bastimenti li jikkumerċjaw biss bejn portijiet f'Malta;

(f) rmonki, gangmi, ċattri jew bċejjeċ tal-baħar bħal dawn li l-kors ordinarju tan-navigazzjoni tagħhom ma jkunx barra l-limiti ta' l-ibhra territorjali ta' Malta;

(g) bastimenti li ma jkunux jistgħu jiksbu s-servizz ta' bdot minhabba maltemp.

(3) L-Awtorità tista' teżenta minn pilutaġġ obligatorju kull bastiment f'xi każ partikolari.

(4) Meta xi port ikun port ta' pilutaġġ obligatorju, il-Ministru jista' b'ordni jfisser il-limiti ta' dak il-port għall-finijiet ta' pilutaġġ obligatorju.

54. (1) Qiegħed b'dan jitwaqqaf Bord dwar il-Pilutaġġ (f'din it-Taqsima msejjaħ "il-Bord") li għandu jeżerċità u jaqdi l-funzjonijiet mogħtija lilu b'din it-Taqsima ta' dan l-Att.

Bord dwar
il-Pilutaġġ.

(2) Il-Bord ikun magħmul minn *Chairman* u minn dak in-numru ta' membri oħra kif il-Ministru jista' jahtar minn żmien għal żmien, hekk iżda li mhux inqas minn tnejn mill-membri, ikunu membri li jkollhom esperjenza fin-nawtika jew fil-pilutaġġ.

(3) Ikun id-dmir tal-Bord li —

(a) imexxi eżamijiet dwar l-ġhoti ta' liċenzi lil bdoti;

(b) jahtar listi ta' eżaminaturi għall-fini ta' l-imsemmija eżamijiet;

(ċ) imexxi proċedimenti dixxiplinari dwar bdoti skond id-dispożizzjonijiet ta' dan l-Att;

(d) jagħti lil bdoti misjuba haġja ta' ksur ta' dixxiplina dawk il-pieni li minn żmien għal iehor jistgħu jkunu preskritti; u

(e) jagħti pariri lill-Awtorità dwar kull haġa li l-Awtorità tista' tirreferilu dwar is-servizz ta' pilutaġġ.

(4) F'kull laqgħa tal-Bord iċ-*Chairman* u żewġ membri oħra, li minnhom għall-inqas wiehed ikollu esperjenza fin-nawtika jew fil-pilutaġġ, jagħmlu *quorum*.

(5) Il-Bord għandu jiltaqa' għall-anqas darba kull hamsa u erbghin jum f'dak il-ħin u post kif stabbilit miċ-*Chairman*.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Bord jista' jirregola l-proċedura tiegħu stess.

Għoti ta'
liċenzi ta' bdoti.

55. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, l-Awtorità tista' tagħti liċenza lil bdoti biex irieġu bastimenti fl-ibħra ta' Malta.

(2) Ebda persuna ma tingħata liċenza bħala bdot jekk ma tkunx —

(a) għaddiet dawk l-eżamijiet ta' kwalifika li jistgħu jkunu preskritti;

(b) ingħatat liċenza bħala bdot temporanju bi prova għal dak iż-żmien li jista' jkun preskritti;

(ċ) kisbet dik l-esperjenza Prattika fil-pilutaġġ ta' bastimenti f'Malta matul iż-żmien ta' prova msemmi fil-paragrafu (b) ta' dan is-subartikolu kif jista' jkun preskritti;

(d) konfermata mill-Bord il-liċenza tagħha; u

(e) issodisfat dawk il-kondizzjonijiet l-oħra li jistgħu jkunu preskritti minn żmien għal żmien.

(3) Il-liċenza maħruġa lil bdot għandha turi safejn id-detentur tal-liċenza jkun kwalifikat jaħdem.

56. L-Awtorità għandha tagħmel dawk l-arranġamenti dwar irmiġġaturi, magħduda l-htigiet ta' liċenza u l-provdiment għal dixxiplina, kif tista' tiddeċiedi wara li tikkonsulta lill-Ministru:

Irmigġaturi.

Iżda kull arranġament li jkun sar kif intqal qabel għandu b'mod xieraq jipprotegi lill-irmigġaturi li għandhom liċenza taħt l-Ordinanza dwar il-Portijiet imħassra b'dan l-Att.

Kap. 170.

57. L-ghoti jew tiġdid ta' liċenza lil bdot mill-Awtorità skond id-dispożizzjonijiet ta' dan l-Att ma johloqx jew jinftiehem li johloq xi responsabbiltà lill-Awtorità jew lill-Gvern ta' Malta għal xi telf jew hsara minhabba xi ghemil jew nuqqas ta' xi bdot, sew jekk l-impieg ta' bdot ikun obbligatorju jew le.

Ghoti ta' liċenza ma johloqx responsabbiltà.

58. (1) Il-liċenza maħruġa lil bdot għandha tithassar awtomatikament mill-Awtorità malli l-bdot jirtira meta jilhaq dik l-età ta' rtirar li tista' tkun preskritta minn żmien għal żmien, jew jekk dak il-bdot jinsab minn Bord Mediku maħtur mill-Awtorità li fiżikament ma jkunx tajjeb biex jaqdi dmirijietu.

Thassir jew revoka ta' liċenza.

(2) L-Awtorità tista' wkoll tissospendi jew tirrevoka l-liċenza maħruġa lil bdot bħala riżultat ta' deċiżjoni mill-Bord ta' penali li tikkonsisti fis-sospensjoni jew revoka tal-liċenza, jew jekk il-bdot jonqos li jmur għal dmirijietu għal aktar minn sena.

(3) Bla hsara għal kull kundizzjoni li l-Bord jista' jagħmel, l-Awtorità tista' toħroġ mill-ġdid liċenza lil bdot li l-liċenza tiegħu tkun ġiet revokata taħt is-subartikolu (2) ta' dan l-artikolu.

(4) Liċenza maħruġa lil bdot għandha tingħata lura lill-Awtorità kull meta għal xi raġuni tkun imħassra, sospiża jew revokata.

59. Bdot jista' jehtieg lill-kaptan ta' kull bastiment li hu jkun qed iriegi biex jiddikjara kemm ipixka l-bastiment, it-tul u l-wisgħa tiegħu, u dak it-tagħrif l-iehor li jista' jkun mehtieg għall-pilutaġġ bla periklu tal-bastiment, u l-kaptan għandu jhares kull htieġa bħal dik.

Dikjarazzjoni dwar kemm ipixka bastiment.

60. Kull bdot, meta jagħmilha ta' hekk, ikun provdut bil-liċenza tiegħu u għandu, jekk mitlub, jipproduciha lill-kaptan tal-bastiment li jkun iriegi.

Bdot irid jipproduci l-liċenza.

61. Minkejja kull haġa li tinsab f'xi liġi ohra, is-sid jew il-kaptan ta' bastiment li jkun qed jinnaviga f'ċirkostanzi li fihom il-pilutaġġ ikun obbligatorju, għandu jwieġeb għal kull telf jew hsara li ssir mill-bastiment jew minhabba xi żball fin-navigazzjoni tal-bastiment bl-istess mod bħallikieku l-pilutaġġ ma kienx obbligatorju.

Responsabbiltà ta' sid jew kaptan.

62. (1) Il-Ministru jista', b'konsultazzjoni ma' l-Awtorità, jagħmel regolamenti għall-għanijiet kollha li ġejjin jew għal uħud minnhom:

Setgħa għall-egħmil ta' regolamenti dwar pilutaġġ.

(a) biex jistabilixxu l-kwalifiki li jkunu meħtieġa minn persuni li jkunu jridu liċenza biex jagħmluha ta' bdoti u biex jipprovdu dwar dawk l-eżamijiet bil-miktub, orali jew fil-prattika li jitqiesu meħtieġa għal dak il-għan;

(b) biex jistabilixxu ż-żmien li matulu liċenza tibqa' sseħħ u l-kundizzjonijiet li taħthom tista' tiġġedded;

(c) biex jipprovdu l-mod li bih, u l-kundizzjonijiet li taħthom, bdoti għandhom jaqdu d-dmirijiet tagħhom taħt dan l-Att;

(d) biex jipprovdu għall-manigġ tajjeb ta' bdoti bil-liċenza u bdoti bi prova u b'mod partikolari biex jiżguraw l-imġieba tajba tagħhom u l-attenzenza kontinwa għal, u l-qadi ta', id-dmirijiet tagħhom, sew fuq il-baħar kemm fl-art;

(e) biex jipprovdu għall-hatra ta' persuni fil-kariga ta' Bdot Ewlieni u biex jistabilixxu d-dmirijiet ta' din il-kariga;

(f) biex jipprovdu dwar il-proċeduri ta' dixxiplina tal-Bord u l-penalitajiet li jista' jagħti, magħduda multi ta' mhux iżjed minn hamsin lira, u s-sospensjoni jew it-tħassir ta' liċenzi;

(g) biex jipprovdu għall-ġbir ta' drittijiet ta' pilutaġġ u għat-tqassim tagħhom bejn il-bdoti, kif u meta jkun xieraq, u biex flus jitqiegħdu f'fondi stabbiliti jew li se jtkomplew taħt dan l-Att;

(h) biex jipprovdu li jkunu stabbiliti jew jtkomplew Fond ta' Stabilizzazzjoni, Fond għall-Manutenzjoni u Tiswija ta' Laneċ ta' Pilutaġġ, u Fond għal Bdil ta' Laneċ ta' Pilutaġġ u għat-tmexxija ta' dawk il-fondi;

(i) biex jipprovdu għall-ghanijiet li għalihom dawk il-fondi għandhom jintużaw;

(j) biex jippreskrivu l-mod li bih dawk il-fondi għandhom ikunu finanzjati u biex jipprovdu dwar il-ġbir minghand min jagħmel użu mis-servizz ta' pilutaġġ li jmur għal dawk il-fondi kollha jew għal uħud jew wiehed minnhom;

(k) biex jippreskrivu l-mod li bih jiġu addebitati dawk il-fondi;

(l) biex jirregolaw l-użu, il-bdil, il-manutenzjoni u t-tiswija ta' laneċ, tagħmir u faċilitajiet li jkunu għad-dispożizzjoni ta' bdoti;

(m) biex jipprovdu għal titjib fis-servizz tal-pilutaġġ;

(n) biex jirregolaw il-mod li bih u l-kundizzjonijiet li taħthom il-bdoti għandhom jitilgħu u jinżlu minn bastimenti;

(o) biex jippreskrivu l-età ta' rtirar ta' bdoti;

(p) biex ifissru u jirregolaw l-użu ta' bandiera u sinjali ta' pilutaġġ;

(q) biex jipprojbixxu l-hlas jew ir-riċeviment ta' drittijiet għal servizzi ta' pilutaġġ, jew għal servizzi anċillari għal, jew min bdoti, b'żieda ma' daww id-drittijiet li jistgħu jkollhom jithallsu taht dan l-Att;

(r) biex jippreskrivu kull haġa li għandha jew li tista' tkun preskritta taht din it-Taqsima ta' dan l-Att.

(2) Kull persuna li tikser jew li tonqos li thares xi regolamenti magħmula, jew meqjusa li huma magħmula, taht dan l-artikolu tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elf lira jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew dik il-multa u prigunerija flimkien.

TAQSIMA VIII

Proċeduri Legali

63. Minkejja d-dispożizzjonijiet ta' kull liġi ohra, ma tista' tittiehed ebda azzjoni kontra l-Awtorità jew kuntrattur dwar ir-responsabbiltajiet tagħhom taht dan l-Att, jew għal xi telf jew hsara li ssir lil xi persuna, bastiment, oġġetti, vetturi jew hwejjeġ ohra huma x'inhuma abbord bastiment kemm-il darba —

Limitazzjoni ta' azzjoni.

(a) talba bil-miktub, li tagħti daww il-partikolaritajiet li jistgħu jkunu b'mod xieraq mehtieġa, ma tinghatax lill-Awtorità jew lill-kuntrattur, skond il-każ, mhux iktar tard minn sitt xhur mid-data li fiha l-oġġetti kienu aċċettati mill-Awtorità jew mill-kuntrattur;

(b) l-azzjoni ma tinbedix fi żmien tnax-il xahar mill-imsemmija data:

Iżda l-Awtorità jew il-kuntrattur, skond il-każ, jista' jestendi ż-żmien speċifikat fil-paragrafu (a) ta' dan l-artikolu b'dak iż-żmien l-ieħor ta' mhux iżjed minn sitt xhur li jidhrilha xieraq jekk tkun sodisfatta li t-talba ma setgħetx issir b'mod xieraq fiż-żmien speċifikat kif intqal qabel:

Iżda wkoll l-Awtorità jew il-kuntrattur, skond il-każ, ma jkunux responsabbli għal aktar mil-limiti jew mill-ammonti stabbiliti b'liġi, jew f'daww iċ-ċirkostanzi li jistgħu jkunu preskritti.

Hlas żejjed
jew nieqes.

64. Jekk l-ammont imhallas lill-Awtorità jew lill-kuntrattur għal xi drittijiet, rati, hlasijiet jew pagamenti dovuti taht dan l-Att, jinsab li ma jkunx korrett, f'dak il-każ, jekk dak l-ammont ikun —

(a) hlas żejjed, il-persuna li tkun hallset id-drittijiet, ir-rati, il-hlasijiet jew il-pagamenti jkollha dritt għall-hlas lura ta' l-ammont imhallas żejjed;

(b) hlas inqas, l-Awtorità jew il-kuntrattur ikollhom id-dritt li jiġbru l-ammont nieqes minghand il-persuna li tkun hallset id-drittijiet, ir-rati, il-hlasijiet jew il-pagamenti:

Izda, minkejja d-dispożizzjonijiet ta' kull liġi oħra, dak il-hlas żejjed jew hlas nieqes ma jkunx jista' jittiehed lura jekk avviz bil-miktub, li jkollu dawk il-partikolaritajiet li b'mod xieraq ikunu mehtieġa, ma jinghatax mill-parti li titlob il-hlas lura jew il-ġbir lill-parti li minghandha jkun qed jintalab, mhux iktar tard minn sentejn wara li l-Awtorità jew il-kuntrattur skond il-każ, ikunu aċċettaw l-oġġetti, hekk izda li meta dak il-hlas inqas ikun sar minhabba xi deskrizzjoni jew tagħrif li wara jinsabu li ma kienux korretti, dak iż-żmien ta' sentejn għandu jibda jghodd mid-data li fiha l-Awtorità, jew il-kuntrattur, skond il-każ, għall-ewwel darba jsiru jafu li dik id-deskrizzjoni jew it-tagħrif ma kienux korretti.

Notifika ta'
avviz.

65. Kull avviz jew dokument iehor mehtieġ jew awtorizzat b'dan l-Att jew tahtu li jkun notifikat lil xi persuna mill-Awtorità jew mill-kuntrattur, jista' jkun notifikat —

(a) billi jkun konsenjat lill-persuna; jew

(b) billi jintbagħat bil-posta registrata indirizzat lill-persuna fl-indirizz tagħha tas-soltu jew fl-aħhar indirizz magħruf tagħha;

u jekk in-notifika ssir kif provdut fil-paragrafu (b) ta' dan l-artikolu, biex tiġi ppruvata n-notifika, ikun biżżejjed li jintwera li l-avviz jew dokument iehor kien indirizzat u mpustat sewwa.

TAQSIMA IX

Reati u Dispożizzjonijiet Penali

Reati dwar
fanali, bagi, eċċ.

66. Kull persuna li, xjentement jew bi traskuraġni —

(a) tneħhi jew tibdel xi fanal, бага, anterna jew dawl iehor imqieghda mill-Awtorità, jew

(b) tghaddi minn hdejn, torbot ma', jew tithabbell ma' xi fanal, бага, anterna jew dawl ieħor kif intqal qabel,

tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elf lira.

67. (1) Kull meta xi dawl ikun espost f'xi post jew b'dak il-mod li jista' jiġi mitfixkel ma' dawl li jkun ġej minn fanal, бага jew anterna, jew dawl ieħor imqiegħed mill-Awtorità, l-Awtorità tista' tinnotifika avviż lis-sid jew okkupant tal-post fejn id-dawl ikun espost jew lill-persuna li tkun inkarigata mid-dawl, li jordna lis-sid, lill-okkupant jew lill-persuna l-oħra, biex fi żmien xieraq li jkun speċifikat fl-avviż, jieħdu l-passi meħtieġa biex dak id-dawl jintefa' jew jitghatta b'mod effettiv u biex ma jhallux li l-istess dawl jew dawl bħalu wara jerga' jkun espost.

Wiri ta' dawl li jista' jiġi mitfixkel ma' fanali, eċċ.

(2) Dan l-avviż jista' wkoll ikun notifikat billi jitwahhal f'post fejn jidher sewwa hdejn id-dawl li għalih jirriferrixxi l-avviż.

(3) Kull sid, okkupant jew persuna oħra li lilhom ikun ġie notifikat avviż skond dan l-artikolu, li jonqsu mingħajr raġuni xierqa milli jharsu d-direttivi li jkun hemm fl-avviż, ikunu hatja ta' reat u jehlu meta jinsabu hatja, multa ta' mhux iżjed minn elf lira u multa oħra ta' mhux użjed minn mitt lira għal kull jum li matulu jkompli r-reat.

68. Kull minn xjentement ifixkel lil xi uffiċjal ta' l-Awtorità fil-qadi ta' dmirijietu taħt dan l-Att, jew lil xi persuna fit-twertiq ta' xi għemil li tkun awtorizzata tagħmel mill-Awtorità, ikun hati ta' reat u jehel, meta jinsab hati, priġunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn elfejn lira, jew dik il-multa u priġunerija flimkien.

Tfixkil ta' dhul awtorizzat.

69. Jekk —

(a) xi bastiment jinnaviga mingħajr bdot f'ċirkostanzi li għandu jitqabba bdot taħt xi waħda mid-dispożizzjonijiet ta' dan l-Att, jew

(b) il-kaptan ta' bastiment jirrifjuta li jħares xi talba magħmula taħt l-artikolu 59 ta' dan l-Att, jew jagħmel jew ikun jaf li persuna oħra tkun għamlet xi dikjarazzjoni falza bi twegiba għal talba bħal dik,

Navigazzjoni mingħajr bdot.

il-kaptan ta' dak il-bastiment ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux iżjed minn elfejn lira.

70. (1) Kull bdot li, waqt li jkun qed jippilota bastiment, bi ksur volontarju ta' dmir, jew b'negligenza ta' dmir jew minhabba sokor —

Ksur ta' dmir minn bdot.

(a) jagħmel xi att li jista' jġib it-telf immedjat, distruzzjoni jew hsara serja lil dak il-bastiment jew li jista' minnufih iqiegħed f'periklu l-hajja ta' xi persuna jew lil dik il-persuna; jew

(b) jiċhad jew jonqos milli jagħmel xi att legittimu xieraq u meħtieġ li jsir minnu biex iħares dak il-bastiment minn telf, distruzzjoni jew ħsara serja, jew biex iħares mill-periklu l-hajja ta' xi persuna jew lil dik il-persuna,

ikun hati ta' reat u jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn sena jew multa ta' mhux iżjed minn hamest elef lira, jew dik il-prigunerija u l-multa flimkien.

(2) Kull bdot li jonqos li jħares id-dispożizzjonijiet ta' l-artikolu 60 ta' dan l-Att ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux iżjed minn hames mitt lira.

Pilutaġġ
illegali.

71. Kull persuna li toffri s-servizzi tagħha bhala bdot jew taġixxi bhala bdot mingħajr il-permess ta' l-Awtorità u mingħajr ma jkollha l-liċenza xierqa, jew waqt li l-liċenza tagħha tkun imħassra, sospiża jew revokata, u kull bdot li jislef il-liċenza tiegħu lil, jew iħalli li l-liċenza tiegħu tkun użata minn xi persuna oħra, jew jippilota bastimenti barra mil-limiti speċifikati fil-liċenza tiegħu jew li jagħmilha ta' bdot waqt li jkun taħt l-influenza ta' xorb jew drogi, ikun hati ta' reat u jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn sena jew multa ta' mhux iżjed minn hamest elef lira, jew dik il-prigunerija u multa flimkien.

Evazzjoni ta'
drittijiet,
rati, eċċ.

72. Jekk il-kaptan, is-sid jew l-aġent ta' bastiment jew sid jew l-ispeditur jew il-kunsinnatarju ta' xi oġġetti, jevadi jew jipprova jevadi, b'xi mezz ikun li jkun, il-ħlas ta' xi drittijiet, rati, ħlasijiet jew pagamenti li għandhom jingabru taħt dan l-Att, ikun hati ta' reat u jehel meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn tnax-il xahar jew multa ta' mhux iżjed minn elf lira, jew dik il-prigunerija u multa flimkien u jista' b'żieda jehel li jħallas lill-Awtorità bhala penali t-tripplu ta' l-ammont tad-drittijiet, rati, ħlasijiet jew pagamenti li jkun evada jew li jkun ipprova jevadi.

Nuqqas ta'
tharis ta'
l-artikoli 29 u 30.

73. Kull kaptan ta' bastiment li jikser xi waħda mid-dispożizzjonijiet ta' l-artikolu 29 jew 30 ta' dan l-Att, ikun hati ta' reat u jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn tliet xhur, jew multa ta' mhux iżjed minn hames mitt lira, jew dik il-prigunerija u l-multa flimkien.

Prospetti
foloz.

74. Kull persuna li tagħmel, sew xjentement jew bi traskuraġni, xi dikjarazzjoni li tkun falza f'xi partikular sostanzjali f'xi prospett, talba jew dokument iehor li jkun meħtieġ jew awtorizzat li jsir b'dan l-Att jew taħtu, tkun hatja ta' reat u tehel, meta tinsab hatja prigunerija għal żmien ta' mhux iżjed minn tnax-il xahar jew multa ta' mhux iżjed minn tliet elef lira, jew dik il-prigunerija u l-multa flimkien.

Persuni li
jipperikolaw
hajja jew
proprietà.

75. Jekk xi persuna tieħu sehem fit-tagħbija, hatt jew tqegħid f'maħżen ta' oġġetti f'xi port tqieghed f'periklu l-hajja ta' xi persuna jew lil dik il-persuna jew tipperikola proprietà —

(a) billi tikser xi waħda mis-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula jew meqjusa li saru taħtu; jew

(b) b'xi att imferfex jew negligenti,

tkun hatja ta' reat u tehel, meta tinsab hatja, prigunerija ghal żmien ta' mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn elf lira, jew dik il-prigunerija u multa flimkien.

76. Kull persuna li tonqos li thares xi direttiva mogħtija mill-Awtorità fl-eżerċizzju tas-setgħat tagħha taht dan l-Att tkun hatja ta' reat u tehel meta tinsab hatja multa ta' mhux iżjed minn hamest elef lira u fil-każ ta' reat kontinwu multa ohra ta' mhux iżjed minn hames mitt lira ghal kull jum li matulu jkompli r-reat.

Nuqqas ta' tharis ta' direttiva ta' l-Awtorità.

77. Kuntrattur u kull wiehed mill-impjegati tiegħu, barra minn haddiema tal-port registrati taht id-dispożizzjonijiet ta' l-Ordinanza dwar il-Haddiema tal-Port, fil-waqt li jkunu qed jahdmu ix-xogħol tagħhom skond ftehim li jkun sar bejn l-Awtorità u l-kuntrattur taht is-subartikolu (3) ta' l-artikolu 8 ta' dan l-Att jitqiesu li huma uffiċjal jew impjegat pubbliku għall-finijiet tal-Kodiċi Kriminali u ta' kull liġi ohra ta' xorta penali.

Kuntrattur jitqies bhala uffiċjal pubbliku għall-finijiet tal-Kodiċi Kriminali. Kap. 9.

78. Il-pieni provduti b'dan l-Att jew tahtu għandhom japplikaw kemm-il darba l-egħmil ma jikkostitwix reat aktar gravi taht il-Kodiċi Kriminali jew xi liġi ohra, f'liema każ dak il-Kodiċi jew dik il-liġi l-ohra għandhom japplikaw, hekk iżda li ebda persuna ma tkun penalizzata darbtejn għall-istess egħmil jew nuqqas.

Riżerva għal dispożizzjonijiet penali ohra.

TAQSIMA X

Thassir, Emendi u Riżerva

79. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-liġijiet li

Thassir.

gejjin, jiġifieri —

(a) l-Ordinanza dwar id-Drittijiet tal-Port, Kap. 100,

(b) l-Ordinanza dwar il-Portijiet, Kap. 170, u

(ċ) l-Att dwar id-Direttur tal-Portijiet, Kap. 224,

u huma b'dan imħassra.

(2) (a) Kull riferenza f'kull liġi ohra għall-Ordinanza dwar il-Portijiet, u għall-Ordinanza dwar id-Drittijiet tal-Port għandha f'kull każ tinqara u tinftiehem bhala riferenza għall-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta; u

Kap. 100.

(b) kull riferenza f'xi ligi ohra ghad-Direttur tal-Portijiet, s-Suprintendent tal-Portijiet u ghad-Dipartiment tal-Port ghandha f'kull każ tinqara u tintfiehmem bhala riferenza ghall-Awtorità tal-Portijiet ta' Malta mwaqqfa taht dan l-Att.

Emenda ta' ligijiet.

80. Il-ligijiet murija fl-Ewwel Kolonna tat-Tieni Skeda li tinsab ma' dan l-Att ghandu jkollhom effett skond l-emendi murija fit-Tieni Kolonna ta' dik l-Iskeda.

Rizerva.

81. (1) Ebda haġa fl-artikoli 79 u 80 ta' dan l-Att ma ttellef il-validità ta' xi haġa li tkun saret qabel id-data tal-bidu fis-sehħ tagħhom taht xi waħda mil-ligijiet li bihom qed jithassru jew jiġu emendati, jew ta' xi jedd, obbligu jew responsabbiltà akkwistati, derivati jew magħmula qabel l-imsemija data jew ta' xi responsabbiltà għal proċeduri kriminali għal xi ghemil jew nuqqas li jkun ġara qabel dik id-data.

(2) Kull meta taht xi waħda mil-ligijiet imhassra jew emendati b'dan l-Att, jew xi regolamenti magħmula jew meqjusa li huma magħmula bis-saħħa tiegħu, xi avviż, att, azzjoni, proċeduri jew xi haġ'ohra hi x'inhi, ikunu nghataw jew inbdew mid-Direttur tal-Portijiet jew kontra tiegħu, dak l-avviż, att, azzjoni, proċedura jew haġ'ohra jistgħu jitkomplew mill-Awtorità jew kontra tagħha daqsliekeku dak l-avviż, att, azzjoni, proċedura jew haġ'ohra jkunu nghataw jew inbdew mill-Awtorità, jew kontra tagħha, u kull jedd jew responsabbiltà, akkwistat, derivat, jew magħmul minn, u kull jedd hekk mogħti lid-Direttur tal-Portijiet taht l-Ordinanza dwar il-Portijiet, u taht kull ligi ohra, għandhom, mal-bidu fis-sehħ ta' dan l-artikolu jsiru jedd jew responsabbiltà ta', u jeddijiet mogħtija lill-Awtorità.

(3) Ir-regolamenti, l-ordnijiet u l-leġislazzjoni sussidjarja kollha magħmula taht jew miżmuma fis-sehħ bl-Ordinanza dwar il-Portijiet jew bl-Ordinanza dwar id-Drittijiet tal-Portijiet, u li jkunu fis-sehħ qabel ma jiġi fis-sehħ dan l-artikolu, għandhom ikomplu fis-sehħ wara daqsliekeku kienu magħmula taht id-dispożizzjoni korrispondenti ta' dan l-Att u għandhom hekk jitqiesu.

(4) Kull fondi stabbiliti b'xi waħda jew taht xi waħda mid-dispożizzjonijiet tal-ligijiet imhassra b'dan l-artikolu għandhom, minkejja dak it-thassir, u mid-data tiegħu, ikomplu jsehħu daqsliekeku kienu stabbiliti taht id-dispożizzjoni korrispondenti ta' dan l-Att, u għandhom hekk jitqiesu.

(5) Kull liċenza, permess jew awtorità ohra mogħtija taht xi waħda mid-dispożizzjonijiet tal-ligijiet imhassra bl-artikolu 79 ta' dan l-Att u li jkun għandhom fis-sehħ minnufih qabel dak it-thassir, għandhom ikomplu fis-sehħ wara daqsliekeku kienu liċenza, permess jew awtorità mogħtija taht id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandhom hekk jitqiesu.

Att tal-1989
dwar il-
Portijiet Hielsa
ta' Malta.

Att XXVI
tal-1989.

82. L-ebda wiehed mill-jeddijiet, dmirijiet, setgħat u obbligi mogħtija lill-Awtorità bis-saħħa ta' dan l-Att, ma għandha tnaqqas jew tibdel xi wiehed mill-jeddijiet, dmirijiet, setgħat u obbligi mogħtija lill-Awtorità tal-Portijiet Hielsa bis-saħħa ta' l-Att ta' l-1989 dwar il-Portijiet Hielsa ta' Malta.

L-EWWEL SKEDA

Artikoli 27 u 53

Portijiet

Taqsimi I

Il-Port il-Kbir tal-Belt Valletta.

Taqsimi II

1. Il-Port ta' Marsamxett.
2. Il-Port ta' Marsaxlokk.
3. San Pawl il-Baħar.
4. Il-postijiet ta' żbark —
 - (a) fir-Ramla-il-Bir;
 - (b) fiċ-Ċirkewwa.
5. L-Imgarr, Ghawdex.

Taqsimi III

1. Il-Port il-Kbir tal-Belt Valletta.
2. Il-Port ta' Marsamxett.

Taqsimi IV

1. Iċ-Ċentru tal-*Yachting* f'Ta' Xbiex.
2. Iċ-Ċentru tal-*Yachting* fl-Imsida.
3. Iċ-Ċentru tal-*Yachting* f'Tas-Sliema.
4. Iċ-Ċentru tal-*Yachting* fl-Imgarr, Ghawdex.

IT-TIENI SKEDA

Artikolu 80

Emendi ta' LiġijietL-Ewwel Kolonna
LiġiIt-Tieni Kolonna
Safejn tiġi emendata

Kodiċi ta'
Organizzazzjoni u
Proċedura Ċivili.
Kap. 12.

Fl-artikolu 830, minnufih wara s-subartikolu (2), għandu
jiżdied is-subartikolu ġdid li ġej:

“(3) Mandat għall-impediment tat-tluq ta' vapur
jew bastiment għandu jithassar, fuq rikors ta' l-Awtorità
tal-portijiet, jekk il-Qorti tkun sodisfatta li, minhabba x-
xorta tal-merkanzija tiegħu jew minhabba t-tul jew il-
pixka tiegħu jew minhabba ċirkostanzi oħra dwar
sigurezza, navigazzjoni jew operazzjonijiet tal-port, ikun
jaqbel li l-vapur jew il-bastiment għandu jhalli l-port
mingħajr dewmien.”.

Ordinanza dwar
il-~~H~~addiema
tal-Port
Kap. 171.

Flief kif provdut f' din l-Iskeda —

(a) minflok il-kliem “Direttur tal-Portijiet”, kull fejn jinsabu fl-Ordinanza, għandha tidhol il-kelma “Direttur”;

(b) minflok il-kliem “*Manager* tal-~~H~~addiema tal-Port”, kull fejn jinsabu fl-Ordinanza, għandha tidhöl il-kelma “Awtorità”;

(c) minflok il-kliem “Ministru responsabbli għall-Portijiet”, kull fejn jinsabu fl-Ordinanza, għandha tidhol il-kelma “Ministru”;

(d) minflok il-kliem “Dipartiment tal-Port”, kull fejn jinsabu fl-Ordinanza, għandha tidhol il-kelma “Awtorità”;

(e) minflok il-kliem “l-Ordinanza dwar il-Portijiet”, kull fejn jinsabu fl-Ordinanza għandhom jidhlu l-kliem “l-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta” u l-espressjoni “Kap. 170” kull fejn tidher fil-margini għandha tithassar.

L-artikolu 2 għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira ta' “Att” għandha tidhol it-tifsira ġdida li ġejja:

““Awtorità” tfisser l-Awtorità tal-Portijiet ta' Malta mwaqqfa taht l-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta;”;

(b) it-tifsira ta' “dipartiment” u ta' “Direttur tal-Portijiet” għandhom jithassru;

(c) minflok it-tifsira ta' “Direttur” għandha tidhol din li ġejja:

““Direttur” tfisser id-Direttur Eżekuttiv responsabbli għall-portijiet mahtur taht l-artikolu 8 ta' l-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta;”;

(d) it-tifsira ta' “*Manager* tal-~~H~~addiema tal-Port” għandha tithassar u minflokha tidhol it-tifsira ġdida li ġejja:

““Ministru” tfisser il-Ministru responsabbli għall-portijiet, u tinkludi kull persuna li tagħxi taht l-Awtorità tiegħu;”.

Minflok il-proviso għas-subartikolu (2) ta' l-artikolu 3 għandu jidhol dan li ġej:

“Izda, fit-tmiem ta' dak il-perijodu, r-registrazzjoni tista' tiġġedded.”.

Fis-subartikolu (3) ta' l-artikolu 5, il-kliem “b'konsultazzjoni mad-Direttur tal-Portijiet” għandhom jithassru;

Minflok l-artikolu 9 għandu jidhol dan li ġej:

“Provista ta' haddiema tal-port.

9. (1) Il-provvista ta' haddiema tal-port għal xogħol tal-port partikolari jew lil prinċipali partikolari għandha ssir permezz ta' l-Awtorità.

(2) L-Awtorità għandha —

(a) ttiprovdi, skond dak is-sistema li jkun stabbilit b'ordni li jkun fis-sehħ skond id-dispożizzjonijiet ta' l-artikolu 8 ta' din l-Ordinanza, u bla ħsara għal dawk il-kundizzjonijiet li jistgħu jiġu preskritti, haddiema tal-port lil prinċipali għal kull xogħol tal-port awtorizzat mid-Direttur f'dawk in-numri, ordni u preċedenza li jista' jiġi stabbilit mid-Direttur;

(b) tiżgura l-ammont ta' drittijiet li jkollhom jithallsu lil min jimpjega lill-haddiema tal-port skond dik it-tariffa li tista' ssir bis-saħħa tad-dispożizzjonijiet ta' din l-ordinanza, tiġbor dawk id-drittijiet minghand il-persuna responsabbli għall-ħlas tagħhom, u li thallas lil dawk il-haddiema tal-port dawk id-drittijiet li jkunu dovuti lilhom skond id-dispożizzjonijiet ta' din l-Ordinanza;

Att X ta' l-1987.

(ċ) b'dak kollu li hemm fid-dispożizzjonijiet ta' l-Att ta' l-1987 dwar is-Sigurta Soċjali, tiġbor minghand il-prinċipali ta' haddiema tal-port u minghand il-haddiema tal-port kull kontribuzzjoni li tista' tkun dovuta minnhom għall-finijiet ta' l-Att dwar is-Sigurta Soċjali, u thallas bix-xahar lura l-kontribuzzjonijiet kollha hekk miġbura f'dik il-forma u b'dak il-mod li l-Ministru

responsabbli ghas-sigurta' soċjali jista', bi ftehim mal-Ministru responsabbli għall-finanzi, minn żmien għal żmien jistabbilixxi, u tkun responsabbli għall-kustodju tal-karti tas-sigurta' relattivi;

(d) żżomm u tipprovdi dawk ir-reġistri ta' mpieg u qliegh;

(e) tirreġistra l-attenzenzi u l-assenzi ta' haddiema tal-port;

(f) tagħti dawk il-prospetti u statistiċi dwar l-impieg ta' haddiema tal-port li jistgħu jkunu mehtieġa;

(g) tiżgura u tiġbor is-*surcharge* amministrattiv speċifikat fis-subartikolu (3) ta' dan l-artikolu u żżomm kont tad-dhul u spejjeż kollha li għandhom x'jaqsmu miegħu separatament minn kont tad-dhul u spejjeż kollha li għandhom x'jaqsmu ma' kull flejjes oħra:

Iżda kull kont bħal dan għandu —

(i) jinżamm f'dik il-forma li l-Bord jista' jistabbilixxi; u

(ii) ikun sugġett għall-ispezzjoni mill-Bord;

(h) taqdi dawk il-funzjonijiet l-oħra li jistgħu jiġu preskritti.

(3) L-Awtorità, wara konsultazzjoni mal-Bord, u bl-approvazzjoni tal-Ministru, għandha tiġbor minghand prinċipali ta' haddiema tal-port *surcharge* amministrattiv ikkalkulat fuq perċentagg tal-pagi gross ta' l-haddiema tal-port, li tista' tkun preskritta minn żmien għal żmien.

(4) Sabiex taqdi l-funzjonijiet tagħha skond is-subartikolu (2) ta' dan l-artikolu l-Awtorità għandha s-setgħa li titlob lil kull prinċipal ta' haddiema tal-port biex jagħti dak it-tagħrif maghduda dokumenti f'dak il-hin u f'dak il-post li tista' tinhtieġ.

Fl-artikolu 21, it-tieni proviso għandu jithassar.

Fit-Tieni u fit-Tielet Skeda, minflok il-kliem "mill-Avukat Ġenerali bħala dejn ċivili dovut lill-Gvern ta' Malta" li hemm fil-paragrafu (2) ta' kull wahda minn dawk l-Iskedi, għandhom jidhlu l-kliem "mill-Awtorità bħala dejn ċivili dovut lilha".

Att dwar il-
Bastimenti
Merkantili
Kap. 234.

Is-subartikolu (1) ta' l-artikolu 2 għandu jiġi emendat kif ġej:

(a) minnufih qabel it-tifsira "mghoddija mid-dwana" għandha tidhol it-tifsira ġdida li ġejja:

"“Awtorità” tfisser l-Awtorità tal-Portijiet ta' Malta stabbilita bl-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta;"

(b) minflok it-tifsira ta' "Registatur Ġenerali" għandha tidhol din li ġejja:

"Registatur Ġenerali" tfisser ir-Registatur Ġenerali ta' Bastimenti u Bahrin kif provdut fl-artikolu 363 ta' dan l-Att;"

Minflok is-subartikolu (1) ta' l-artikolu 363 għandu jidhol dan li ġej:

"(1) Għandu jkun hemm Registatur Ġenerali ta' Bastimenti u Bahrin li l-kariga tiegħu tkun okkupata minn Direttur Eżekuttiv ta' l-Awtorità, u li, bla hsara għad-dispożizzjonijiet ta' dan l-Att u ta' l-Att ta' l-1991 dwar l-Awtorità tal-Portijiet ta' Malta, għandu jiehu s-sorveljanza ġenerali ta' dak kollu li għandu x'jaqsam ma' bastimenti merkantili u ma' bahrin u li jiżgura t-tħaris tad-dispożizzjonijiet ta' dan l-Att.";

Fl-artikolu 364 minflok il-kliem "il-Ministru" kull fejn jinsabu għandhom jidhlu l-kliem "l-Awtorità".

Minflok l-iskeda Tnejn għandu jidhol dan li ġej:

"IT-TIENI SKEDA
[Artikoli 69]

Dokumenti li jkunu fil-forma preskritta mill-Ministru

1. Att ta' Bejgh
2. Ċertifikat ta' Registrazzjoni ta' *Bareboat Charter*
3. Ċertifikat ta' Registrazzjoni
4. Ċertifikat ta' *Surveyor*
5. Dikjarazzjoni ta' *Bareboat Charter* minn nolleggatur individwali
6. Dikjarazzjoni ta' *Bareboat Charter* f'isem korp guridiku bħala nolleggatur
7. Dikjarazzjoni tal-kreditur ipotekarju li jakkwista bi trassmissjoni

8. Dikjarazzjoni ta' sid li jakkwista bi trassmissjoni
9. Dikjarazzjoni ta' proprjeta minn sid individwali
10. Dikjarazzjoni ta' proprjeta minn akkwirent individwali
11. Dikjarazzjoni ta' proprjeta f'isem korp guridiku bhala sid
12. Dikjarazzjoni ta' proprjeta f'isem korp guridiku bhala akkwirent
13. Ipoteka Navali
14. Ċertifikat ta' registrazzjoni provvizorju
15. Trasferiment ta' Ipoteka Navali".

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa li titwaqqaf Awtorità, li tkun magħrufa bhala l-Awtorità tal-Portijiet ta' Malta, li tiġbor flimkien il-funzjonijiet tas-servizzi marittmi, fosthom t-tmexxija tal-portijiet u tal-Bastimenti Merkantili, biex tassigura orjentament kummerċjali għal amministrazzjoni aħjar u aktar effiċjenti. L-Abbozz jipprovdi wkoll għat-trasferiment ta' xi attiv lill-Awtorità. Qed isiru ukoll emendi żgħar ta' natura amministrattiva għall-Att dwar il-Bastimenti Merkantili (Kap. 234).

MALTA PORTS AUTHORITY ACT, 1991**ARRANGEMENT OF SECTIONS****Preliminary**

1. Short title and commencement
2. Interpretation

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3. Constitution of the Malta Ports Authority
4. Composition of the Authority
5. Legal and judicial representation of the Authority
6. Functions of the Authority
7. Powers of the Authority
8. Executive Directors and delegation of functions
9. Proceedings of the Authority
10. Relations between the Minister and the Authority
11. Exemption
12. Ports Users' Advisory Committee

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15. Borrowing from the Government
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18. Accounts and audit
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20. Annual report

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25. Detailing of public officers for duty with the Authority
26. Offer of permanent employment to public officers

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32. Ship in port to be properly manned
33. Laying-up of ship
34. Laid-up ship
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36. Power of Authority exercisable notwithstanding warrant
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39. Lien or privilege in respect of rates
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42. Power of Authority to sell goods
43. Application of proceeds for sale
44. Clearance to be withheld until rates are paid
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47. Payment of expenses of weighing or measuring
48. Order restraining ship
49. Indemnity where goods are claimed by more than one person
50. Other rights of the Authority
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52. Application of this Part

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Pilotage

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54. Pilotage Board
55. Licensing of pilots
56. Mooringmen
57. Licensing not to involve liability
58. Cancellation or revocation of licences
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60. Pilot to produce licence
61. Liability of owner or master
62. Power to make regulations concerning pilotage

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65. Service of notice

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67. Exhibition of lights which may be mistaken for lighthouses, etc.
68. Obstructing authorised entry
69. Navigation without pilot
70. Breach of duty by pilot
71. Illegal piloting
72. Evasion of dues, rates, etc.
73. Failure of compliance with sections 29 and 30
74. False returns
75. Persons endangering life or property
76. Non compliance with direction of Authority
77. Contractor to be deemed public officer for purposes of criminal code
78. Saving for other penal provisions

PART X
Repeal, Amendment and Saving

79. Repeal
80. Amendment of laws
81. Saving
82. Malta Freeports Act 1989

SCHEDULES

- First Schedule — Ports
Second Schedule — Amendment of laws



AN ACT to provide for the establishment of a body corporate to be known as the Malta Ports Authority for the transfer to that Authority of the powers vested by law in the Director of Ports, and for the exercise and performance by or on behalf of such Authority, of functions relating to ports and merchant shipping in Malta; to provide for the transfer to the said Authority of certain assets; and to make provision in respect of matters ancillary thereto or connected therewith.

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:—

Preliminary

Short title and commencement.

1. (1) This Act may be cited as the Malta Ports Authority Act, 1991.

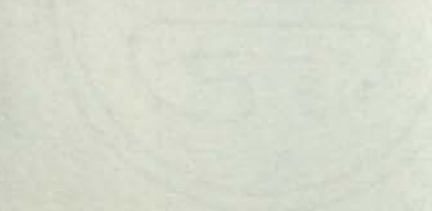
(2) This Act shall come into force on such date as the Minister responsible for Ports may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or for different parts of any provisions or for different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

“the Authority” means the Malta Ports Authority established by section 3 of this Act and includes the appropriate Executive Director as provided in subsection (4) of section 8 of this Act;

“charges” means the charges that may be levied under section 38 of this Act;



“contractor” means a person acting in pursuance of an agreement entered into with the Authority in pursuance of subsection (3) of section 8 of this Act;

“dues” means the dues that may be levied under section 38 of this Act;

“Executive Director” means an Executive Director appointed under section 8 of this Act;

“fees” means the fees that may be levied under section 38 of this Act;

“financial year” means the period of twelve months ending on the thirtieth day of September in any year:

Provided that the first financial year shall consist of the period commencing on the date of the establishment of the Authority in terms of this Act, and ending on the thirtieth day of September of the following year;

“function” includes power and duty;

“goods” includes baggage, animals (whether alive or dead) and other movable property of any kind whatsoever;

“laid-up vessel” means a vessel which is in any port and which is not regularly used in accordance with the uses proper for such type of vessel for a period exceeding fourteen days; and for the purpose of this definition “vessel” includes a floating dock, a floating crane, salvage or lifting equipment, whether afloat, submerged or mounted on any sea-craft, and a lighter, whether propelled by mechanical means or otherwise or towed, but does not include any boat or sea-craft, used solely for pleasure or in the fishing industry, or any vessel which is in any port to undergo repairs:

Provided that the Authority may, for the purposes of this definition, at its discretion, declare that a boat or sea-craft is not being used solely for pleasure or in the fishing industry, or that a vessel is not undergoing repairs, and any such vessel shall be treated as a laid-up vessel;

“master”, when used in relation to any ship, means the person having command or charge of the ship for the time being, but does not include a pilot;

“Minister” means the Minister responsible for ports and shipping;

“mooring man” means a person licensed in terms of section 56 of this Act;

“navigational aid or services” includes any aids or service designed to aid or guide the movement of ships, and the clearing, deepening and improving of any port;

“officer” and “servant” in relation to the Authority includes a public officer detailed for duty with the Authority;

“owner” in relation to a ship includes the charterer or operator of the ship;

“pilot” means a person licensed under section 55 of this Act;

“port” means the place declared to be a port by or under section 27 of this Act, and includes wherever appropriate a yachting centre unless a separate provision is made in respect of such centre;

“port facilities” means facilities for berthing, towing, mooring or moving of ships within a port or the approaches thereto, or in entering or leaving such port or approaches, for the loading and unloading of goods, or embarking or disembarking passengers to or from any such ship, or for the lighterage, sorting, weighing, warehousing or handling of goods, and for the carriage of passengers or goods in connection with such facilities;

“prescribed” means prescribed under this Act;

“public officer” has the same meaning as is assigned to it by section 124 of the Constitution;

“rates” means the rates that may be levied under section 38 of this Act;

“ship” means every description of vessel used in navigation, whether self propelled or not, and it includes barges, oil rigs, pontoons, seaplanes, and any other craft and similar vessels;

“territorial waters” means all parts of the open sea within twelve nautical miles of the coast of Malta, or such other distance as may be established under section 3 of the Territorial Waters and Contiguous Zone Act, measured as in that Act provided, and includes any waters enclosed between the base lines therein mentioned and the coast;

“vehicle” means any vehicle other than a ship;

“warehouse” means any shed, building, place, wagon, ship or vehicle when used by the Authority, or a contractor for the purpose of warehousing or depositing goods for the purposes of this Act;

“yacht” means a registered sea going ship used solely for pleasure and accepted as such by the Authority;

“yachting centre” means such place as is declared to be a yachting centre by or under section 27 of this Act.

PART I

Constitution, Composition and Functions of the Authority

3. (1) There is hereby established a body, to be known as the "Malta Ports Authority".

Constitution of
the Malta Ports
Authority.

(2) The Authority shall be a body corporate having a distinct legal personality and capable, subject only to the provisions of this Act, of suing and being sued, of entering into any contract, of acquiring, holding and disposing of any property, whether movable or immovable, and by or under any title, and of doing any other thing whatsoever.

4. (1) The Authority shall consist of not less than seven and not more than eleven members, of whom one shall be the Chairman and one other the Vice-Chairman of the Authority.

Composition of
the Authority.

(2) The Chairman, Vice-Chairman and the other members of the Authority shall be appointed by the Minister:

Provided that the Executive Directors shall be *ex officio* members of the Authority.

(3) In the absence of the Chairman, or if he is unable to perform the functions of his office, the Vice-Chairman shall perform those functions.

(4) The members of the Authority, other than the *ex officio* members, shall hold office for such period and on such terms and conditions as the Minister may deem appropriate; and a member shall, on ceasing to be a member, be eligible for reappointment:

Provided that the Minister may, at any time, terminate the appointment of any member if, in his opinion, such member is unfit to continue in office or has become incapable of properly performing his functions as a member of the Authority.

(5) A person shall be disqualified for appointment to, or for remaining a member of, the Authority if he —

(a) is a member of the House of Representatives; or

(b) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the disqualification of a person under this paragraph may be waived by the Minister if the interest is declared and the declaration is published in the Gazette.

(6) Any member of the Authority, other than an *ex officio* member, may resign his office by letter addressed to the Minister.

(7) The appointment of any person as a member of the Authority and the termination of office or resignation of any such person shall be notified in the Gazette.

Legal and judicial representation of the Authority.

5. The legal and judicial representation of the Authority shall vest in the Chairman:

Provided that the Authority may appoint any one or more of its members, or any one or more of its officers or servants, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions delegated to an Executive Director, the legal and judicial representation of the Authority shall also vest in such Director or in such other member, officer or servant of the Authority, as the Authority may appoint or authorise for the purpose.

Functions of the Authority.

6. (1) It shall be the function of the Authority:

(a) to provide, maintain and operate ports in Malta, and to provide, maintain and operate therein and in the approaches thereto adequate and efficient services and facilities as it may from time to time consider necessary or advantageous for the proper, safe and efficient functioning of such ports or as the Authority may otherwise deem it proper to provide in the public interest;

(b) to exercise overall control of all port work including the provision of port workers for port work;

(c) to regulate and control all matters related to merchant shipping or provided for under the Merchant Shipping Act or any other related legislation;

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(d) without prejudice to the provisions of the Environment Protection Act, 1991, to prevent and control pollution by oil or any other substances of any port or the approaches thereto;

Act V of 1991.

(e) to promote the maritime facilities of Malta; and

(f) to advise Government on any matter relating to ports, merchant shipping, marine pollution prevention and control, and on any other matter relating to its functions and duties.

(2) Subject to the provisions of this Act, it shall be the duty of the Authority —

(a) to regulate and control navigation within the limits of any port and the approaches thereto;

(b) to provide or ensure the provision of pilotage and moorage services to ships;

(c) to provide or ensure the provision of the appropriate fire-fighting services in ports;

(d) to provide and maintain adequate and efficient lighthouses, beacons and other lights, buoys and other navigational aids and services at such places, including the territorial waters of Malta, as the Authority may deem appropriate;

(e) without prejudice to the provisions of the Public Transport Authority Act, 1989, to provide or ensure the provision of services for the transport of passengers and goods, including vehicles, within ports and the territorial waters of Malta;

Act IX of 1989.

(f) to provide or ensure the provision of port workers for particular port work or to particular employers;

(g) to provide and use or to ensure the provision and use of ships, vehicles and other means for the salvage or protection of life and property;

(h) to provide or ensure the provision of fuel and other necessities to ships;

(i) to promote, develop and improve ports and any of their facilities, including the cleaning and clearing of any port or approaches thereto;

(j) to promote and advance the skills of seafarers and of persons employed in ports and in the maritime industry and the efficiency of the equipment used therein;

(k) without prejudice to the above, to provide or ensure the provision of such other services and facilities as are in the opinion of the Authority necessary for the operation of ports;

(l) to regulate and administer all matters and provide all services contemplated in the Merchant Shipping Act or in any other related legislation;

(m) to regulate, control, develop and promote the yachting centres; and

(n) to carry out any duty assigned to it by this Act or any other law.

7. (1) Without prejudice to the generality of the foregoing provisions of this Act, but subject to the provisions of this Act, the Authority shall have the power —

Powers of the Authority.

(a) to prohibit, control and otherwise regulate —

(i) the use by any person of any port or of any port facility;

(ii) the presence of any person, ship, vehicle or goods within any port;

(b) to load or unload any ship in any port;

(c) to carry on such business and other activities, do all such things and enter into all such transactions as appear to the Authority to be necessary, convenient or advantageous for it to carry on or perform or enter into, for or in connection with the discharge of its functions, or as appear to the Authority to be incidental or conducive thereto.

(2) The Authority may cause or authorise any of its officers or servants to board any ship in port or outside port if it considers it necessary so to do in the discharge of any function under this Act or under any other law or if it considers that there are reasonable grounds to believe that an offence against this Act, or against any other law, or any regulation, rule or order made thereunder, has been or is about to be committed.

(3) The Authority may cause or authorise any of its officers or servants, together with such workmen as may be necessary to —

(a) enter on any land or building for the purpose of erecting or maintaining any lighthouse or beacon or other navigational aid for ships, or of examining, repairing, altering or removing any such lighthouse, beacon or other aid, and there remain for such reasonable time as may be necessary for such purpose;

(b) erect and maintain lighthouses, or other aids as aforesaid upon or in any land, building, wharf, pier, or the shore or bed of the sea and alter or remove any such lighthouse, beacon or other aid:

Provided that —

(i) the Authority shall as far as practicable give notice to the occupier of any land or building upon which it is intended to enter in exercise of the powers conferred by this subsection; and

(ii) the Authority in the exercise of the said powers shall do as little damage as is practicable in the circumstances and shall pay compensation for any damage done and for the creation or requisition of any rights over property.

(4) Subject to any regulations made under this Act, the Authority shall further have power —

(a) to direct where any ship shall be berthed, moored or anchored in any port and the method of anchoring within the port;

(b) order the removal of any ship from one berth, station or anchorage to another in a port, and the time within which such removal is to be effected;

(c) regulate the movement of ships within or between ports, or within the approaches to a port or within territorial waters.

(5) Where any damage is done to any works, plant or machinery in any port or to any other property of the Authority by a ship or by any person engaged on any work on or about a ship, the Authority may restrain such ship and shall thereupon notify the master, owner or agent of such ship, or the agent or representative of such owner, to provide within the time specified in the notice, sufficient security for the payment of the damages so caused, and the ship shall not be released until the security is given.

8. (1) The Authority shall appoint not more than four Executive Directors, of whom one shall be responsible for merchant shipping, one for ports, and one other for yachting centres, and delegate to them, subject to its overall supervision and control, such of its functions as relate to the matters for which they are responsible, and such other matters as the Authority may deem appropriate, as will enable the said Directors to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation:

Executive
Directors and
delegation of
functions.

Provided that the first Executive Directors shall be appointed by the Minister.

(2) Each of the Executive Directors shall be a public officer detailed for duty with the Authority or a permanent employee of the Authority, in either case having adequate knowledge of merchant shipping or in the operation of ports or of yachting centres, as the case may require.

(3) All functions delegated under this section shall be published in the Gazette. The Authority and each of the Executive Directors may exercise any one or more of their functions either directly or through any of the officers or servants of the Authority authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into.

(4) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Executive Director under whose jurisdiction the matter falls by reason of a delegation of functions to such Director; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Executive Director.

9. (1) The meetings of the Authority shall be called by the Chairman, either on his own initiative or at the request of any two of the other members.

Proceedings of
the Authority.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the

members present and voting. The Chairman, or other person chairing the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) Any member who has a direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such contract is discussed or decided by the Authority.

(4) Subject to the provisions of this Act and to such procedures as may be prescribed, the Authority may regulate its own proceedings.

(5) All acts done by any person acting in good faith as a member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification may subsequently be discovered.

(6) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Relations between
the Minister and
the Authority.

10. (1) In the exercise of the functions of the Authority, the Authority and the Executive Directors shall —

(a) give effect, as soon as practicable, to any direction which the Minister may, after consultation with the Authority, give to the Authority under his hand in relation to any matter that appears to him to affect the public interest on the policy to be followed by the Authority or any action to be taken in the discharge of its functions;

(b) afford to the Minister facilities for obtaining information with respect to the property and activity of the Authority and shall furnish him with returns, accounts and other information with respect thereto and afford him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(2) If the Authority fails to comply with any directives issued under this section, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

Exemption.

11. The Authority shall be exempt from any liability for the payment of any tax or tax on income or of any customs duty or duty on documents for the time being in force in Malta.

12. (1) There shall be a Ports Users' Advisory Committee to advise and make recommendations to the Minister and the Authority on the improvements of the services, facilities and operations of the ports.

Ports Users'
Advisory
Committee.

(2) The Committee shall consist of a chairman and such number of persons from among the bodies or organisations representing users of ports, as the Minister may from time to time appoint.

(3) At any meeting of the Committee the Chairman and half the number of members forming the Committee shall form a quorum.

(4) The Committee shall meet at least three times a year at such time and place as the Chairman may appoint.

(5) Subject to the provisions of this section, the Committee may regulate its own procedure.

PART II

Financial Provisions

13. (1) The Authority shall be endowed with an initial capital of three hundred and fifty thousand liri, which shall be paid by Government out of the Consolidated Fund, without further appropriation other than this Act, by warrant under the hand of the Minister responsible for finance authorising the Accountant General to make the payment.

Authority to
meet
expenditure out
of revenue.

(2) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated and paid out of such Fund to meet the costs of specific works to be continued, completed or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(3) Without prejudice to the foregoing provisions of this section, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(4) The Authority shall levy all port, and other dues and taxes and all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or the Merchant Shipping Act or any other law related to the powers and functions of the Authority.

(5) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes

of the Authority; and without prejudice to the generality of the powers given to the Minister by this subsection, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of such taxes.

(6) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow capital

14. (1) The Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money, in such manner, from such person, body or authority, under such terms and conditions and against such security as it may deem appropriate, for any one or more of the following purposes:

(a) the provision of working capital;

(b) the carrying out of functions of the Authority under this Act;

(c) the provisions of capital for the expansion of, or addition to, the fixed assets of the Authority;

(d) the redemption of any debentures, debenture stock or other security that the Authority may require or is required to redeem;

(e) any other expenditure properly chargeable to capital account.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

Borrowing from the Government.

15. (1) Whenever it may be necessary for the Authority to borrow by way of advances from the Government any sums required by it to carry out any of its functions under this Act, the Minister responsible for finance may, after consultation with the Minister, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority either out of the proceeds of any loan contracted or raised for the purposes or out of the Consolidated Fund; and such advances shall be made on such terms and conditions as the Minister responsible for finance may direct.

(2) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and

conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(3) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this section shall be given to the House of Representatives as soon as practicable.

(4) Pending the raising of any such loan as is mentioned in subsection (2) of this section, or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(5) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this section, shall be paid into a fund which shall be specially established for the purpose and which shall be known as the "Ports Authority Loan Fund".

(6) Sums received by the Accountant General from the Authority in respect of advance made to the Authority under subsection (1) of this section shall be paid into the "Ports Authority Loan Fund".

(7) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subsection (4) of this section shall be paid, as respects amounts received by way of repayment into the Treasury Clearance Fund and, as respect of amount received by way of interest in the Consolidated Fund.

16. Except with the approval of the Minister granted for special reasons, the Authority shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding ten thousand liri, except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders have been issued.

Contracts of supply or works.

17. (1) The Authority shall cause to be prepared in every financial year, and shall not later than eight weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year, distinguishing, in particular, between merchant shipping, ports and yachting centres.

Estimates of the Authority.

(2) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(3) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of the Authority, or, if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid before the House, together with a motion that the House approve the said estimates. One sitting shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates.

(5) No expenditure shall be incurred by the Authority that has not been approved by the House of Representatives:

Provided that —

(a) until the expiration of six months from the beginning of a financial year, or until the approval by the Minister of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year:

(b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister, be incurred in respect of another head or subhead of the estimates;

(c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval, but subject to its being given, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable to the estimates shall, as near as possible, apply to the supplementary estimates:

Provided further that in respect of the first financial year of the Authority this section shall apply as if it required the Authority to adopt estimates for that year not later than twenty weeks from the coming into force of this section and as if the total expenditure that may be made or incurred by the Authority until the approval of the estimates for that year by the House may not exceed one-half of the amount shown in such estimates.

(6) All estimates and supplementary estimates approved by the House of Representatives shall, as soon as practicable, be published in the Gazette.

Accounts and
audit.

18. (1) The Authority shall cause to be kept proper books of accounts and other records in respect of its operation and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Authority is forwarded to the Minister under section 17 of this Act, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Authority.

(4) The Minister, shall, cause a copy of every such statement and report to be laid before the House of Representatives together with the motion laid before the House under the said section 17.

19. (1) All money of the Authority shall be paid into a bank or banks appointed by it with the approval of the Minister. Such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the Authority may require to retain to meet petty disbursement and immediate payments.

Cash deposits
and payments.

(2) All payments out of the funds of the Authority, except petty disbursements not exceeding a sum to be fixed by the Authority, shall be made by such officer or officers of the Authority as it shall appoint or designate for the purpose.

(3) Cheques against or withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as it may designate for that purpose and shall be countersigned by the Chairman or such other member of the Authority or other officer thereof as may have been authorised by the Authority.

(4) The Authority shall also make provisions for —

(a) the manner in which and the officers by whom payments are to be approved;

(b) the title of any account held with the bank or banks into which the moneys of the Authority are to be paid, and the transfer of funds from one account to another;

(c) the method to be adopted in making payments out of the funds of the Authority;

(d) generally all matters necessary for the proper keeping and control of the accounts, books and other records and the control of the finances of the Authority.

Annual report.

20. (1) The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister, and to the Minister responsible for finance, a report on its activities during that year, distinguishing, in particular, between merchant shipping, ports and yachting centres, and containing such information relating to the proceedings of the Authority as the Minister may from time to time require, including any directives given by the Minister.

(2) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives as soon as practicable.

PART III

Transfer of Certain Assets to the Authority

Transfer of
assets to the
Authority.

21. (1) The property and undertakings owned by the Government and used by it for the operation of any port immediately before the date of the coming into force of this Part of this Act shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vest in the Authority under the same title by which they were held by the Government immediately before the said date.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, cargo handling equipment, mechanical or otherwise, and other equipment, all apparatus, instruments, vehicles, ships, craft, wharves, quays, piers, jetties, buildings, structures, installations, land, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid:

Provided that, in respect of wharves, quays, piers and jetties, the transfer and vesting aforesaid shall not extend to the ownership thereof but shall be limited to their use, administration and operation including any benefit deriving from such use, administration and operation, subject to the obligation of the Authority to maintain and keep all such property, and at all times, in good order and condition, and for the purposes of sections 22 and 23 of this Act such property shall be deemed to be included in the properties transferred to the Authority by or under this Act.

Construction of
laws, contracts etc.
relating to
transferred assets.

22. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming

into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act shall have full force and effect against or in favour of the Authority, and shall be enforceable fully and effectually, as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

23. (1) Where anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

Transitory provisions.

(2) Where immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and of securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the authority.

PART IV

Officers and Servants of the Authority

24. (1) Subject to the provisions of this act, the Authority shall from time to time appoint and employ such officers and servants, for such remuneration and on such terms and conditions, as it may deem appropriate, for the due and efficient discharge of its functions.

Appointment of officers and servants of the Authority.

(2) The members of the Authority, the Executive Directors and the members of the Port Users' Advisory Committee, and all other officers and other servants of the Authority shall be deemed to be public officers only, for the purposes of the Criminal Code and any other law or provision of law of a penal character.

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Detailing of
public officers for
duty with
Authority.

25. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or a different date is specified in the direction, end on the happening of any of the following events, that is to say —

(a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in pursuance of section 26 of this Act; or

(b) the revocation by the Prime Minister of any direction made by him under this section in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the further direction, and the provisions of subsection (2) of this section shall thereupon apply to the period of duration of such further direction in relation to such officer.

(4) When a public officer is detailed for duty with the Authority under any of the provisions of this section, such officer shall, during the time the direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for other intents and purposes remain, and be considered and treated as, a public officer.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid —

(a) shall not during the time while such officer is so detailed —

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at the date on which he was detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act, and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

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(6) Where an application is made as provided in subparagraph (i) of paragraph (a) of subsection (5) of this section, the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

26. (1) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under section 25 of this Act permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

Offer of permanent employment to public officers.

(2) Every officer who accepts permanent employment with the Authority offered to him under this section shall, for all purposes be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance.

PART V Declaration and Regulation of Ports

27. (1) The Minister may by order —

Declaration of ports.

(a) declare any place together with any land area in Malta to be a port, or a yachting centre, within the meaning of this act;

(b) establish the limits of any place declared to be a port, or yachting centre in accordance with paragraph (a) of this subsection;

(c) declare any navigable water or land area to be an approach to a port or yachting centre, within the meaning of this Act.

(2) Without prejudice to the other provisions of this section the places specified in Part I and II of the First Schedule to this Act are hereby declared to be ports; and the places specified in Part IV of the said Schedule are hereby declared to be yachting centres.

(3) Without prejudice to his powers of revoking, varying or substituting any order made under this section, the Minister may also by order revoke, vary or substitute the First Schedule to this Act.

Power to make regulations.

28. (1) The Minister may, after consultation with the Authority, make regulations for the maintenance, control and management of any port and the land and sea approaches to any port and for the maintenance of good order therein and may make separate and different regulations for ports, and yachting centres and for ships and yachts; and in particular, but without prejudice to the generality of the foregoing, may make regulations for all or any one or more of the following purposes:

(a) regulating traffic within the limits of a port or the land and sea approaches thereto;

(b) regulating the use of berths, stations and anchorages to be occupied by ships and the removal of ships from one berth, station or anchorage to another, and the time within which such removal is to be effected;

(c) regulating ships while taking in or discharging crews, passengers, cargo or ballast, as the case may be, or while taking in fuel or stores;

(d) keeping free passages of such width as is deemed necessary, within any port and along, on or near to piers, jetties, landing places, wharves, quays, docks, moorings and similar works in or adjoining the same or similar places, and for marking out the places so to be kept free;

(e) regulating, controlling, and prohibiting the presence of any person in any place or building in a port or the use by any person of any such place or building;

(f) regulating the anchoring, fastening, mooring and unmooring and warping of ships and the use of warps, mooring, buoys, anchors, chains and other mooring in any port;

(g) regulating traffic, preventing obstruction and keeping order on any areas, piers, jetties, landing places, wharves, quays and docks in a port or its land and sea approaches and for ensuring the safety of any of the places and works aforesaid;

(h) regulating the use of fires and lights and the signals to be used by day and by night and the measures to be taken in case of fire in a port;

(i) regulating the use of navigation lights or signal lights by ships, the use of flags and signals by ships arriving at, lying in or departing from a port and the use by ships of steam whistles, steam sirens and other like instruments;

(j) prohibiting chipping, scaling, engine runs and repairs on ships, as the case may be, except at such anchorages or places as the Authority may appoint;

(k) regulating the floating of any object in any port or the approaches to a port and the casting or depositing of any dead body, ballast, rubbish or other thing into any port or the approaches thereto;

(l) defining dangerous, hazardous, inflammable, explosive or offensive goods, regulating the movements and berthing of ships carrying such goods and prescribing the duties of masters and pilots in command of any such ship and of persons engaged in or supervising the loading, unloading, landing and transport of any such goods;

(m) the prevention, removal and marking of any obstruction in any port and the approaches thereto and the prevention and control of pollution by oil and other substances, or in any other way, of any port and the approaches thereto;

(n) regulating the placing and maintaining of moorings and buoys in any port;

(o) the taking of measures for preventing ships from leaving any port if over-loaded, improperly loaded, improperly found, or if otherwise unseaworthy, subject to any provisions of any law relating to merchant shipping;

(p) the protection of ships, passengers and cargo, and the removal of ships and their cargoes and appurtenances which obstruct or are likely to obstruct any port, the reimbursement of expenses in connection therewith, and the levy and recovery of a rent for permitting a hulk or wreck or wreckage to lie in any port or the approaches thereto;

(q) regulating, declaring and defining the wharves, quays, docks, piers and places in the ports, from or on which persons shall be embarked or disembarked and goods loaded or unloaded;

(r) regulating the manner in which and the conditions under which the loading and unloading of ships, and the lighterage, handling and warehousing of goods, including the delivery of goods from a warehouse, shall be carried out;

(s) regulating the use of warehouses, wharves, quays, docks, piers and other places in ports on or from which goods are loaded or unloaded and the conduct of persons taking part in the loading or unloading of goods on or from a ship in any port;

(t) making provision for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board;

(u) requiring and regulating the issue of a licence to a person to be a ship agent, the conditions under which such licence is issued and the levying of a fee for the issue of such licence, and otherwise regulating and controlling the activities of ship agents and persons representing owners of ships in so far as such activities relate to ships which may be or have been in a port;

(v) regulating the manner in which ships left idle in a port in excess of such time as may be allowed by the Authority or practically or wholly unattended or insufficiently manned may be dealt with or disposed of;

(w) regulating any of the following:

(i) the disposal of perishable or unclaimed goods found in any port;

(ii) the prohibition of smoking in any part of any port or approaches thereto;

(iii) the sale of goods in any part of any port;

(x) regulating matters concerning porters, carriers and other labourers to be employed within the precincts of a port, the issue of licences for the performance of such occupation and any matter concerning the discipline of such personnel;

(y) prescribing anything that may or is to be prescribed under this Act.

(2) Any person who contravenes or fails to comply with any of the provisions of any of the regulations made or deemed to be made under this section shall be guilty of an offence and shall be liable on

conviction to the payment of a fine (multa) not exceeding four thousand liri or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a continuing offence to the payment of an additional fine of not more than five hundred liri for each day during which the offence continues.

29. The master of any ship arriving at Malta from any place beyond the seas shall produce to the Authority —

Information to be supplied on arrival of ship.

(a) the ship's register and the ship's papers;

(b) the manifest in duplicate of all cargo to be unshipped at Malta;

and shall also supply to the Authority such other information in relation to the ship and to the passengers, animals and cargo thereof as may be prescribed, and any information of a similar kind as the Authority in its discretion may require.

30. (1) Before applying for outward clearance from a port in accordance with the provisions of this Act and of any other law in force from time to time, the master of a ship shall produce to the Authority —

Information to be given before proceeding outwards.

(a) a statement containing the number of passengers embarked in Malta;

(b) an account in writing of the kinds, quantities, weights and measurement of cargo landed or loaded in Malta;

and shall also supply to the Authority such other information relating to the ship and to the passengers, animals and cargo thereof, as may be prescribed or as the Authority in its discretion may require:

Provided that the master of a ship may be exempt from such duties where the owner or agent, or the representative of the owner of the ship guarantees to the satisfaction of the Authority that he will discharge such duties in lieu of such master within such time and under such conditions as may be prescribed or as the Authority may determine.

(2) The particulars required under subsection (1) of this section shall be produced or supplied in such form, in such number of copies and within such time as may be prescribed or as the Authority may require.

31. (1) Any person presenting goods to the Authority or to a contractor for shipment or warehousing, or claiming the delivery of goods from a warehouse shall supply such information in relation to the goods as may be prescribed or as the Authority or the contractor may require.

Information in respect of goods presented for shipment or warehousing.

(2) The particulars required under subsection (1) of this section shall be produced or supplied in such form and within such time as may be prescribed or as the Authority or the contractor may determine.

(3) Where the production of documents for the withdrawal of goods from warehouse is prescribed under this act for the purposes of this section, the Authority or the contractor shall be relieved of all responsibility in respect of the delivery of the goods if the Authority or the contractor delivers the goods to which the documents relate to the person presenting such documents.

Ship in port to be properly manned.

32. The master and the agents of a ship shall be responsible to ensure that the ship is at all times while she is in port properly manned as required by the Authority:

Provided that the Authority may, in writing and under such conditions as it may deem appropriate, allow a ship in port to be manned by a reduced crew.

Laying-up of ship.

33. (1) The master, owner or agent of a ship, shall not lay up such ship or retain unduly a ship in a port except with the prior written permission of the Authority.

(2) In granting such permission the Authority may make such conditions as it may deem appropriate and in particular may specify the time during which such ship be so laid up.

(3) Upon the expiry of such time, or on any contravention or non compliance with any such condition as aforesaid, the permission granted by the Authority shall lapse, subject to the Authority renewing any such permission.

(4) The Authority may, upon giving not less than three days' notice cancel any permission granted under this section.

Laid-up ship.

34. (1) The Authority may direct any ship laid up in a port in Malta without permission to leave such port within such time as it may establish.

(2) It shall be the responsibility of the master, owner or agent of the ship, to comply with any direction given as aforesaid.

(3) Notwithstanding any other provision of law, a laid-up ship in any port in Malta shall, after being directed to leave, be liable to be sold as provided in this section.

(4) Upon fourteen days' notice to the master of the ship, the Authority may apply to the Commercial Court for an order that the ship be sold judicially; and the judicial sale shall be held within forty-five days from the date on which the order of the Court is made.

35. The master, owner or agent of a ship, may severally, or jointly and severally, be required to produce such security to cover dues, rates, charges, fees or expenses due to the Authority in respect of such ship to such amount as the Authority may require.

Security to cover dues, rates, etc.

36. The powers conferred by this Act on the Authority in respect of a laid-up ship may be exercised by the Authority notwithstanding any warrant of impediment of departure issued by a competent court in respect of the ship over which those powers are exercised.

Powers of Authority exercisable notwithstanding warrant.

37. A ship agent, who has performed any act in respect of the ship required to be performed by any of the provisions of this Act or who has incurred or has made any payment or entered into any liability in respect of a ship in any port, shall for the purposes of this Act be deemed to be the agent of the ship, during the time such ship remains in Malta.

Agent may not relinquish agency.

PART VI

Port Dues, Charges, and Rates

38. (1) The Authority shall levy the dues, rates, charges and fees which may from time to time be prescribed under section 51 of this Act.

Levy of dues, etc.

(2) The following persons shall be liable for the payment of any dues, charges or fees levied under this Act:—

(a) the master or owner of the ship;

(b) the agent of the ship, who shall have paid or made himself liable to pay any charge on account of such ship.

(3) Where any dues, charges or fees levied under this section are paid by the agent or representative made liable for payment by paragraph (b) of subsection (2) of this section, such agent or representative may retain out of any moneys in his hands received on account of the ship, or the owner thereof, the amount paid by him together with any reasonable expense he may have incurred by reason of such payment or liability.

39. (1) For the amount of all rates leviable under this Act in respect of any goods, the Authority shall have a lien or privilege on such goods and shall be entitled to seize and detain the same until such rates are paid in full.

Lien or privilege in respect of rates.

(2) Rates in respect of goods to be landed shall become payable immediately on the landing of such goods.

(3) Rates in respect of goods to be removed from warehouses, or to be shipped by sea, shall be payable before such goods are removed or loaded, as the case may be:

Provided that for the purpose of preventing delay, the Authority may allow goods to be placed on a ship before such rates are paid, and in such cases the Authority shall retain the ship's receipts as security for the payment of such rates.

(4) The lien or privilege for such rates shall have priority over all other privileges and hypothecs on the goods and a claim in respect of such rates shall be paid in preference to all other claims, whether privileged or hypothecary, on such goods notwithstanding any other provision of law to the contrary.

Lien for freight and other charges.

40. (1) If the master or owner of a ship or an agent or representative of any such person, or the person by whom the goods are landed, gives reasonable notice in writing to the Authority that any goods that are about to be landed or have been landed at any warehouse are subject to a lien or privilege for freight, general average, or charges to an amount mentioned in such notice, the Authority may retain such goods, at the risk and expense of the owner of the goods, until the lien or privilege is discharged as hereinafter mentioned or until it is entitled, under the provisions hereinafter specified, to sell them, or until the goods are transferred to a Government warehouse as defined in the Customs Ordinance in accordance with the provisions of that Ordinance.

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(2) Nothing in this section shall be construed as requiring the Authority or a contractor, as the case may be, to take into custody any goods which the Authority or the contractor may refuse to accept under the provisions of this Act, or as requiring the Authority to inquire into the validity of any claim made in any notice given under subsection (1) of this section.

Discharge of lien.

41. Upon production to the Authority of a document purporting to be a receipt for the amount claimed as due, or a release for the amount of any lien or privilege to which goods are liable under section 39 of this Act from the person by whom or on whose behalf notice has been given, the Authority may permit such goods to be removed without regard to the lien or privilege, provided the Authority has used reasonable care in establishing the authenticity of such document.

Power of Authority to sell goods.

42. (1) Notwithstanding any lien or privilege mentioned in sections 39 and 40 of this Act, if the rates payable to the Authority in respect of any goods are not paid, the Authority may, after the expiration of ninety days from the time the goods were placed in its custody or that of contractor, or if the goods are of a perishable nature after such earlier period, not being less than twenty-four hours, after the landing of the goods, as the Authority considers appropriate, sell by public auction the said goods or so much as is necessary to meet the expenses, and pay the rates and other claims hereinafter directed to be paid out of the proceeds of such sale.

(2) Before making such sale ten days' notice of the same shall be given in the Gazette unless the goods are of so perishable a nature as, in the opinion of the Authority, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case requires.

(3) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents delivered to the Authority, or is otherwise known, and such address is in Malta notice shall also be given to the owner of such goods by letter delivered at such address or sent by post; but the title of a bona fide purchaser shall not be invalidated by reason of the omission to send the said notice, nor shall such purchaser be required to inquire whether such notice has been sent.

(4) If at the auction held under this section any of the goods remain unsold, the Authority shall dispose of them in such manner as it deems fit.

43. (1) The proceeds of any sale or disposal of goods in accordance with section 42 of this Act, shall be applied as follows and in the following order:—

Application of proceeds for sale.

(a) in payment of the expenses of the sale or disposal;

(b) in payment of the rates and expenses due to the Authority in respect of the goods;

(c) in payment of the freight and other claims or lien or privilege of which notice has been given under section 40 of this Act;

and any surplus, if any, shall be paid to the owner of the goods on demand after payment of any customs duty which may be due on the goods sold.

(2) If no such demand as aforesaid is made within one year from the sale of goods, the surplus shall be retained by the Authority, and thereupon all rights of the owner to the same shall be extinguished.

44. If any amount in respect of dues, rates, fees or other charges leviable in accordance with the provisions of this Act against any ship is outstanding, then, at the request of the Authority, such ship shall not be given any discharge or clearance outwards under the Customs Ordinance until —

Clearance to be withheld until rates are paid.

(a) the amount of such dues, rates, charges or fees has been paid; or

(b) security has been given to the satisfaction of the Authority for the payment thereof.

Authority may board ship.

45. The Executive Director responsible for ports and any person authorised by the Authority, may board any ship, within or outside a port, to establish the proper amount payable in respect of such ship.

Weighing and measuring of goods in case of dispute.

46. If any differences arise between the Authority and the master or owner of a ship, or the owner of any goods, or the agent of any such person as aforesaid, concerning the weight or measurement of the goods in respect of which any dues, rates or charges are payable, the Authority shall cause all such goods to be weighed or measured and may, if it deems it so expedient, detain the ship from which such goods have been discharged until they have been weighed or measured.

Payment of expenses of weighing or measuring.

47. (1) If the weight or measurement of such goods proves to be more than that shown by the particulars delivered by the master or the owner of the goods, or the agent of any such person in accordance with sections 29, 30 and 31 of this Act, the expenses of such weighing or measuring shall be paid to the Authority by the master of the ship, or the owner of the goods, or the agent of any such person, in accordance with the provisions of this Act and shall be recoverable in the same manner as dues, rates or charges leviable under this Act.

(2) If the weight or measurements of such goods proves to be the same as, or less than, that shown by the particulars delivered as aforesaid, the Authority shall bear all the expenses of such weighing or measuring.

Order restraining ship

48. (1) If the master of a ship in respect of which dues, rates or charges leviable under this Act are payable refuses or neglects to pay such dues, rates or charges on demand, the Authority may issue an order restraining such ship from sailing; and in any such case the Authority shall within twenty-four hours from the issue of the order institute proceedings against the master or pilot, as the case may be, by summons before the Court of Judicial Police demanding the confirmation of the order to arrest or detain the ship until such dues, rates or charges are paid.

(2) Where a restraining order made under subsection (1) of this section is confirmed by the Court it shall remain in force until it is withdrawn by the Authority or revoked by the Court.

(3) If for a period of fourteen days after a restraining order made under subsection (1) of this section has been confirmed by the Court —

(a) any of the dues, rates or charges owing, or

(b) any of the expenses of restraint, including expenses connected with the summons, or the arrest or detention of ship,

remain unpaid the Authority may cause such ship, or any part of its tackle, apparel, furniture, or equipment to be sold by public auction, and out of the proceeds of such sale the Authority may retain the amount owing together with the expenses of the sale and such other amounts as may be due in consequence of the continued presence of the ship in port, and shall deliver the balance, if any, to the master of the ship.

(4) Where any restraining order made under subsection (1) of this section is not confirmed by the Court it shall lapse and have no effect.

49. Where —

(a) any goods or the proceeds of the sale or disposal of any goods are in the possession of the Authority or a contractor and such goods or proceeds are claimed by two or more persons; or

(b) any person claiming any goods in the possession of the Authority or of a contractor does not produce the documents showing that he is entitled to take delivery thereof,

the Authority or the contractor may withhold delivery of such goods or proceeds until the person appearing to the Authority or the contractor to be entitled thereto has given an indemnity to the satisfaction of the Authority and the contractor against the claims that may be advanced by any other person with respect to such goods or proceeds.

50. Notwithstanding anything contained in this Act, the Authority may take any judicial action under any other law for the recovery of any dues, rates, charges, expenses, costs and other debts or, in the case of sale, to recover the balance thereof when the proceeds of the sale are insufficient.

51. (1) Subject to the provisions of this Act, the Minister may, after consultation with the Authority, make regulations —

(a) for the levying of dues, charges or fees upon any ship, that is to say —

(i) dues, charges or fees in respect of ships entering or leaving a port, or being within a port or in the territorial waters of Malta;

(ii) port dues, charges or fees in respect of passengers, animals or cargo carried by any ship;

(iii) pilotage, lighting, mooring, buoyage, anchorage or accostage dues or other dues, charges or fees on ships.

Indemnity where goods are claimed by more than one person.

Other rights of the Authority.

Power to make regulations to levy dues, charges or fees.

(b) for the levying of rates for the use of any works, appliances or equipment provided or any service performed or to be performed in respect of any ship or of any goods, by the Authority or by a contractor, and without prejudice to the generality of the foregoing, for any of the following:

(i) the landing, shipping, wharfage, crantage, storage, carriage or demurrage of goods discharged from, or loaded on, or presented for loading on, any ship;

(ii) the use by any ship, or person of any wharf, quay, pier, dock, landing place or other facility or installation owned by the Authority or over which it exercises authority;

(iii) the use of any gear, tackle, tools, instruments, equipment, staging or vehicles supplied by the Authority or by a contractor;

(iv) the use of any ship or lighter, or any engine, boat or vehicle, or of any appliance for the extinction of fire owned or administered by or in the possession of the Authority or a contractor;

(v) the towing of, the rendering assistance and service to, any ship, in any place;

(vi) for the supply of water to any ship by the Authority or by a contractor;

(c) conferring power on the Authority to assimilate for any of the purposes of section 38 of this Act, any work, service or facility which is not specifically mentioned in any regulations made under this subsection to those specifically mentioned in such regulations with which, in the opinion of the Authority, they bear an analogy;

(d) prescribing the conditions under which any work or service in respect of which a rate or a charge is levied will be performed or provided by the Authority or a contractor;

(e) providing for the exemption of any ship, or class or classes of ships, or any passenger, animal or goods from all or any dues, rates, charges or fees or for the refund or remission thereof, or of part thereof;

(f) prescribing fees in respect of any licence or permit issued or given by the Authority under any of the provisions of this Act;

(g) prescribing anything that is to be, or may be prescribed, under this Act;

(h) generally for giving better effect to any of the provisions of this Act.

(2) For the avoidance of doubt, regulations made under this section may —

(a) prescribe different dues, rates, charges or fees for different ports and for yachting centres;

(b) prescribe different dues, rates, charges or fees for different classes of ships, or passengers, animals or goods;

(c) make provision allowing the Authority to enter into special agreements with respect to any matter referred to in this section in place of any dues, rates, charges or fees leviable under this Act.

52. The provisions of this part of this Act shall apply to goods which are the property of the Government, but shall not apply to — Application of this Part.

(a) any ship registered in Malta and used exclusively or mainly in the fishing industry or fishing trade;

(b) any ship belonging to a foreign Government, provided she does not engage in trade or commerce;

(c) seacraft, whether self-propelled or not, below ten gross tons.

PART VII

Pilotage

53. (1) The ports specified in Part III of the First Schedule to this Act shall be compulsory pilotage ports; and all ships, other than ships excepted under subsection (2) of this section, shall, while navigating within the limits of a compulsory pilotage port, whether by entering, leaving or moving, be under the pilotage of a pilot: Compulsory pilotage.

Provided that where an excepted ship —

(a) has not taken a berth assigned to her by the Authority and, in the opinion of the Authority, is foul or is likely to foul any mark, buoy or some other ship due to any cause whatsoever; or

(b) has anchored in the fairway of any port,

then without prejudice to any criminal proceedings that may be taken against the master of such ship, the Authority may direct that such ship be moored or re-moored under the direction of a pilot:

Provided further that where any excepted ship is to be berthed or unberthed at any quay, wharf, jetty, pier or buoy the Authority may direct that such berthing or unberthing shall be carried out under the direction of a pilot.

(2) For the purposes of this section, the following ships shall be excepted ships —

- (a) ships owned or operated by the Government of Malta;
- (b) men-of-war of a foreign power;
- (c) yachts and fishing vessels;

(d) ships of less than five hundred gross tons calculated in accordance with the rules for the time being in force for the measurement of ships under the Merchant Shipping Act;

(e) ships trading exclusively between ports in Malta;

(f) tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of the territorial waters of Malta;

(g) ships unable to obtain the services of a pilot owing to the stress of weather.

(3) The Authority may exempt any ship from compulsory pilotage in any particular case.

(4) Where any port is a compulsory pilotage port, the Minister may by order define the limits of such port for the purposes of compulsory pilotage.

Pilotage Board.

54. (1) There is hereby established a Pilotage Board (in this Part referred to as “the Board”) which shall exercise and perform the functions assigned to it by this Part of this Act.

(2) The Board shall consist of a chairman and such number of other members as the Minister may from time to time appoint, so however that not less than two of the members, shall be members having nautical or pilotage experience.

(3) It shall be the function of the Board to —

(a) conduct examinations in connection with the licensing of pilots;

(b) appoint panels of examiners for the purpose of the examinations aforesaid;

(c) conduct disciplinary proceedings in respect of pilots in accordance with the provisions of this Act;

(d) award to pilots found guilty of a breach of discipline such punishments as may from time to time be prescribed; and

(e) advise the Authority on any matter the Authority may refer to it in connection with the pilotage service.

(4) At any meeting of the Board the Chairman and two other members, of whom at least one has nautical or pilotage experience, shall form a quorum.

(5) The Board shall meet once every forty-five days at such time and place as the Chairman may appoint.

(6) Subject to the provisions of this section, the Board may regulate its own procedure.

55. (1) Subject to the provisions of this section, the Authority may license pilots for the purpose of conducting ships within Maltese waters. Licensing of pilots.

(2) No person shall be licensed as a pilot unless he has —

(a) passed such qualifying examinations as may be prescribed;

(b) been licensed as a temporary pilot on probation for such period as may be prescribed;

(c) obtained such practical experience in the pilotage of ships in Malta during the probation period referred to in paragraph (b) of this subsection as may be prescribed;

(d) had his licence confirmed by the Board; and

(e) satisfied such other conditions as may from time to time be prescribed.

(3) The licence issued to a pilot shall indicate the limits within which the licensee is qualified to act.

56. The Authority shall make such arrangements with respect to mooringmen, including the requirements of a licence and provision for discipline, as it may, after consultation with the Minister, determine. Mooringmen.

Provided that any arrangements made as aforesaid shall adequately protect mooringmen licensed under the Port Ordinance repealed by this Act. Cap. 170

57. The grant or renewal of a licence to pilot by the Authority in accordance with the provisions of this Act shall not place or imply any liability on the Authority or the Government of Malta for any loss or damage occasioned by any act or default of any pilot, whether the employment of a pilot is compulsory or not. Licensing not to involve liability.

Cancellation or revocation of licences.

58. (1) The licence issued to a pilot shall automatically be cancelled by the Authority when the pilot retires on reaching the retiring age that may from time to time be prescribed, or if such pilot is found by a Medical Board appointed by the Authority to be physically unfit to carry out his duties.

(2) The Authority may also suspend or revoke the licence issued to a pilot as a consequence of the award by the Board of a punishment consisting in the suspension or revocation of the licence, or if the pilot absents himself from duty for a period exceeding one year.

(3) Subject to any condition which the Board may make, the Authority may re-issue a licence to a pilot whose licence has been revoked under subsection (2) of this section.

(4) A licence issued to a pilot shall be surrendered to the Authority whenever it is for any reason cancelled, suspended or revoked.

Declaration as to draught of ship.

59. A pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and such other information as may be required for the safe piloting of the ship, and the master shall comply with any such request.

Pilot to produce licence.

60. Every pilot when acting as such shall be provided with his licence and shall, if requested, produce it to the master of the ship he pilots.

Liability of owner or master.

61. Notwithstanding anything contained in any law, the owner or master of a ship navigating under circumstances in which pilotage is compulsory, shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

Power to make regulations concerning pilotage.

62. (1) The Minister may, in consultation with the Authority, make regulations for all or any one or more of the following purposes:

(a) determining the qualifications to be required from persons seeking a licence to act as pilots and providing for such written, oral and practical examinations which may be deemed necessary therefor;

(b) fixing the term for which a licence is to remain in force and the conditions under which it may be renewed;

(c) providing for the manner in which, and the conditions under which, pilots are to perform their duties under this Act;

(d) providing for the good management of licensed pilots and probationary pilots and in particular to ensure their good conduct and constant attendance to and the performance of, their duties, whether at sea or on shore;

(e) providing for the appointment of persons to the post of Chief Pilot and establishing the duties appertaining to such post;

(f) providing for the disciplinary procedures of the Board and the award by it of penalties, including fines not exceeding fifty liri, and the suspension or cancellation of licences;

(g) providing for the collection of pilotage dues and for the distribution thereof among pilots, as and where appropriate, and for the remittance of money to funds established or continued under this Act;

(h) providing for the establishment or continuance of a Stabilisation Fund, a Pilot Launch Maintenance and Repair Fund, and a Pilot Launch Replacement Fund and for the administration of such funds;

(i) providing for the purposes for which any such funds as aforesaid are to be used;

(j) prescribing the manner in which such funds shall be financed and providing for a levy on users of the pilotage service towards all or any one or more of such funds;

(k) prescribing the manner in which charges may be made against such funds;

(l) regulating the use, replacement, maintenance and repair of launches, equipment and facilities made available to pilots;

(m) providing for improvements in the pilotage service;

(n) regulating the manner in which and the conditions under which pilots shall board and disembark from ships;

(o) prescribing the retiring age of pilots;

(p) defining and regulating the use of a pilot flag or pilot signals;

(q) prohibiting the payment or receipt of dues for pilotage service, or for ancillary services, to or by pilots in addition to such dues as may be due under this Act;

(r) prescribing anything that is to be, or may be prescribed, under this Part of this Act.

(2) Any person who contravenes or fails to comply with any regulations made, or deemed to be made, under this section shall be guilty of an offence and shall be liable on conviction to the payment of a fine (multa) not exceeding one thousand liri or to imprisonment not exceeding six months or to both such fine and imprisonment.

PART VIII

Legal Proceedings

Limitation of action.

63. Notwithstanding the provisions of any other law, no action shall lie against the Authority or a contractor in relation to their responsibilities under this Act, or for any loss or damage caused to any person, vessel, goods, vehicles or other things whatsoever on board a ship unless —

(a) a claim in writing, giving such particulars as may reasonably be necessary, is given to the Authority or the contractor, as the case may be, not later than six months after the date on which the goods were accepted by the Authority or the contractor;

(b) the action is commenced within twelve months from the date aforesaid:

Provided that the Authority or the contractor, as the case may be, may extend the period specified in paragraph (a) of this section by such further period not exceeding six months as it may deem fit if it is satisfied that the claim could not reasonably have been made within the period specified as aforesaid:

Provided further that the Authority or the contractor, as the case may be, shall not be liable beyond such limits or amounts established by law, or in such circumstances as may be prescribed.

Overcharge or undercharge.

64. If the amount paid to the Authority or the contractor for any dues, rates, charges or fees due under this Act, is found to be incorrect, then if such amount is —

(a) an overcharge, the person who paid the dues, rates, charges or fees shall be entitled to a refund of the amount on the overcharge;

(b) an undercharge, the Authority or the contractor shall be entitled to collect the amount of the undercharge from the person who paid the dues, rates, charges or fees:

Provided that, notwithstanding the provisions of any other law, any such overcharge or undercharge shall not be recoverable unless a notice in writing, containing such particulars as may reasonably be necessary, is given by the party claiming the refund or collection to the party from whom it is claimed, not later than two years after the acceptance of the goods by the Authority or the contractor, as the case may be, so however that where the undercharge is due to any description or other information subsequently found to be incorrect the period of two years aforesaid shall commence on the date on which the Authority or the contractor, as the case may be, first discovers the incorrectness of the description or information.

65. Any notice or other document required or authorised by or under this Act to be served on any person by the Authority or a contractor may be served —

Service of notice.

- (a) by delivering it to the person; or
- (b) by sending it by registered post addressed to the person at his usual or last known address;

and if service is made as provided in paragraph (b) of this section it shall be sufficient to prove service to show that the notice or other document was properly addressed and posted.

PART IX

Offences and Penal Provisions

66. Any person who, wilfully or negligently —

Offences in respect of lighthouses, buoys, etc.

- (a) removes or alters any lighthouse, buoy, beacon or other light placed by the Authority, or
- (b) rides by, or makes fast to, or runs foul of any lighthouse, buoy, beacon or other light as aforesaid,

shall be guilty of an offence and be liable on conviction to a fine (*multa*) not exceeding one thousand liri.

67. (1) Whenever any light is exhibited in any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, or other light placed by the Authority, the Authority may serve a notice on the owner or occupier of the place where the light is exhibited or on the person having charge of the light, directing the owner, occupier or other person, to take, within a reasonable time to be specified in the notice, effectual means for extinguishing or effectually screening the light and for preventing the same or similar light being exhibited thereafter.

Exhibition of lights which may be mistaken for lighthouses, etc.

(2) Such notice may also be served by affixing the same in some conspicuous spot near the light to which the notice relates.

(3) Any owner, occupier or other person on whom a notice is served under this section who fails without reasonable cause to comply with the directives contained in the notice, shall be guilty of an offence and be liable on conviction to a fine (*multa*) not exceeding one thousand liri and to a further fine (*multa*) not exceeding one hundred liri for every day during which the offence continues.

Obstructing
authorised entry.

68. Whosoever wilfully obstructs any officer of the Authority in the performance of his duties under this Act, or any person in the performance of any act he is authorised to perform by the Authority, shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding two thousand liri, or to both such fine and imprisonment.

Navigation
without pilot.

69. If —

(a) any ship navigates without a pilot in circumstances in which a pilot is to be engaged under any of the provisions of this Act, or

(b) the master of the ship refuses to comply with any request made under section 59 of this Act, or makes or is privy to the making of any false statement in answer to such request,

the master of such ship shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding two thousand liri.

Breach of duty
by pilot.

70. (1) Any pilot who, while piloting a ship by wilful breach of duty, or by neglect of duty or by reason of drunkenness —

(a) does any act tending to the immediate loss, destruction or serious damage of such ship or tending immediately to endanger the life or limb of any person; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damage, or preserving any person from danger to life or limb,

shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding five thousand liri, or to both such imprisonment and fine.

(2) Any pilot who fails to comply with the provisions of section 60 of this Act shall be guilty of an offence and be liable on conviction to a fine (*multa*) not exceeding five hundred liri.

Illegal piloting.

71. Any person who offers his services as a pilot or acts as a pilot without the permission of the Authority and without being duly licensed, or whilst his licence as a pilot is cancelled, suspended or revoked, and any pilot who lends his licence to, or allows his licence to be used by, any other person, or pilots ships outside the limits specified in his licence or who acts as a pilot while under the influence of drink or drugs, shall be guilty of an offence and be liable on conviction to imprisonment for a period not exceeding one year or to a fine (*multa*) not exceeding five thousand liri, or to both such imprisonment and fine.

72. If the master, owner or agent of a ship or the owner or consignor or consignee of any goods, evades or attempts to evade, by any means whatsoever, the payment of any dues, rates, charges or fees leviable under this act, he shall be guilty of an offence and be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine (*multa*) not exceeding one thousand liri, or to both such imprisonment and fine, and shall in addition be liable to pay to the Authority a penalty triple the amount of the dues, rates, charges or fees he evaded or attempted to evade.

Evasion of dues, rates, etc.

73. Any master of a ship who contravenes any of the provisions of sections 29 or 30 of this Act, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months or to a fine (*multa*) not exceeding five hundred liri or to both such imprisonment and fine.

Failure of compliance with sections 29 and 30.

74. Any person who makes, whether knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under this Act, shall be guilty of an offence and be liable on conviction to imprisonment for a period not exceeding twelve months or to a fine (*multa*) not exceeding three thousand liri, or to both such imprisonment and fine.

False returns.

75. If any person taking part in the loading, unloading or warehousing of goods in any port endangers the safety of life, limb or property —

Persons endangering life or property.

(a) by contravening any of the provisions of this Act or of any regulations made or deemed to be made thereunder; or

(b) by any rash or negligent act,

he shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding six months or to a fine (*multa*) not exceeding one thousand liri or both to such imprisonment and fine.

76. Any person who fails to comply with any direction given by the Authority in the exercise of its powers under this Act shall be guilty of an offence and be liable on conviction to a fine (*multa*) not exceeding five thousand liri and in the case of a continuing offence to a further fine (*multa*) not exceeding five hundred liri for every day during which the offence continues.

Non compliance with direction of Authority.

77. A contractor and any of his employees, other than port workers registered under the provisions of the Port Workers Ordinance, whilst acting within the scope of his employment in pursuance of an agreement entered into between the Authority and the contractor under subsection (3) of section 8 of this Act shall be deemed to be a public officer or servant for the purposes of the Criminal Code and of any other law of a penal nature.

Contractor to be deemed public officer for purposes of criminal code, Cap. 9.

Saving for other
penal provisions.

78. The punishments provided by or under this Act shall apply unless the act constitutes a more serious offence under the Criminal Code or some other law, in which case such Code or other law shall apply, so however that no person shall be punished twice for the same act or omission.

PART X

Repeal, Amendment and Saving

Repeal.

79. (1) Subject to the provisions of the Act, the following enactments, that is to say —

- (a) the Port Dues Ordinance, Cap 100,
- (b) the Ports Ordinance, Cap 170, and
- (c) The Director of Ports Act, Cap 224

are hereby repealed.

Cap. 100

(2) (a) any reference in any other law to the Ports Ordinance, and the Port Dues Ordinance shall in each case be read and construed as a reference to the Malta Ports Authority Act, 1991.

(b) any reference in any other law to the Director of Ports, the Superintendent of Ports and the Port Department shall in each case be read and construed as a reference to the Malta Ports Authority established under this Act.

Amendment of
laws.

80. The enactments set out in the First Column of the Second Schedule to this Act shall have effect subject to the amendments set out in the Second Column of that Schedule.

Saving.

81. (1) Nothing in sections 79 and 80 of this Act shall affect the validity of anything done before the date of the coming into force thereof under any of the enactments thereby repealed or amended, or any right, obligation or liability acquired, accrued or incurred before the date aforesaid or any liability to criminal proceedings for any act or omission happening before that date.

(2) Whenever under any of the enactments repealed or amended by this Act, or any regulations made or deemed to be made thereunder, any notice, act, action, proceedings or any other thing whatsoever, has been given or commenced by or against the Director of Ports, such notice, act, action, proceedings or other thing may be continued by or against the Authority as if the said notice, act, action, proceedings or other thing has been given or commenced by or against the Authority, and any right or liability, acquired, accrued, or incurred by, and all rights hitherto vested in the Director of Ports under the Ports Ordinance, and under any other law, shall, upon the coming into force of this section become a right or liability of, and rights vested in the Authority.

(3) All regulations, orders and other subsidiary legislation made under or kept in force by the Ports Ordinance or by the Port Dues Ordinance, and in force immediately before the coming into force of this section, shall continue in force thereafter as if they had been made under the corresponding provision of this Act and shall be treated accordingly.

(4) Any funds established by or under any of the provisions of the enactments repealed by this section shall, notwithstanding such repeal and as from the date thereof, continue in operation as if they had been established under the corresponding provision of this Act, and shall be treated accordingly.

(5) any licence, permission or other authority granted under any of the provisions of the enactments repealed in section 79 of this Act and still in force immediately before such repeal, shall continue in force thereafter as if it were a licence, permission or authority granted under the corresponding provisions of this Act, and shall be treated accordingly.

82. None of the rights, duties, powers and obligations vested in the Authority under this Act shall diminish or alter any of the rights, duties, powers and obligations vested in the Freeport Authority by the Malta Freeports Act, 1989.

Malta
Freeports Act
1989
Act XXVI
of 1989.

FIRST SCHEDULE

Sections 27 and 53

Ports

Part I

The Grand Harbour of Valletta

Part II

1. Marsamxett Harbour
2. Marsaxlokk Harbour
3. Saint Paul's Bay
4. The landing places at —
 - (a) Ramla-il-Bir;
 - (b) Iċ-Ċirkewwa
5. Mgarr, Gozo

Part III

1. The Grand Harbour of Valetta
2. Marsamxett Harbour

Part IV

1. Ta' Xbiex Yachting Centre
2. Msida Yachting Centre
3. Sliema Yachting Centre
4. Mgarr Yachting Centre, Gozo

SECOND SCHEDULE

Section 80

Amendment of laws

First Column Enactment	Second Column Extent of Amendments
Code of Organisation and Civil Procedure Cap. 12.	<p>In section 830, immediately after subsection (2), there shall be added the following new subsection:</p> <p>“(3) A warrant for the impediment of departure of a ship or vessel shall be rescinded, on an application of the Malta Ports Authority, if the Court is satisfied that, because of the nature of its cargo or because of its length, draught or other circumstances concerning safety, navigation or port operations, it is advisable that the ship or vessel should leave port without delay.”.</p>
Port Workers Ordinance Cap. 171.	<p>Except as otherwise provided in this Schedule —</p> <p>(a) for the words “Director of Ports”, wherever they occur in the Ordinance, there shall be substituted the word “Director”;</p> <p>(b) for the words “Manager of Port Workers”, wherever they occur in the Ordinance there shall be substituted the word “Authority”;</p> <p>(c) for the words “Minister responsible for Ports”, wherever they occur in the Ordinance, there shall be substituted the word “Minister”;</p> <p>(d) for the words “Port Department”, wherever they occur in the Ordinance, there shall be substituted the word “Authority”;</p> <p>(e) for the words “Ports Ordinance”, wherever they occur in the Ordinance, there shall be substituted the words “Malta Ports Authority Act, 1991” and the expression “Cap. 170” wherever it appears in the margin shall be deleted.</p>
	<p>Section 2 shall be amended as follows:</p> <p>(a) immediately after the definition of “Act” there shall be inserted the following new definition:</p> <p>““Authority” means the Malta Ports Authority established under the Malta Ports Authority Act, 1991;”;</p>

(b) the definition of "department" and that of "Director of Ports" shall be deleted;

(c) for the definition of "Director" there shall be substituted the following:

"“Director” means the Executive Director responsible for ports appointed under section 8 of the Malta Ports Authority Act, 1991;”;

(d) the definition of "Manager of Port Workers" shall be deleted, and in its place there shall be inserted the following new definition:

"“Minister” means the Minister responsible for ports, and includes any person acting under his authority;”.

For the proviso to subsection (2) of section 3 there shall be substituted the following:

“Provided that, at the end of such period, registration may be renewed.”.

In subsection (3) of section 5, the words "in consultation with the Director of Ports" shall be deleted;

Section (9) shall be substituted as follows:

“Supply of port workers. 9. (1) The supply of port workers for particular port work or to particular employers shall take place through the Authority.

(2) The Authority shall —

(a) supply, in accordance with such system as is established in an order which is in force under the provisions of section 8 of this Ordinance, and subject to such conditions as may be prescribed, port workers to employers for any port work authorized by the Director in such numbers, order and priority as may be determined by the Director;

(b) ascertain the amount of fees due by employers of port workers in accordance with such tariff as may be made under the provisions of this Ordinance, collect such fees from the person responsible for their payment and pay to the port workers concerned such fees as shall be due to them in accordance with the provisions of this Ordinance;

Act X of 1987.

(c) notwithstanding the provisions of the Social Security Act, 1987, collect from employers of port workers and from port workers any contributions which may be due by them for the purposes of the Social Security Act, and pay in arrears at monthly intervals all contributions so collected in such form and manner as the Minister responsible for social security may, with the concurrence of the Minister responsible for finance, from time and time determine, and be responsible for the custody of the relative insurance cards;

(d) maintain and supply records of employment and earnings;

(e) record attendances and absences of port workers;

(f) furnish such returns and statistics in connection with the employment of port workers as may be required;

(g) ascertain and collect the administrative surcharge specified in subsection (3) of this section and keep an account of all receipts and expenditure connected therewith separately from an account of all receipts and expenditure connected with any other monies:

Provided that all such accounts shall

(i) be maintained in such form as the Board may determine; and

(ii) be subject to inspection by the Board;

(h) carry out such other functions as may be prescribed.

(3) The Authority, after consultation with the Board, and with the approval of the Minister, shall levy on employers of port workers an administration surcharge calculated at such percentage of the gross wages of port workers, as may be prescribed from time to time.

(4) For the purpose of performing its functions under subsection (2) of this section the Authority shall have power to request any employer of port workers to produce such information including documents at such time and at such place as it may require.

In section 21, the second proviso shall be deleted.

In the Second and Third Schedule, for the words "Attorney General as a civil debt due to the Government of Malta", in paragraph (2) of each of these schedules, there shall be substituted the words "Authority as a civil debt due to it".

Merchant
Shipping Act,
Cap. 234.

Subsection (1) of section 2 shall be amended as follows:

(a) immediately before the definition of "clearance" there shall be inserted the following new definition:

"“Authority” means the Malta Ports Authority established by the Malta Ports Authority Act, 1991;”;

(b) for the definition of "Registrar-General" there shall be substituted the following:

"“Registrar-General” means the Registrar-General of Shipping and Seamen as provided in section 363 of this Act;”;

For subsection (1) of section 363 there shall be substituted the following:

"(1) There shall be a Registrar-General of Shipping and Seamen whose office shall be held by an Executive Director of the Authority, and who shall, subject to the provisions of this Act and the Malta Ports Authority Act, 1991, undertake the general superintendance of all matters relating to merchant shipping and seamen and ensure the carrying into effect of the provisions of this Act"; and

In section 364 for the word "Minister" wherever it occurs there shall be substituted the word "Authority".

For the Second Schedule there shall be substituted the following:

"SECOND SCHEDULE

[Section 69]

Documents to be in the form prescribed by the Minister

1. Bill of sale
2. Certificate of Bareboat Charter Registry
3. Certificate of Registry
4. Certificate of Surveyor
5. Declaration of Bareboat Charter by individual charterer
6. Declaration of Bareboat Charter on behalf of body corporate as charterer
7. Declaration by mortgagee taking by transmission
8. Declaration of owner taking by transmission
9. Declaration of ownership by individual owner
10. Declaration of ownership by individual transferee
11. Declaration of ownership on behalf of body corporate as owner
12. Declaration of ownership on behalf of body corporate as transferee
13. Mortgage
14. Provisional certificate of registry
15. Transfer of Mortgage".

Objects and Reasons

The Object of this Bill is the establishment of an Authority, to be known as the Malta Ports Authority, integrating the functions related to maritime services, including the management of ports and merchant shipping, in order to ensure commercial orientation for a better and more efficient administration. The Bill also provides for the transfer of ownership of certain assets to the Authority. Minor amendments of an administrative nature to the Merchant Shipping Act, (Cap. 234) are also being affected.