

## MALTA

**ATT Nru. XVII ta' l-1991**

**ACT No. XVII of 1991**

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

AN ACT enacted by the Parliament of Malta.

**ATT biex jipprovdi ghat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità Marittima ta' Malta, ghat trasferiment lil dik l-Awtorità tas-setghat 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 ghat-trasferiment ta' xi attiv lill-imsemmija Awtorità; u biex jipprovdi dwar hwejjeġ anċillari għalihom jew konnessi magħhom.**

**AN ACT to provide for the establishment of a body corporate to be known as the Malta Maritime 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.**

**ATT TA' L-1991 DWAR L-AWTORITÀ MARITTIMA TA' MALTA**

**ARRANĠAMENT TA' L-ARTIKOLI**

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(L.S.)

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President

19 ta' Lulju, 1991

**ATT Nru. XVII ta' l-1991**

*ATT biex jipprovdi ghat-twaqqif ta' korp magħqud li jkun magħruf bhala l-Awtorità Marittima ta' Malta, ghat-trasferiment lil dik l-Awtorità tas-setgħat mogħtija b'ligi lid-Direttur tal-Portijiet, u għall-eżerċizzju 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 ghat-trasferiment ta' xi attiv lill-imsemmija Awtorità; u biex jipprovdi dwar hwejjeġ anċillari 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 Marittima 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' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu 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 teħtieġ xort'oħra —

Tifsir.

“l-Awtorità” tfisser l-Awtorità Marittima 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 jistgħu jingabru taħt l-artikolu 39 ta' dan l-Att;

“kuntrattur” tfisser persuna li tagħxi 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 39 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 39 ta’ dan l-Att;

“sena finanzjarja” tfisser perijodu ta’ tnaħ-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 ohra tkun ta’ liema xorta tkun;

“ibhra interni” tinkludi kull port, bajja, qala, daħla tal-bahar jew xatt;

“bastiment qieghed” tfisser bastiment li jkun f’xi port u li ma jkunx użat regolarment 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-bahar, mgharrqin jew immuntati fuq xi ngenji tal-bahar, u barkun, li jitmexxew b’mezzi mekkaniċi jew xort’ohra jew irmunkati, iżda ma tinkludix xi dgħajsa jew xi inġenji tal-bahar, 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-bahar 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 58 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 imqabba għal xogħol ma’ l-Awtorità;

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

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

“port” tfisser post dikjarat bħala port bl-artikolu 27 ta’ dan l-Att jew tahtu, u tinkludi meta jkun xieraq centru 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-izbark ta’ passigġieri fuq jew minn xi bastiment bħal dan, jew għat-tagħbija fil-braken jew għall-ghażla, użin, hażna jew manigġar ta’ oġġetti, u għall-garr ta’ passigġieri jew oġġetti dwar xi faċilitajiet bħal dawn;

“preskritt” tfisser preskritt taht dan l-Att;

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

“rati” tfisser ir-rati li jistgħu jingabru taht l-artikolu 39 ta’ dan l-Att;

“vapur” tfisser kull deskrizzjoni ta’ bastiment użat fin-navigazzjoni, sew jekk imexxi lulu 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 nawtiku l barra mill-kosta ta’ Malta, jew dik id-distanza l-ohra li tista’ tkun stabbilita taht l-artikolu 3 ta’ l-Att dwar l-Ibhra Territorjali u *z-Zona Kontigwa*, mkejla kif provdut f’dak l-Att, u tinkludi l-ibhra magħluqin bejn il-linji bażi hemm imsemmija u l-kosta;

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“vettura” tfisser kull vettura barra vapur;

“maħżen” 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 bħala ċentru tal-yachting bl-artikolu 27 ta’ dan l-Att jew tahtu.

## TAQSIMA I

### Kostituzzjoni, Għamla u Funzjonijiet ta’ l-Awtorità

Kostituzzjoni ta’ l-Awtorità Marittima ta’ Malta.

3. (1) B’dan qed jitwaqqaf korp, li jkun magħruf bħala “l-Awtorità Marittima 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 tharrek 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’ oħra hi x’ inhi.

Għamla ta’ l-Awtorità.

4. (1) L-Awtorità tkun magħmula minn mhux inqas minn seba’ u mhux iktar minn hđax-il membru, li minnhom wieħed ikun iċ-*Chairman* u iehor 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-membru ma jkunx tajjeb biex ikompli fil-kariga jew ma jkunx baqa’ kapaċi li jaqdi sewwa l-funzjonijiet tiegħu bħala 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 mpriza jew attività li x'aktarx jeffettwa l-qadi tal-funzjonijiet tagħha bhala membru ta' l-Awtorità:

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

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

(7) Il-hatra ta' kull persuna bhala membru ta' l-Awtorità 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-Awtorità tkun vestita fiċ-*Chairman*:

Rappreżentanza  
legali u ġuridika  
ta' l-Awtorità.

Izda l-Awtorità tista' tahtar 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' taht il-funzjonijiet delegati lil Direttur Eżekuttiv, ir-rappreżentanza legali u ġuridika ta' l-Awtorità tkun ukoll vestita f'dak id-Direttur jew f'dak il-membri, uffiċjal jew impjegat ieħor ta' l-Awtorità, kif l-Awtorità tista' tahtar jew tawtorizza għal hekk.

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

Funzjonijiet  
ta' l-Awtorità.

(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-Awtorità jidhriha xort'ohra xieraq biex tipprovdi fl-interess pubbliku;

(b) bla ħsara għad-dispożizzjonijiet ta' xi liġi ohra biex teżerċita kontroll shiħ dwar il-bon-ordni fl-ibhra territorjali u interni ta' Malta, f'kull port, u fl-art u fil-baħar li jkun qarba ta' kull port, u fuq il-mollijiet;

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

(d) li tirregola u tikkontrolla l-hwejjeġ kollha li għandhom x'jaqsmu ma' bastimenti merkantili jew li hemm provdut għalihom taht l-Att dwar il-Bastimenti Merkantili jew taht xi legislażzjoni ohra li għandha x'taqsam;

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(e) bla ħsara għad-dispożizzjonijiet ta' l-Att ta' l-1991 biex Iħares l-Ambjent, li thares u tikkontrolla tingiż biż-żejt jew xi sustanza ohra ta' kull port jew qarba tieghu;

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

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

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, ikun idmir 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;

(ċ) 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 oħra, bagi u għajnuniet u servizzi oħra ta' navigazzjoni f'dawk il-postijiet, inklużi l-ibhra territorjali ta' Malta, kif l-Awtorità jidhrilha xieraq;

(e) bla ħsara 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 oħra għas-salvataġġ jew tharis ta' ħajja u proprjetà;

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

(i) li tippromovi, 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 tippromovi u tavvanza l-hila ta' baħħara u ta' persuni mpjegati fil-portijiet u fl-industrija marittima u l-effiċjenza ta' tagħmir użat fihom;

(k) bla ħsara għal dak li ntqal hawn fuq, li ttiprovdi jew tiżgura l-provdiment ta' dawk is-servizzi u l-faċilitajiet l-oħra 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 legiżlazzjoni oħra li għandha x'taqsam;

Att IX  
ta' l-1989.

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

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

7. (1) Bla ħsara 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'oħra 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 tghabbi jew thott xi bastiment f'kull port;

(ċ) li tagħmel dak ix-xogħol u attivitajiet oħra, li tagħmel dawk il-ħwejjeġ kollha u li tagħmel dawk it-transazzjonijiet kollha li fil-fehma ta' l-Awtorità jkunu meħtieġa, 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 inċidentali 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 meħtieġ li tagħmel fil-qadi ta' xi funzjoni tagħha taħt dan l-Att jew taħt 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-ħaddiema li jkunu meħtieġa li —

(a) jidhlu f'kull art jew bini sabiex jibnu jew jieħdu ħsieb xi fanal jew lanterna jew xi għajnuna oħra ta' navigazzjoni għall-bastimenti, jew biex jeżaminaw, isewwu, jibdlu jew ineħħu xi wiehed minn dawk il-fanali, antenni jew għajnuniet oħra, u li jibqgħu hemm għal dak iż-żmien xieraq għal dak l-għan;

(b) li jibnu jew jieħdu ħsieb fanali jew għajnuniet oħra msemmija qabel fuq jew f'xi art, bini, xatt, moll, jew ix-xtajta jew qieġ il-baħar u li jibdlu jew ineħħu kull fanal, antenna jew għajnuna 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-setgħat mogħtija b'dan is-subartikolu; u

(ii) L-Awtorità, fl-eżerċizzju ta' l-imsemmija setgħat ghandha tagħmel l-inqas ħsara possibbli fiċ-ċirkostanzi u ghandha tħallas kumpens għal kull ħsara li tkun saret u għall-holqien jew rekwiżizzjoni ta' xi jeddijiet fuq proprjetà.

(4) Bla ħsara għal kull regolament magħmul taħt dan l-Att, l-Awtorità jkollha wkoll is-setgħa —

(a) li tordna fejn xi bastiment għandu jsorgi, jirmigga jew jankra f'xi port u l-mod kif jankra fil-port;

(b) li tneħhi jew li tordna li bastiment jitneħha minn xi rmiġġ, stazzjon jew ankraġġ għal port ieħor, u l-hin li fih għandu jitneħha dak il-bastiment;

(ċ) li tirregola l-moviment ta' bastimenti fil-portijiet u bejniethom, jew fil-qarba ta' port jew fl-ibhra territorjali.

(5) Meta tkun saret xi ħsara lil xi xogħlijiet, 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, jipprovdì garanzija biżżejjed biex tagħmel tajjeb għall-ħlas tal-ħsarat li jkunu hekk saru, u l-bastiment ma jinhelix sakemm tingħata dik il-garanzija.

Diretturi  
Eżekuttivi u  
delega ta'  
funzjonijiet.

8. (1) L-Awtorità ghandha taħtar mhux iktar minn erba' Diretturi Eżekuttivi, li minnhom wiehed ikun responsabbli għal bastimenti merkantili, ieħor għall-portijiet, u ieħor għal ċentri dwar *yachting*, u tiddelegalhom, sugġetti għas-sorveljanza u l-kontroll komplet tagħha, dawk mill-funzjonijiet tagħha li għandhom x'jaqsmu ma' hwejjeg li għalihom huma responsabbli, u dawk il-hwejjeg l-oħra li l-Awtorità jidhriha 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 għal dmirijiet ma' l-Awtorità jew impjegat permanenti ta' l-Awtorità, f'kull każ li jkollu tagħrif biżżejjed dwar bastimenti merkantili jew fit-thaddim ta' portijiet jew f'ċentri dwar *yachting*, skond il-kaz.

(3) Il-funzjonijiet kollha delegati taht dan l-artikolu ghandhom jigu pubblikati fil-Gazzetta. L-Awtorità u kull wiehed mid-Diretturi Eżekuttivi jistghu jeżerċitaw wahda jew iżjed mill-funzjonijiet, direttament jew bil-mezz ta' kull ufficjal jew impjegat ta' l-Awtorità li jkun awtorizzat ghal hekk, jew bil-mezz ta' kuntrattur jew persuna oħra li magħha jkun sar ftehim għall-qadi ta' wahda 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' jinghata mill-Awtorità, kull haġa jew avviż bħal dawk jistghu wkoll isiru minn jew kontra jew dwar jew jinghataw 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 inizzjattiva tiegħu stess jew fuq talba ta' tnejn mill-membri l-oħra.

Proċeduri ta' l-Awtorità.

(2) Nofs in-numru ta' membri li għaž-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 jikkonferma ix-xorta ta' l-interess tiegħu fl-ewwel laqgħa ta' l-Awtorità wara li jkun sar jaf bil-fatti rilevanti. Dak il-kxiif għandu jkun registrat fil-minuti tal-laqgħa, u dak il-membru għandu jirtira minn kull laqgħa waqt li dak il-kuntratt ikun qed jigi diskuss jew deċiż mill-Awtorità.

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

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

(6) Kull dokument li juri li hu att magħmul jew mahruġ mill-Awtorità u li jkun iffirmat 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 tagħrif dwar il-proprjetà u l-hidma ta' l-Awtorità u jaghtuh dawk il-prospetti, kontijiet u tagħrif iehor dwar dan u jaghtuh faċilitajiet biex jivverifika kull tagħrif moghti, b'dak il-mod u f'dawk iż-żminijiet li l-Ministru b'mod xieraq jehtieg.

(2) Jekk l-Awtorità tonqos li thares xi direttiva maħruġa taħt dan l-artikolu, l-Prim Ministru jista' jagħmel 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 issehh 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 jagħmel 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 jagħmlu *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-infieq  
mid-dhul.

13. (1) L-Awtorità tinghata kapital inizzjali ta' tliet mija u hamsin elf lira, li jithallas mill-Gvern mill-Fond Konsolidat, bla hteġa ta' approprjazzjoni oħra hlief dan l-Att, b'ordni maħruġ taħt il-firma tal-Ministru tal-Finanzi li jawtorizza lill-*Accountant General* jagħmel 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 approprjati u mhallsa minn dak il-Fond sabiex jithallsu xoghlijiet speċifiċi li għandhom jitkomplew, jitlestew jew xort'ohra jsiru mill-Awtorità, li jkunu xoghlijiet ta' infrastruttura jew ta' xorta kapitali simili.

(3) Bla ħsara 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 liġi 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 ħsara 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 żejded.

(6) Kull fond ta' l-Awtorità li ma jkunx immedjatament 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-twettiq tal-funzjonijiet ta' l-Awtorità taht dan l-Att;

(ċ) 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 tifti;

(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 mingħand il-Gvern.

**15.** (1) Meta jkun meħtieġ li l-Awtorità tiehu b'self mingħand 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 ħtieġa 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 ħtieġa 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 ħtieġa 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 ta' l-Awtorità Marittima".

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

(7) Somom riċevuti mill-*Accountant General* mingħand 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 mghax, 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 avviż li l-Awtorità tkun bi hsiebha tagħmel ikun ġie pubblikat u jkunu harġu offeriti b'kompetizzjoni.

Kuntratti  
għall-provvista  
jew xoghlijiet.

17. (1) Kull sena finanzjarja l-Awtorità għandha tiehu hsieb thejji, u għandha mhux iktar tard minn erba' ġimghat wara t-tmiem ta' dik is-sena tadotta, estimi ta' dhul u nfieq ta' l-Awtorità għas-sena finanzjarja li tiġi wara, fejn tagħżel, 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 erba' ġimghat 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 erba' ġimghat mill-bidu tas-sessjoni li tiġi minnufih wara, jiehu hsieb li dawk l-estimi jitqieghdu quddiem il-Kamra, flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Għandha tingħata seduta waħda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni ta' l-estimi mill-Kamra jistghu 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 gimgħa wara l-bidu fis-sehh ta' dan l-artikolu u daqskieku 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' jkunu malajr, ikunu pubblikati fil-Gazzetta.

Kontijiet u verifika.

**18.** (1) L-Awtorità għandha tiehu hsieb li jinżammu kotba ta' kontijiet xierqa u *records* ohra 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-ohra ta' l-Awtorità jkunu verifikati jew eżaminati mid-Direttur tal-Verifika li għal dan il-ghan ikollu s-setgħa li jagħmel kull verifika fiżika u l-verifika l-ohra, 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, jitqiegħu fil-bank minn jum għal ieħor, hliet għal dik is-somma li tkun mehtieġa li tinżamm 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 tqabbaad 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;

(ċ) 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 ġimghat 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-sahha ta' dan l-Att u minghajr 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' manigġ ta'

merkanzija, mekkaniku jew le, u taghmir iehor, 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-xoghlijiet, l-istokkijiet kollha u proprjetà oħra, mobbli jew immobbli, kull attiv, setgha, jedd u privileġġ u kull haġa mehtieġa 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 wahda mill-imsemmija proprjetà jew imprizi 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 beneficiċċju li jinkiseb minn dak l-użu, amministrazzjoni u thaddim, b'mod li l-Awtorità tkun suġġett 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 iehor, eżistenti minnufih qabel id-data tal-bidu fis-sehħ ta' din it-Taqsimata ta' dan l-Att li jolqtu jew għandhom x'jaqsmu ma' proprjetà jew impriza trasferita lill-Awtorità b'dan l-Att jew tahtu għandhom isehħu u jkollhom effett shiħ kontra jew favur l-Awtorità, u jistghu 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 tranzitorji.

**23.** (1) Meta xi haġa tkun inbdiet bis-saħħa jew taht l-awtorità tal-Gvern qabel id-data tal-bidu fis-sehħ ta' din it-Taqsimata ta' dan l-Att u dik il-haġa tkun dwar xi proprjetà jew impriza 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-sehħ ta' din it-Taqsimata 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 impriza, 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 supplimentari li jidhru mehtieġa jew spedjenti sabiex jistabilixxi, kif xieraq, l-attiv trasferit lill-Awtorità b'dan l-Att u sabiex jiżgura u jagħti effett shiħ għat-trasferiment ta' kull proprjetà jew impriza, jew kull dritt jew responsabbiltà ta' l-Awtorità skond dan l-Att u jista' jagħmel dawk l-

ordnijiet li jistghu jkunu mehtieġa sabiex xi setghat 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 tahtar u timpjega dawk l-uffiċjali u mpjegati, b'dik ir-rimunerazzjoni u taht 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 ohra kollha ta' l-Awtorità għandhom, għall-finijiet tal-Kodiċi Kriminali u ta' kull liġi jew dispożizzjoni ta' liġi ohra ta' xorta penali, jitqiesu li huma uffiċjali pubbliċi, iżda mhux xort'ohra.

Kap. 9.

25. (1) Il-Prim Ministru jista', fuq talba ta' l-Awtorità, minn żmien għal ieħor 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'ohra ma jtemmx qabel milli jżomm kariga, jew kemm-il darba ma tkunx speċifikata fl-ordni data differenti, għandu jtemm malli sseħħ xi wahda 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 taht 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 ieħor, 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-ieħor, u d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu għandhom ma' dan japplikaw sakemm idum isehħ l-ordni l-ieħor 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 hsara għall-generalità 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 ieħor 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 bħallikieku 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 ieħor 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.

Offerta ta' mpieg permanenti lil uffiċjali pubbliċi.

**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 spiċċa mis-servizz tal-Gvern u li jkun daħal f'servizz ma' l-Awtorità fid-data ta' l-aċċettazzjoni tiegħu.

## TAQSIMA V

## Dikjarazzjoni u Regolament ta' Portijiet

27. (1) Il-Ministru, wara konsultazzjoni ma' l-Awtorità, 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) jistabilixxi 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, wara konsultazzjoni ma' l-Awtorità, 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' l-ibhra territorjali u interni ta' Malta u 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 għall-ibhra territorjali u interni ta' Malta, għal portijiet u centri tal-*yachting* u għal bastimenti u *yachts*; u b'mod partikolari, iżda bla hsara għall-ġeneralità ta' dak li ntqal qabel, jista' jagħmel regolamenti għall-ghanijiet kollha li ġejjin jew għal xi wiehed minnhom: Setgħa għall-egħmil ta' regolamenti.

(a) sabiex jinzamm il-bon-ordni f'kull parti ta' l-ibhra territorjali u interni ta' Malta, f'kull port u fil-art u fil-baħar li jkunu qarba ta' kull port, u fuq il-mollijiet, u għal kull għan iehor dwar dawn;

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

(c) biex jirregolaw l-irmiggi, l-istazzjonijiet u l-ankraġgi li għandhom ikunu okkupati minn bastimenti u t-tnehhija ta' bastimenti minn irmiggi, stazzjon jew ankraġg iehor, u ż-żmien li matulu dik it-tnehhija għandha ssir;

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

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

(f) 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;

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

(h) 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 harsien mill-periklu ta' kull wieħed mill-imsemmija postijiet u xoghlijiet;

(i) 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;

(j) 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;

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

(l) 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 fl-ibhra territorjali jew interni ta' Malta, jew f'xi port jew qarba ta' xi port;

(m) biex ifissru oġġetti perikolużi, riskjużi, infjammabbli, esplożivi jew ta' hsara, biex jirregolaw il-movimenti u l-ankraġġ ta' bastimenti li jkollhom fuqhom dawk l-oġġetti u biex jippreskrivu d-dmirijiet ta' kaptani 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;

(n) 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 ieħor, ta' kull port u l-qarba tiegħu;

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

(p) biex jittiehdu miżuri biex bastimenti ma jithallewx jitolqu minn xi port jekk ikunu mgħobbija ż-żejjed, mgħobbija mhux kif imiss, jew jekk xort'ohra mhux tajbin biex ibahhru, bla hsara għad-dispożizzjonijiet ta' kull ligi dwar bastimenti merkantili;

(q) 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 mġarrfa jew fdalijiet ta' bastiment mġarrfa jithallew qieghda f'xi port jew fil-qarba tiegħu;

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

(s) biex jirregolaw il-mod li bih, u l-kundizzjonijiet li taħthom it-tagħbija u l-hatt ta' bastimenti, u t-tagħbija jew hatt bi braken, il-manigġar u l-ħażna ta' oġġetti, magħduda l-konsenja minn mahżen, għandhom isiru;

(t) 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;

(u) 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-ghan, 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;

(v) biex jehtieġu u jirregolaw l-użu ta' liċenża lil persuna biex tkun aġent ta' bastiment, il-kondizzjonijiet li taħthom tinhareġ dik il-liċenża u l-ġbir ta' pagament li għandu jsir għall-ħruġ 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;

(w) biex jirregolaw il-mod li bih bastimenti li jithallew qieghda 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;

(x) 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;

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

Iżda ix-xogħol tal-*porters* tal-bagalji jkun taht it-treġġja u l-kontroll ta' l-Awtorità:

Iżda wkoll il-gvern jew l-Awtorità ma jagħmlu tajjeb għall-ebda telf jew hsara li jsiru waqt it-tagħbija, hatt jew trasbord ta' bagalji minn *porter* tal-bagalji b'liċenza;

(z) 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 wahda mid-dispożizzjonijiet ta' xi wiehed mir-regolamenti magħmula jew li huma meqjusa li saru taht dan l-artikolu tkun hatja ta' reat u tehel meta tinsab hatja 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.

Reġistrazzjoni  
u liċenzar  
ta' dghajjes u  
bastimenti ma'  
u mill-  
Awtorità.

29. (1) L-ebda dghajsa jew bastiment ma għandu jintuza fl-ibhra territorjali jew interni ta' Malta, jekk dik id-dghajsa jew bastiment ma jkunx registrat ma' l-Awtorità f'Registru għal Bastimenti Zgħar mwaqqaf skond regolamenti magħmula taht dan l-artikolu, jew jekk dik id-dghajsa jew bastiment ma jkunx registrat taht l-Att dwar il-Bastimenti Merkantili, jew jekk dik id-dghajsa jew bastiment ma jkunx registrat jew dokumentat għas-sodisfazzjon ta' l-Awtorità taht il-liġi ta' xi pajjiż iehor li mhux Malta.

(2) L-ebda dghajsa jew bastiment ma għandu jintuza għal xi negozju, kummerċ jew żjarar fl-ibhra territorjali u interni ta' Malta —

(a) jekk dik id-dghajsa jew bastiment ma jkunx liċenzat kif mehtieg mill-Awtorità għal dak in-negozju, kummerċ jew żjarar; jew

(b) jekk, meta dik id-dghajsa jew bastiment li jkun qed jintuza għall-ġarr ta' passigġieri bejn postijiet f'Malta, ma jkunx liċenzat għal dan l-iskop mill-Awtorità dwar it-Trasport Pubbliku, mwaqqfa bis-sahha ta' l-Att ta' l-1989 dwar it-Trasport Pubbliku; jew

(ċ) jekk, meta dik id-dghajsa jew bastiment li jkun qed jintuza bhala dghajsa tas-sajd, ma jkunx liċenzat għal dan l-iskop mill-Ministru responsabbli għas-sajd.

Att IX ta' l-1989.

(3) Il-Ministru jista' jagħmel regolamenti:

(a) biex jirregolaw il-mod ta' registrazzjoni ta' xi dgħajsa jew bastiment f'Registru għal Bastimenti Żgħar imsemmi fis-subartikolu (1) ta' dan l-artikolu;

(b) biex jippreskrivu l-htigiet li għandhom jiġu sodisfatti għal dik ir-registrazzjoni, magħduda it-tiġdid u t-temma tagħha;

(c) biex jippreskrivu, bla ħsara għall-ġeneralità ta' dan is-subartikolu, il-ħlas pagabbli ma' dik ir-registrazzjoni u għal kull servizz konness magħha;

(d) biex jippreskrivu l-htigiet għall-użu ta' kull dgħajsa jew bastiment fl-ibhra territorjali u interni ta' Malta, u għall-użu ta' kull dgħajsa jew bastiment registrat fir-Registru għal-Bastimenti Żgħar kif provdut f'dan l-artikolu;

(e) biex jirregolaw l-użu ta' kull dgħajsa jew bastiment fl-ibhra territorjali jew interni ta' Malta.

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

Tagħrif li għandu jingħata mal-wasla ta' bastiment.

(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' teħtieġ fid-diskrezzjoni tagħha.

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

Tagħrif li għandu jingħata qabel jitlaq bastiment.

(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' teħtieġ 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 jiggarantixxi għas-sodisfazzjon ta' l-Awtorità illi jaqdi dawn id-dmirijiet minflok il-kaptan f'dak iż-żmien u taħt dawk il-kondizzjonijiet li jistgħu jiġi preskritti jew kif l-Awtorità tista' tistabbilixxi.

(2) Il-partikolaritajiet mehtieġa taht is-subartikolu (1) ta' dan l-artikolu ghandhom jinghataw 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' tehtieġ.

Taghrif dwar oġġetti pprezentati għall-imbark jew biex jitqieghdu f'imhażen.

**32.** (1) Kull persuna li tippreżenta oġġetti lill-Awtorità jew lill-kuntrattur biex ikunu mbarkati jew jitqieghdu f'maħzen, jew li titlob konsenja ta' oġġetti minn maħzen għandha taghti dak it-taghrif dwar l-oġġetti kif jista' jkun preskritt jew kif l-Awtorità jew il-kuntrattur jistgħu jehtieġu.

(2) Il-partikolaritajiet mehtieġa skond is-subartikolu (1) ta' dan l-artikolu ghandhom jinghataw 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 ikunu iritirati oġġetti minn maħzen ikun preskritt taht dan l-Att għall-finijiet ta' dan l-artikolu, l-Awtorità jew il-kuntrattur għandhom ikunu mehluca 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.

Bastiment f'port għandu jkollu l-ekwipaġġ xieraq.

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

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

Thollija ta' bastiment qieghed.

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

(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 qieghed.

(3) Malli jaghlaq dak iż-żmien, jew ma' xi ksur jew nuqqas ta' tharis ta' xi waħda 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.

Bastiment li jkun thalla qieghed.

**35.** (1) L-Awtorità tista' tordna li kull bastiment li jkun thalla qieghed f'port f'Malta bla permess ihalli dak il-port f'dak iż-żmien li tista' tistabilixxi.

(2) Tkun ir-responsabbiltà tal-kaptan, sid jew aġent tal-bastiment, li jhars 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 inġhata ordni biex jitlaq, ikun suġġett 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 toħroġ 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.

36. Il-kaptan, is-sid jew l-aġent ta' bastiment, jistgħu individwalment, jew solidalment, ikunu meħtieġa 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' teħtieġ.

Garanzija għall-hlas ta' drittijiet, rati eċċ.

37. Is-setgħat mogħtija b'dan l-Att lill-Awtorità dwar bastiment li jkun thalla qiegħed jistgħu jiġu eżerċitati mill-Awtorità minkejja kull mandat maħruġ minn xi qorti dwar il-bastiment li fuqu jkunu qed jiġu eżerċitati dawk is-setgħat, b'dana li f'każ fejn ikun maħruġ mandat dwar dak il-bastiment, dawk is-setgħat jistgħu jiġu eżerċitati biss jekk il-Ministru jiddikjara li dak l-eżerċizzju jkun meħtieġ fl-interess nazżjonali, u d-dikjarazzjoni tal-Ministru b'hal dik ma tkunx tista' tiġi kontestata f'ebda qorti.

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

38. Aġent ta' bastiment, li jkun wettaq xi għemil dwar il-bastiment li b'xi waħda mid-dispożizzjonijiet ta' dan l-Att huwa meħtieġ li jsir jew li jkun daħal 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.

Aġent ma jistax jitlaq aġenzija.

## TAQSIMA VI

### Drittijiet, Hlasijiet u Rati tal-Port

39. (1) L-Awtorità għandha tiġbor id-drittijiet, ir-rati, il-hlasijiet u l-pagamenti li minn żmien għal żmien jistgħu jkunu preskritti taħt l-artikolu 52 ta' dan l-Att.

Ġbir ta' drittijiet, eċċ.

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

- (a) il-kaptan jew sid tal-bastiment;
- (b) l-aġent tal-bastiment, li jkun hallas jew ha r-responsabbiltà li jhallas xi hlas akkont ta' dak il-bastiment.

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

Pleġġ jew privileġġ dwar rati.

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

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

(3) Ir-rati dwar oġġetti li jkunu se jitneħħew minn imħażen, jew li jkunu se jiġu mbarkati, għandhom jithallsu qabel ma dawk l-oġġetti jitneħħew 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 żzomm ir-riċevuti tal-bastiment bhala garanzija għall-hlas ta' dawk ir-rati.

(4) Il-pleġġ jew privileġġ għal dawk ir-rati jkollhom precedenza 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.

Pleġġ għan-noll u drittijiet oħra.

**41.** (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 zbarkati l-oġġetti, jagħtu avviż xieraq bil-miktub lill-Awtorità illi xi oġġetti li se jkunu zbarkati jew li jkunu ġew zbarkati f'xi mahzen ikunu sugġetti għal pleġġ jew privileġġ tan-noll, għal avarija generali, jew għal drittijiet sa ammont li jissemma' f'dak l-avviż, l-Awtorità tista' żzomm dawk l-oġġetti, għar-riskju u għas-spejjeż tas-sid ta' l-oġġetti, sakemm il-pleġġ jew privileġġ ikun meħlus kif hawnhekk iżjed 'il quddiem jingħad, jew sakemm ikollha dritt, skond id-dispożizzjonijiet hawnhekk iżjed 'il quddiem speċifikati, li tbiegħhom, jew sakemm l-oġġetti jkunu trasferiti f'mahzen tal-Gvern kif imfisser fl-Ordinanza tad-Dwana skond id-dispożizzjonijiet ta' dik l-Ordinanza.

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 avviż mogħti taht is-subartikolu (1) ta' dan l-artikolu.

Helsien ta' pleġġ.

**42.** Meta jingieb lill-Awtorità dokument li juri li hu riċevuta għall-ammont mitlub bhala dovut, jew helsien għall-ammont ta' xi pleġġ jew privileġġ li għalih oġġetti jkunu sugġetti taht l-artikolu 40 ta' dan l-Att mill-persuna li minnha jew f'isimha jkun ingħata dak l-avviż, l-Awtorità tista' tagħti permess li dawk l-oġġetti jitneħħew mingħajr ma jitqies il-pleġġ jew privileġġ, kemm-il darba l-Awtorità tkun użat attenzjoni xierqa biex tistabbilixxi li dak id-dokument ikun awtentiku.

43. (1) Minkejja kull plegg jew privileġġ imsemmi fl-artikoli 40 u 41 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 tqeghdu 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 jingħad hawnhekk iżjed 'il quddiem għandhom jithallsu mid-dhul ta' dak il-bejgħ.

Setgħa ta' l-Awtorità li tbiegħ oġġetti.

(2) Qabel ma jsir dak il-bejgħ għandu jingħata 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 jingħata 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 jingħata 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.

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

X'isir mid-dhul tal-bejgħ.

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

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

(ċ) għall-hlas tan-noll jew ta' talbiet oħra jew plegg jew privileġġ li avviż dwarhom ikun ingħata taht l-artikolu 41 ta' dan l-Att;

(d) għall-hlas ta' dazju ta' importazzjoni jew ta' sisa u kull *levy* li tista' tkun dovuta fuq dawk l-oġġetti;

u dak li jifdal, jekk ikun hemm, jithallas lis-sid ta' l-oġġetti fuq talba tiegħu:

Iżda fejn dak li jidhul minn dak il-bejgħ jew tnehhija ma jkunx biżżejjed biex ikopri id-dazji jew *levies* imsemmija fil-paragrafu (d) ta' hawnhekk, dak il-bejgħ jew tnehhija għandu jitkompla u dawk id-dazji

u *levies* jitqiesu li tnaqqsu għal dik is-somma, jekk ikun hemm, li tibqa' għal hlas tagħhom.

(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.

Helsien jinżamm sakemm jithallsu r-rati.

**45.** 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 jinghata ebda helsien jew permess għall-hruġ taht l-Ordinanza tad-Dwana sakemm —

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

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

L-Awtorità tista' titla' fuq bastiment.

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

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

**47.** 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 nhattu sakemm dawn jintiżnu jew jitkejlu.

Hlas ta' spejjeż ta' użin u kejl.

**48.** (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 30, 31 u 32 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.

(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.

Ordni li jinżamm bastiment.

**49.** (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' tohroġ ordni biex dak il-bastiment jinżamm milli jsiefer; u f'kull każ bħal dan l-Awtorità għandha fi żmien erbgħa u għoxrin siegħa mill-hruġ ta' l-ordni tibda proċedimenti kontra

l-kaptan b'tahrika 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.

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

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

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

(b) xi spejjeż ta' tiznim, magħduda spejjeż li jkollhom x'jaqsmu mat-tahrika, 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' żzomm 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 taht is-subartikolu (1) ta' dan l-artikolu ma jkunx konfermat mill-Qorti dan għandu jintemm u jkun bla ebda effett.

#### 50. Meta —

(a) xi oġġetti jew id-dhul mill-bejgħ jew tnehhija 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 tiegħu l-konsenja tagħhom,

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

l-Awtorità jew il-kuntrattur jista' ma jikkonsenjjax 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.

51. Minkejja dak kollu li jinsab f'dan l-Att, l-Awtorità tista' tiegħu Jeddijiet oħra ta' l-Awtorità kull azzjoni ġudizzjarja taht kull liġi oħra biex tiġbor kull dritt, rata, hlas, spiża, kost u dejn iehor jew, fil-każ ta' bejgħ, biex tiġbor il-bilanċ tagħhom, meta d-dhul mill-bejgħ ma jkunx biżżejjed.

52. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, il-**Setgħa għall-egħmil ta' regolamenti għall-ġbir ta' drittijiet, hlasijiet jew pagamenti.** 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, baġi, ankrar jew tressiq, jew drittijiet, hlasijiet jew pagamenti ohra dwar bastimenti.

(b) għall-ġbir ta' xi hlasijiet jew ta' rati għall-użu ta' xi xoghlijiet, apparat jew tagħmir provdut jew għal xi servizz mogħti jew li jkun se jinghata 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 ipprezentati 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 ohra 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;

(vii) dwar id-drittijiet jew rati li għandhom jithallsu minn riċevituri, minn kunsinnaturi jew spedituri, ta' merkanzija lil persuni li jkunu hađu l-inkarigu tal-hatt, żbark, imbark, spedizzjoni, jew maniġġ ta' merkanzija bejn l-istiva jew il-gverta u l-battaljola, rampa, bieb jew mattjatura ta' bastiment jew xi moll jew xi post iehor stabbilit għal hekk jew bejn il-battaljola, rampa, bieb jew mattjatura ta' xi bastimenti u xi moll.

(c) li jagħtu s-setgħa lill-Awtorità li xxebbah għal kull wiehed mill-għanijiet ta' l-artikolu 39 ta' dan l-Att, kull xogħol, servizz jew faċilità li ma jkunx 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 passiġġieri, annimali jew oġġetti minn kull jew uhud mid-drittijiet, rati, hlasijiet jew pagamenti jew biex dawn jithallsu lura jew jinħafu għal kolloxx jew f'parti;

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

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

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

(2) Biex ikun evitat kull dubju, regolamenti magħmula taħt 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 passiġġieri, annimali jew oġġetti differenti;

(c) 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 taħt dan l-Att.

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

(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;

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

## TAQSIMA VII

## Pilutaġġ

Pilutaġġ  
obbligatorju.

**54.** (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, hliet bastimenti li għalihom qed issir eċċezzjoni taht is-subartikolu (2) ta' dan l-artikolu, għandhom, fil-waqt li jkunu qed jinnavigaw, sew billi jidhlu, ihallu jew jimxu fil-limiti ta' port ta' pilutaġġ obbligatorju, ikunu taht il-pilutaġġ ta' bdot:

Izda meta bastiment li għalih qed issir eċċezzjoni —

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

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

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

Izda 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 taht 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 imhaddma 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 taht l-Att dwar il-Bastimenti Merkantili;

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

(f) rmonki, gangmi, ċattri jew bċeċċjeċ 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 obbligatorju kull bastiment f'xi każ partikolari.

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

**55.** (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-għoti ta' liċenzi lil bdoti;

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

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

(d) jagħti lil bdoti misjuba hatja ta' ksur ta' dixxiplina dawk il-pieni li minn żmien għal iehor jistghu 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-hin u post kif stabbilit miċ-*Chairman*.

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

**56.** (1) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, l-Awtorità tista' tagħti liċenza lil bdoti biex irieġu bastimenti fl-ibhra ta' Malta. Għoti ta' liċenzi ta' bdoti.

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

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

(b) ingħatat liċenza bhala 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 preskritt;

(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 mahruġa lil bdot għandha turi safejn id-detentur tal-liċenza jkun kwalifikat jahdem.

(4) Minkejja d-dispożizzjonijiet ta' dan l-artikolu, l-Awtorità tista', jekk jidhrilha li jkun espedjenti, tawtorizza kull persuna biex triegħi bastiment f'port taħt dawk it-termini u kundizzjonijiet li jidhrilha xierqa.

Att ta' l-1987  
dwar is-Sigurtà  
Soċjali.  
Att X ta' l-1987.

**57.** (1) Minkejja d-dispożizzjonijiet ta' l-Att ta' l-1987 dwar is-Sigurtà Soċjali bdoti u rmiġġaturi għandhom jitqiesu, għall-finijiet biss ta' hlas ta' kontribuzzjonijiet u biex jiġu riċevuti benefiċċji taħt dak l-Att, li huma mpjegati tas-sidien, tal-kaptani, taċ-*charterers* jew ta' l-aġenti ta' bastiment jew ta' xi persuni oħra li jitolbu s-servizzi tagħhom u dawk is-sidien, kaptani, *charterers* jew aġenti jew persuni oħra għandhom jitqiesu li huma l-prinċipal tal-bdoti u l-irmiiġġaturi.

(2) L-Awtorità għandha tnaqqas mill-qliegh tal-bdoti u l-irmiiġġaturi u għandha tiġbor mingħand il-kaptan, l-aġent, iċ-*charterer* jew is-sid ta' bastiment jew mingħand xi persuna oħra li titlob is-servizzi ta' bdoti u irmiiġġaturi dawk il-kontribuzzjonijiet b'dik ir-rata li minn żmien għal żmien tkun fis-seħh dwar impjegati u prinċipali rispettivament taħt id-dispożizzjonijiet ta' l-Att ta' l-1987 dwar is-Sigurtà Soċjali, u għandha tibgħat dawk il-kontribuzzjonijiet lid-Dipartiment tat-Taxxi Nterni.

(3) Il-Ministru responsabbli għall-portijiet bi ftehim mal-Ministru responsabbli għall-politika soċjali jista' jagħmel regolamenti li jipprovdur għall-ġbir tal-kontribuzzjonijiet tas-sigurtà soċjali taħt dan l-artikolu u għall-hlasijiet ta' kull benefiċċji li għandhom jithallsu lill-bdoti u lill-irmiiġġaturi taħt l-Att ta' l-1987 dwar is-Sigurtà Soċjali.

Irmiiġġaturi.

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

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

Kap. 170.

Għoti ta'  
liċenza ma  
johloqx  
responsabbiltà.

**59.** 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 obligatorju jew le.

**60.** (1) Il-liċenza mahruġa 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 mahtur 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 mahruġa lil bdot bħala riżultat ta' deċiżjoni mill-Bord ta' penali li tikkonsisti fis-sospenzjoni 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' tohrog mill-ġdid liċenza lil bdot li l-liċenza tiegħu tkun giet revokata taht is-subartikolu (2) ta' dan l-artikolu.

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

**61.** 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 jħares kull htieġa bħal dik.

Dikjarazzjoni dwar kemm ipixka bastiment.

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

Bdot irid jipproduċi l-liċenza.

**63.** Minkejja kull haġa li tinsab f'xi ligi oħra, is-sid jew il-kaptan ta' bastiment li jkun qed jinnaviga f'ċirkostanzi li fihom il-pilutaġġ ikun obligatorju, 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 obligatorju.

Responsabbiltà ta' sid jew kaptan.

**64.** (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 jistabbilixxu l-kwalifiki li jkunu mehtieġa 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 mehtieġa għal dak il-ghan;

(b) biex jistabbilixxu ż-żmien li matulu liċenza tibqa' ssehh u l-kundizzjonijiet li tahtom tista' tiggedded;

(c) biex jipprovdu l-mod li bih, u l-kundizzjonijiet li tahtom, bdoti għandhom jaqdu d-dmirijiet tagħhom taht 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-bahar 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, maghduda multi ta' mhux iżjed minn hamsin lira, u s-sospensjoni jew it-thassir 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 jitkomplew taht dan l-Att;

(h) biex jipprovdu li jkunu stabbiliti jew jitkomplew 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 tahtom il-bdoti għandhom jitlegħu 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' dawk 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 priġunerija għal żmien ta' mhux iżjed minn sitt xhur jew dik il-multu u priġunerija flimkien.

## TAQSIMA VIII

## Proċeduri Legali

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

Limitazzjoni ta' azzjoni.

(a) talba bil-miktub, li tagħti dawk il-partikolaritajiet li jistgħu jkunu b'mod xieraq meħtieġa, 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 setghetx 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'dawk iċ-ċirkostanzi li jistgħu jkunu preskritti.

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

Hlas żejjed jew nieqes.

(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 imħallas 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:

Iżda, minkejja d-dispożizzjonijiet ta' kull liġi oħra, dak il-hlas żejjed jew hlas nieqes ma jkunx jista' jittiehed lura jekk avviż bil-miktub, li jkollu dawk il-partikolaritajiet li b'mod xieraq ikunu meħtieġa, 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 iżda li meta dak il-hlas inqas ikun sar minħabba 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' avviż.

**67.** Kull avviż jew dokument ieħor mehtieg 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 jintbaghat bil-posta registrata indirizzat lill-persuna fl-indirizz taghha tas-soltu jew fl-ahhar indirizz maghruf taghha;

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

## TAQSIMA IX

### Reati u Dispożizzjonijiet Penali

Reati dwar fanali, bagi, eċċ.

**68.** Kull persuna li, xjentement jew bi traskuraġni —

(a) tnehhi jew tibdel xi fanal, бага, anterna jew dawl ieħor imqieghda mill-Awtorità, jew

(b) tgħaddi 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.

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

**69.** (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 imqieghed mill-Awtorità, l-Awtorità tista' tinnofika 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 mehtieġa biex dak id-dawl jintefa' jew jitgħatta b'mod effettiv u biex ma jhallux li l-istess dawl jew dawl bhalu wara jerga' jkun espost.

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

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

Tfixkil ta' dhul awtorizzat.

**71.** Jekk —

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

Navigazzjoni minghajr bdot.

(b) il-kaptan ta' bastiment jirrifjuta li jħares xi talba magħmula taht l-artikolu 61 ta' dan l-Att, jew jagħmel jew ikun jaf li persuna oħra tkun għamlet xi dikjarazzjoni falza bi tweġiba għal talba bħal dik,

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

**72.** (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' jgħib it-telf immedjat, distruzzjoni jew ħsara serja lil dak il-bastiment jew li jista' minnufih iqiegħed f'periklu l-ħajja 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-ħajja 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 62 ta' dan l-Att ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux iżjed minn hamest mitt lira.

**73.** Kull persuna li toffri s-servizzi tagħha bħala bdot jew taġixxi bħala bdot minghajr il-permess ta' l-Awtorità u minghajr 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 taht l-inflwenza 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.

Pilutaġġ illegali.

**74.** 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,

Evazzjoni ta' drittijiet, rati, eċċ.

b'xi mezz ikun li jkun, il-hlas ta' xi drittijiet, rati, hlasijiet jew pagamenti li ghandhom jingabru taht dan l-Att, ikun hati ta' reat u jehel meta jinsab hati, prigunerija ghal zmien 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'zieda jehel li jhallas lill-Awtorità bhala penali t-tripplu ta' l-aminont tad-drittijiet, rati, hlasijiet jew pagamenti li jkun evada jew li jkun ipprova jevadi.

Nuqqas ta' tharis ta' l-artikoli 30 u 31.

**75.** Kull kaptan ta' bastiment li jikser xi wahda mid-dispożizzjonijiet ta' l-artikolu 30 jew 31 ta' dan l-Att, ikun hati ta' reat u jehel, meta jinsab hati, prigunerija ghal zmien 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.

**76.** Kull persuna li taghmel, sew xjentement jew bi traskuraġni, xi dispożizzjonijiet ta' l-artikolu 30 jew 31 ta' dan l-Att, ikun hati ta' reat u jew dokument iehor li jkun mehtieg jew awtorizzat li jsir b'dan l-Att jew tahtu, tkun hatja ta' reat u tehel, meta tinsab hatja prigunerija ghal zmien 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 proprjeta'.

**77.** Jekk xi persuna tiehu sehem fit-taghbija, hatt jew tqeghid f'mahzen ta' oggetti f'xi port tqieghead f'periklu l-hajja ta' xi persuna jew lil dik il-persuna jew tipperikola proprjeta' —

(a) billi tikser xi wahda mis-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti maghmula jew meqjusa li saru tahtu; jew

(b) b'xi att imferfex jew negliġenti,

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

Nuqqas ta' tharis ta' direttiva ta' l-Awtorità jew ta' xi dispożizzjoni ta' dan l-Att.

**78.** Kull persuna li tonqos li thares xi direttiva moghtija mill-Awtorità fl-eżercizzju tas-setghat taghha taht dan l-Att, jew li tonqos li thares xi dispożizzjoni ta' dan l-Att jew ta' xi regolamenti maghmula tahtu, tkun hatja ta' reat, u jekk xi penali iehor ma jkunx stabbilit f'dan l-Att ghal dak ir-reat, tehel meta tinsab hatja multa ta' mhux iżjed minn hames elef lira jew prigunerija ta' mhux iżjed minn tnax-il xahar, jew dik il-prigunerija u l-multa flimkien, u fil-każ ta' reat kontinwu multa ohra ta' mhux iżjed minn hames mitt lira ghal kull jum li matulu jkompli r-reat.

Kuntrattur jitqies bhala ufficjal pubbliku ghall-finijiet tal-Kodiċi Kriminali. Kap. 9.

**79.** Kuntrattur u kull wiehed mill-impjegati tieghu, barra minn haddiema tal-port registrati taht id-dispożizzjonijiet ta' l-Ordinanza dwar il-Haddiema tal-Port, fil-waqt li jkunu qed jahdmu ix-xoghol taghhom 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 ufficjal jew impjegat pubbliku ghall-finijiet tal-Kodiċi Kriminali u ta' kull liġi ohra ta' xorta penali.

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

Riżerva għal dispożizzjonijiet penali oħra.

## TAQSIMA X

### Thassir, Emendi u Riżerva

**81.** (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-liġijiet li ġejjin, jiġifieri — Thassir.

- (a) l-Ordinanza dwar id-Drittijiet tal-Port, Kap. 100,
- (b) l-Ordinanza dwar il-Portijiet, Kap. 170, u
- (c) l-Att dwar id-Direttur tal-Portijiet, Kap. 224,

huma b'dan imħassra.

(2) (a) Kull riferenza f'kull liġi oħra 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 Marittima ta' Malta; u Kap. 170.  
Kap. 100.

(b) Kull riferenza f'xi liġi oħra għad-Direttur tal-Portijiet, s-Suprintendent tal-Portijiet u għad-Dipartiment tal-Port għandha f'kull każ tinqara u tinftiehem bhala riferenza għall-Awtorità Marittima ta' Malta mwaqqfa taht dan l-Att.

**82.** Il-liġijiet murija fl-Ewwel Kolonna tat-Tieni Skeda li tinsab ma' dan l-Att għandu jkollhom effett skond l-emendi murija fit-Tieni Kolonna ta' dik l-Iskeda f'dik id-data jew dati li l-Ministru jista' b'Ordni fil-Gazzetta jstabbilixxi; b'dan li l-Ministru jista' jstabbilixxi dati differenti li fihom l-emendi, jew partijiet minnhom, murija fit-Tieni Kolonna ta' dik l-Iskeda għandhom jibdew isehhu.

Emenda ta' liġijiet.

**83.** (1) Ebda haġa fl-artikoli 81 u 82 ta' dan l-Att ma ttelef il-validità ta' xi haġa li tkun saret qabel id-data tal-bidu fis-sehh tagħhom taht xi wahda mil-liġijiet li bihom qed jiħassru 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 għemil jew nuqqas li jkun ġara qabel dik id-data.

Riżerva.

(2) Kull meta taht xi wahda mil-ligijiet imhassra jew emendati b'dan l-Att, jew xi regolamenti maghmula jew meqjusa li huma maghmula bis-sahha tieghu, xi avviz, att, azzjoni, proceduri jew xi hag'ohra hi x'inhi, ikunu nghataw jew inbdew mid-Direttur tal-Portijiet jew kontra tieghu, dak l-avviz, att, azzjoni, procedura jew hag'ohra jistghu jitkomplew mill-Awtorita jew kontra taghha daqsliekeku dak l-avviz, att, azzjoni, procedura jew hag'ohra jkunu nghataw jew inbdew mill-Awtorita, jew kontra taghha, u kull jedd jew responsabbilta, akkwistat, derivat, jew maghmul minn, u kull jedd hekk moghti lid-Direttur tal-Portijiet taht l-Ordinanza dwar il-Portijiet, u taht kull ligi ohra, ghandhom, mal-bidu fis-sehh ta' dan l-artikolu jsiru jedd jew responsabbilta ta', u jeddijiet moghtija lill-Awtorita.

(3) Ir-regolamenti, l-ordnijiet u l-legislazzjoni sussidjarja kollha maghmula taht jew miżmuma fis-sehh bl-Ordinanza dwar il-Portijiet jew bl-Ordinanza dwar id-Drittijiet tal-Portijiet, u li jkunu fis-sehh qabel ma jigi fis-sehh dan l-artikolu, ghandhom ikomplu fis-sehh wara daqsliekeku kienu maghmula taht id-dispozizzjoni korrispondenti ta' dan l-Att u ghandhom hekk jitqiesu.

(4) Kull fondi stabbiliti b'xi wahda jew taht xi wahda mid-dispozizzjonijiet tal-ligijiet imhassra b'dan l-artikolu ghandhom, minkejja dak it-thassir, u mid-data tieghu, ikomplu jsehhu daqsliekeku kienu stabbiliti taht id-dispozizzjoni korrispondenti ta' dan l-Att, u ghandhom hekk jitqiesu.

(5) Kull licenza, permess jew awtorita ohra moghtija taht xi wahda mid-dispozizzjonijiet tal-ligijiet imhassra bl-artikolu 81 ta' dan l-Att u li jkunu ghadhom fis-sehh minnufih qabel dak it-thassir, ghandhom ikomplu fis-sehh wara daqsliekeku kienu licenza, permess jew awtorita moghtija taht id-dispozizzjonijiet korrispondenti ta' dan l-Att, u ghandhom hekk jitqiesu.

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

Att XXVI  
tal-1989.

**84.** Bla hsara ghad-dispozizzjonijiet ta' l-artikolu 83 ta' dan l-Att, l-ebda wiehed mill-jeddijiet, dmirijiet, setghat u obbligi moghtija lill-Awtorita bis-sahha ta' dan l-Att, ma ghandha tnaqqas jew tibdel xi wiehed mill-jeddijiet, dmirijiet, setghat u obbligi moghtija lill-Awtorita tal-Portijiet Hielsa bis-sahha ta' l-Att ta' l-1989 dwar il-Portijiet Hielsa ta' Malta.

## L-EWWEL SKEDA

Artikoli 27 u 54

**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-Imġarr, Ghawdex.

## Taqsimi III

1. Il-Port il-Kbir tal-Belt Valletta.
2. Il-Port ta' Marsamxett.
3. Il-Port ta' Marsaxlokk.
4. Il-Port ta' l-Imġarr, Ghawdex.

## 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-Imġarr, Ghawdex.

## IT-TIENI SKEDA

Artikolu 82

**Emendi ta' Ligijiet**


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 L-Ewwel Kolonna  
Ligi

 It-Tieni Kolonna  
Safejn tiġi emendata
 

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 Kodiċi tal-  
Ligijiet tal-  
Pulizija  
Kap. 10.

 Fl-artikolu 2, minnufih wara t-tifsira "arkitett"  
ghandha tidhol it-tifsira ġdida li ġejja:

 "il-kelma "Awtorità Marittima ta' Malta" tfisser l-  
Awtorità mwaqqfa skond l-Att dwar l-Awtorità Marittima  
ta' Malta ta' l-1991."

Fl-artikolu 218 minflok il-kelma “Hadd” ghandhom jidhlu l-kliem “Hliet kif provdut f’xi ligi ohra, hadd” u minflok il-kliem “mid-Direttur tal-Portijiet” ghandhom jidhlu l-kliem “mill-Awtorità Marittima ta’ Malta”.

Fis-subartikolu (1) ta’ l-artikolu 219 minflok il-kliem “Il-Ministru responsabbli għall-portijiet” ghandhom jidhlu l-kliem “Hliet kif provdut f’xi ligi ohra, il-Kummissarju tal-Pulizija”.

L-artikoli 220 u 221 ghandhom jithassru.

Fis-subartikolu (1) ta’ l-artikolu 224 minflok il-kliem “Hadd ma jista’ jhalli” ghandhom jidhlu l-kliem “Hliet kif provdut f’xi ligi ohra, hadd ma jista’ jhalli”.

Fl-artikolu 226 minflok il-kliem “Kummissarju tal-Pulizija.” ghandhom jidhlu l-kliem “Kummissarju tal-Pulizija mogħtija bil-kunsens ta’ l-Awtorità Marittima ta’ Malta.”.

Fis-subartikolu (2) ta’ l-artikolu 229 minflok il-kliem “tad-Direttur tal-Portijiet” ghandhom jidhlu l-kliem “ta’ l-Awtorità Marittima ta’ Malta”.

Fis-subartikolu (1) ta’ l-artikolu 231 minflok il-kliem “Kummissarju tal-Pulizija.” ghandhom jidhlu l-kliem “Kummissarju tal-Pulizija, u jekk id-dgħajsa li tkun ser tintuża għal dak in-negozju ma tkunx registrata skond l-Att ta’ l-1991 dwar l-Awtorità Marittima ta’ Malta.”.

L-artikoli 232, 233 u 234 ghandhom jithassru.

L-artikolu 237 għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) minflok il-kliem “lid-Direttur tal-Portijiet” ghandhom jidhlu l-kliem “lill-Awtorità Marittima ta’ Malta”;

(b) fit-test Malti, minflok is-subartikoli (2), (3) u (4) għandu jidhol dan li ġej:

“Setgħat ta’ l-Awtorità Marittima ta’ Malta. (2) Meta jkun meħtieġ jew jaqbel illi xi kwantità ta’ munizzjon jew espluzivi ohra jew ta’ xi tagħbija ohra ta’ xorta perikoluża li tkun abbord xi bastiment merkantili tinhatt temporanjament waqt li l-bastiment ikun f’xi port ta’ Malta, l-Awtorità Marittima ta’ Malta tkun tista’ taħtar x’imkien fejn għandha titqiegħed dik il-merkanzija, u tordna lill-kaptan tal-bastiment li jahżen dik il-merkanzija fejn hija tkun hatret.

(3) Jekk il-kaptan jonqos li jeseġwixxi dan l-ordni minnufih, l-Awtorità Marittima ta’ Malta tista’ teseġwixxi dak l-ordni bi spejjeż u b’riskju tal-kaptan.

(4) L-Awtorità Marittima ta' Malta m'għandiex thalli s-safar tal-bastiment mgħobbi b'dik il-munizzjon jew esplużivi jew tagħbija ta' xorta perikoluża jew l-irtir ta' xi parti minn dik il-merkanzija, sakemm ma jkunux thallsu lilha l-ispejjeż tat-trasport u harsien ta' dik il-merkanzija u ta' dak il-bastiment.”; u

(ċ) fit-test Inġliż, fis-subartikoli (2) u (3) minflok il-kliem “Director of Ports” kull fejn jidhru, għandhom jidhru l-kliem “Malta Maritime Authority” u fis-subartikolu (4) minflok il-kliem “The Director of Ports” għandhom jidhru l-kliem “The Malta Maritime Authority”.

Fit-test Malti, l-artikolu 238 għandu jithassar u minflok jidhol dan li ġej:

“L-Awtorità Marittima ta' Malta għandha tagħmel tfittxija fuq bastiment li jkun hatt munizzjon jew esplużivi oħra jew xi tagħbija oħra ta' xorta perikoluża, sabiex hi tiżgura ruhha li ma baqa' xejn iżjed abbord; u għaldaqshekk tista' tiehu kull pass li jidhriha meħtieġ.”.

Fit-test Inġliż, fl-artikolu 238 minflok il-kliem “Director of Ports” kull fejn jidhru għandhom jidhru l-kliem “Malta Maritime Authority”.

L-artikoli 239 sa 269, it-tnejn inklużi, għandhom jithassru.

Minflok is-subartikolu (2) ta' l-artikolu 270 għandu jidhol dan li ġej:

“(2) Dik il-liċenza ma tiġix mogħtija, jew imġedda, hlief b'ċertifikat validu ta' reġistrazzjoni tad-dgħajsa u ċertifikati validi oħra li għandhom x'jaqsmu ma' *seaworthiness* u ma' sigurtà tal-hajja fuq il-baħar, meħtieġa skond l-Att ta' l-1991 dwar l-Awtorità Marittima ta' Malta.”.

Fl-artikolu 277 minflok il-kliem “l-Awtorità dwar it-Trasport Pubbliku” għandhom jidhru l-kliem “Awtorità dwar it-Trasport Pubbliku bil-kunsens ta' l-Awtorità Marittima ta' Malta.”.

Fl-artikolu 281 minflok il-kliem “Kummissarju tal-Pulizija” għandhom jidhru l-kliem “Awtorità Marittima ta' Malta”.

Is-subartikoli 287 u 288 ghandhom jithassru.

Fis-subartikolu 289 minflok il-kliem “jahdmu bhala dghajjes tal-passigġieri jew bhala dghajjes ta’ l-irmonk.” ghandhom jidhlu l-kliem “jahdmu bhala dghajjes tal-passigġieri.”.

L-artikolu 290 ghandu jiġi emendat kif ġej:

(a) is-subartikolu (2) ghandu jiġi enumerat mill-ġdid bhala subartikolu (3);

(b) minflok is-subartikolu (1) ghandu jidhol dan li ġej:

“(1) Kull tali dghajsa ta’ l-istim ghandu jkollha liċenza, li tiġi mahruġa mill-Awtorità dwar it-Trasport Pubbliku.

(2) Dik il-liċenza ma tistax tinghata, jew tiġi mġedda, hlief b’ċertifikat ta’ registrazzjoni tad-dghajsa u ċertifikati validi oħra li ghandhom x’jaqsmu ma’ l-buk, mat-taghmir u ma’ l-makkinarju mahruġa skond id-dispożizzjonijiet ta’ l-Att dwar il-Bastimenti Merkantili jew ta’ l-Att ta’ l-1991 dwar l-Awtorità Marittima ta’ Malta.”; u

(ċ) fis-subartikolu (3) kif enumerat mill-ġdid il-kliem “in-numru ta’ puntuni jew il-purtata tal-bastiment li tista’ tirmonka,” ghandhom jiġu mhassra.

L-artikoli 291 sa 294 ghandhom jiġu mhassra.

F’artikolu 296 minflok il-kliem “Is-sid” ghandhom jidhlu l-kliem “Hlief jekk mhux provdut mod ieħor fir-regolamenti maghmulin skond l-Att dwar il-Bastimenti Merkantili jew ta’ l-Att ta’ l-1991 dwar l-Awtorità Marittima ta’ Malta, biex tiżgura is-sigurtà tal-hajja fuq il-baħar, is-sid”, u minnufih wara l-kliem “inginier kompetenti” ghandhom jidhlu l-kliem “nominat bhala inginier-*surveyor* ta’ bastimenti skond l-Att dwar il-Bastimenti Merkantili”.

L-artikolu 297 ghandu jiġi emendat kif ġej:

(a) minflok il-kliem “Is-sid” ghandhom jidhlu l-kliem “Hlief jekk mhux provdut mod ieħor fir-regolamenti maghmulin skond l-Att dwar il-Bastimenti Merkantili jew ta’ l-Att ta’ l-1991 dwar l-Awtorità Marittima ta’ Malta, biex tiżgura is-sigurtà tal-hajja fuq il-baħar, is-sid”, u minnufih wara l-kliem “*surveyor* ta’ bastimenti” ghandu jidhol il-kliem “nominat skond l-Att dwar il-Bastimenti Merkantili”;

(b) fil-paragrafu (d) minflok il-kelma “port;” ghandha tidhol il-kelma “port.”; u

(ċ) il-paragrafu (e) ghandu jiġi mħassar.

L-artikolu 298 ghandu jiġi emendat kif ġej:

(a) minflok il-kliem “Iċ-ċertifikati” ghandhom jidhlu l-kliem “Hlief jekk mhux provdut mod ieħor fir-regolamenti magħmulin skond l-Att dwar il-Bastimenti Merkantili jew l-Att ta’ l-1991 dwar l-Awtorità Marittima ta’ Malta, iċ-ċertifikati”;

(b) minflok il-kliem “il-Kummissarju tal-Pulizija meta jirreferu għal dghajjes ta’ l-irmonk, u fidejn l-Awtorità dwar it-Trasport Pubbliku meta jirreferu għal dghajjes tal-passigieri” ghandhom jidhlu l-kliem “l-Awtorità dwar it-Trasport Pubbliku”; u

(ċ) minflok il-kliem “Kummissarju tal-Pulizija, jew ta’ l-Awtorità dwar it-Trasport Pubbliku, skond il-każ” ghandhom jidhlu l-kliem “Awtorità dwar it-Trasport Pubbliku”.

L-artikoli 299, 300, 301 u 304 ghandhom jithassru.

L-artikoli 307 u 308 ghandhom jithassru u jinbidlu kif ġej:

“Licenza għal barklori. 307. Hadd ma jista’ jahdem ta’ barklor ta’ dghajsa tal-passigieri mingħajr liċenza mill-Awtorità dwar it-Trasport Pubbliku.

Kondizzjonijiet għall-ghoti tal-liċenza. 308. Dik il-liċenza ma tistax tingħata lil ebda bahri li ma jkollux ċertifikat xieraq ta’ kompetenza, jew ċertifikat ta’ profiċjenza, jew liċenza mahruġa skond l-artikolu 91 ta’ l-Att dwar il-Bastimenti Merkantili, jew lil kull bahri li fil-fehma ta’ l-Awtorità dwar it-Trasport Pubbliku mhux xi persuna kapaci u xierqa biex taħdem ta’ barklor.”.

Fl-artikolu 309 minflok il-kliem “Ordinanza tad-Dwana.” ghandhom jidhlu l-kliem “Ordinanza tad-Dwana, jew jekk iċ-ċertifikat ta’ kompetenza jew ċertifikat ta’ profiċjenza jew liċenza, skond il-każ, mahruġ lid-detentur skond l-artikolu 91 ta’ l-Att dwar il-Bastimenti Merkantili tkun giet imħassra jew sospiza.”.

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

“(3) Mandat għall-impediment tat-tluq ta’ vapur jew bastiment ghandu jithassar, fuq rikors ta’ l-Awtorità Marittima ta’ Malta, jekk il-Qorti tkun sodisfatta li, minhabba x-xorta tal-merkanzija tiegħu jew minhabba t-

Kodiċi ta’  
Organizzazzjoni u  
Proċedura Ċivili  
Kap. 12.

Ordinanza dwar  
il-Haddiema  
tal-Port  
Kap. 171.

tul jew il-pixka tieghu jew minhabba ċirkostanzi ohra dwar sigurezza, navigazzjoni jew operazzjonijiet tal-port, ikun jaqbel li l-vapur jew il-bastiment ghandu jhalli l-port minghajr dewmien.”.

Hlief kif provdut f'din l-Iskeda —

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

(b) minflok il-kliem “*Manager* tal-Haddiema tal-Port”, kull fejn jinsabu fl-Ordinanza, ghandha tidhol il-kelma “Awtorità”;

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

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

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

L-artikolu 2 ghandu jiġi emendat kif ġej:

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

““Awtorità” tfisser l-Awtorità Marittima ta' Malta mwaqqfa taht l-Att ta' l-1991 dwar l-Awtorità Marittima ta' Malta.”;

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

(c) minflok it-tifsira ta' “Direttur” ghandha 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 Marittima ta' Malta.”;

(d) it-tifsira ta' “*Manager* tal-Haddiema tal-Port” ghandha tithassar u minflokha tidhol it-tifsira ġdida li ġejja:

““Ministru” tfisser il-Ministru responsabbli għall-portijiet, u tinkludi kull persuna li taġixxi 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' tiġgedded.”.

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) tipprovi, skond dak is-sistema li jkun stabbilit b'ordni li jkun fis-seħh skond id-dispożizzjonijiet ta' l-artikolu 8 ta' din l-Ordinanza, u bla hsara 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 jimpega 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-hlas 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-Sigurtà 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-Sigurtà 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) iżomm u ttiprovdi 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 meħtieġa;

(g) tiżgura u tiġbor is-*surcharge* amministrattiv speċifikat fis-subartikolu (3) ta' dan l-artikolu u iżomm 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 suġġett 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 perċentaġġ tal-paġi 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 magħduda dokumenti f'dak il-hin u f'dak il-post li tista' tinħtieġ.

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 waħda 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 ghandu jigi emendat kif ġej:

(a) minnufih qabel it-tifsira “mghoddija mid-dwana” ghandha tidhol it-tifsira ġdida li ġejja:

““Awtorità” tfisser l-Awtorità Marittima ta' Malta stabbilita bl-Att ta' l-1991 dwar l-Awtorità Marittima ta' Malta;”;

(b) minflok it-tifsira ta' “Registratur Ġenerali” ghandha tidhol din li ġejja:

“Registratur Ġenerali” tfisser ir-Registratur Ġenerali ta' Bastimenti u Bahrin kif provdut fl-artikolu 363 ta' dan l-Att;”;

Fis-subartikolu (2) ta' l-artikolu 3 minflok il-kliem “Bastimenti ta' tul ta' mhux iżjed minn erba' u ghoxrin metru” ghandu jidhol il-kliem “Bastimenti registrati taht l-Att ta' l-1991 dwar l-Awtorità Marittima ta' Malta u bastimenti ta' tul ta' mhux iżjed minn erba' u ghoxrin metru”;

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

“(1) Ghandu jkun hemm Registratur 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 Marittima ta' Malta, għandu jiehu sorveljanza ġenerali ta' dak kollu li għandu x'jaqsam ma' bastimenti merkantili u ma' bahrin u li jizgura t-tharis tad-dispożizzjonijiet ta' dan l-Att”; u

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

Minflok l-Iskeda Tnejn ghandu jidhol dan li ġej:

“IT-TIENI SKEDA  
[Artikolu 69]

**Dokumenti li jkunu fil-forma preskritta mill-Ministru**

1. Att ta' Bejgħ
2. Ċertifikat ta' Registrazzajoni 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 ġuridiku bhala nolleggatur
7. Dikjarazzjoni tal-kreditur ipotekarju li jakkwista bi trassmissjoni
8. Dikjarazzjoni ta' sid li jakkwista bi trassmissjoni
9. Dikjarazzjoni ta' proprjetà minn sid individwali
10. Dikjarazzjoni ta' proprjetà minn akkwirent individwali
11. Dikjarazzjoni ta' proprjetà f'isem korp ġuridiku bhala sid
12. Dikjarazzjoni ta' proprjetà f'isem korp ġuridiku bhala akkwirent
13. Ipoteka Navali
14. Ċertifikat ta' registrazzjoni provvizorju
15. Trasferiment ta' Ipoteka Navali.”.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 539 tas-26 ta' Ġunju, 1991.

LAWRENCE GONZI  
*Speaker*

RICHARD J. CAUCHI  
*Agent Skrivani tal-Kamra tad-Deputati.*

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

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2. Interpretation

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6. Functions of the Authority
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12. Ports Users' Advisory Committee

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76. False returns
77. Persons endangering life or property
78. Non compliance with direction of Authority or with any provision of this Act
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80. Saving for other penal provisions

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82. Amendment of laws
83. Saving
84. Malta Freeports Act, 1989

**SCHEDULES**

- First Schedule — Ports  
Second Schedule — Amendment of Laws

I assent.

(L.S.)

ĠENSU TABONE  
President

19th July, 1991

**ACT No. XVII of 1991**

*AN ACT to provide for the establishment of a body corporate to be known as the Malta Maritime 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 Maritime 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 Maritime 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 39 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 39 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 39 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;

“internal waters” includes any harbour, port, bay, cove, creek or seashore;

“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;

“mooringman” means a person licensed in terms of section 58 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 “employee” 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 56 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 39 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 Maritime Authority”.

Constitution of  
the Malta Maritime  
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 employees, 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 employee 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) without prejudice to the provisions of any other law, to exercise overall control for the preservation of good order in the territorial and internal waters of Malta, in any port and in the land and sea approaches to any port, and on wharves;

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

Cap. 234

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

Act V of 1991.

(e) 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;

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

(g) 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 light-houses, 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 employees 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 employees, 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) to remove or 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) to 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 employees 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 "Maritime 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 "Maritime 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 four 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 four 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 four 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 Employees 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 employees, 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 employees 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 employees 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.

Cap. 9.

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.

Cap. 93.  
Cap. 58.

(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, after consultation with the Authority, 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, after consultation with the Authority, 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 the territorial and inland waters of Malta, 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 the territorial and inland waters of Malta, 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) for the preservation of good order in any part of the territorial and inland waters of Malta, in any port and the land and the sea approaches to any port, and on wharves, and for any other purpose in respect thereof;

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

(c) 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;

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

(e) 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;

(f) 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;

(g) 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;

(h) 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;

(i) 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;

(j) 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;

(k) 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;

(l) 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 the territorial and inland waters of Malta, or into any port or the approaches thereto;

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

(n) 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;

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

(p) 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;

(q) 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;

(r) 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;

(s) 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;

(t) 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;

(u) 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;

(v) 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;

(w) 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;

(x) 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;

(y) 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:

Provided that the service of luggage porters shall be subject to the supervision and control of the Authority:

Provided further that no responsibility shall attach to the Government or to the Authority for any loss or damage caused during the embarking, disembarking or transhipment of any luggage by any licensed luggage porter;

(z) 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. (1) No boat or ship shall be used in the territorial or inland waters of Malta unless such boat or ship is registered with the Authority in a Small Ships Register established in terms of regulations made under this section, or unless such boat or ship is registered under the Merchant Shipping Act, or unless such boat or ship is registered or documented to the satisfaction of the Authority under the law of any country other than Malta.

Registration and licensing of boats and ships with and by the Authority.

(2) No boat or ship shall be used for any trade, business or calling in the territorial and inland waters of Malta —

(a) unless such boat or ship is duly licensed by the Authority for that specific trade, business or calling; or

(b) unless, when such boat or ship is being used for the carriage of passengers between places in Malta, it is licensed for such purpose by the Public Transport Authority, established under the Public Transport Authority Act, 1989; or

Act IX of 1989.

(c) unless, when such boat or ship is being used as a fishing vessel, it is licensed for such purpose by the Minister responsible for fisheries.

(3) The Minister may make regulations:

(a) regulating the mode of registration of any boat or ship in a Small Ships Register mentioned in subsection (1) of this section;

(b) prescribing the requirements that have to be satisfied for such registration, including its renewal and termination;

(c) prescribing without prejudice to the generality of this subsection, the fees payable upon such registration and for any service in respect thereof;

(d) prescribing the requirements for the use of any boat or ship in the territorial and inland waters of Malta, and for the use of any boat or ship registered in the Small Ships Register provided for in this section; and

(e) regulating the use of any boat or ship in the territorial and inland waters of Malta.

Information to be supplied on arrival of ship.

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

- (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.

Information to be given before proceeding outwards.

**31.** (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 —

- (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.

Information in respect of goods presented for shipment or warehousing.

**32.** (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.

(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.

**33.** 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: Ship in port to be properly manned.

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.

**34.** (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. Laying-up of ship.

(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.

**35.** (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. Laid-up ship.

(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.

Security to cover dues, rates, etc.

**36.** 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.

Powers of Authority exercisable notwithstanding warrant.

**37.** The powers conferred by this Act on the Authority in respect of laid-up ships may be exercised by the Authority notwithstanding any warrant issued by any court in respect of the ship over which those powers are exercised, so however that where a warrant is issued in respect of that ship, such powers may only be exercised if the Minister declares that such exercise is necessary in the national interest; and such declaration by the Minister may not be challenged in any court.

Agent may not relinquish agency.

**38.** 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.

## PART VI

### Port Dues, Charges and Rates

Levy of dues, etc.

**39.** (1) The Authority shall levy the dues, rates, charges and fees which may from time to time be prescribed under section 52 of this Act.

(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.

Lien or privilege in respect of rates.

**40.** (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.

(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.

**41.** (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. Lien for freight and other charges. Cap. 37

(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.

**42.** 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 40 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. Discharge of lien.

**43.** (1) Notwithstanding any lien or privilege mentioned in sections 40 and 41 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. Power of Authority to sell goods.

(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.

Application of proceeds for sale.

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

- (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 41 of this Act;
- (d) in payment of any customs or excise duty or levy which may be due on the goods;

and any surplus, if any, shall be paid to the owner of the goods on demand:

Provided that where the proceeds of any such sale or disposal are not sufficient to cover the duties or levies referred to in paragraph (d) hereof, the said sale or disposal shall still be proceeded with and the said duties or levies shall be deemed to be reduced to such sum, if any, as remains for the payment thereof.

(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.

Clearance to be withheld until rates are paid.

**45.** 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 —

- (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.

**46.** 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. Authority may board ship.

**47.** 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. Weighing and measuring of goods in case of dispute.

**48.** (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 30, 31 and 32 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. Payment of expenses of weighing or measuring.

(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.

**49.** (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 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. Order restraining ship.

(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.

Indemnity where goods are claimed by more than one person.

**50. 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.

Other rights of the Authority.

**51.** 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.

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

**52. (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;

(b) for the levying of any charges or 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;

(vii) the charges or rates payable by consignees, consignors or shippers of goods to persons undertaking the unloading, landing, loading, shipping, or handling of goods between ship's hold or deck and rail, ramp, door or ship's tackle or any wharf or other place appointed for the purpose or between ship's rail, ramp, door or ship's tackle and any wharf;

(c) conferring power on the Authority to assimilate for any of the purposes of section 39 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.

Application of this Part.

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

(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

Compulsory pilotage.

**54.** (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:

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.

**55.** (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. Pilotage Board.

(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 at least 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.

Licensing of pilots.

**56.** (1) Subject to the provisions of this section, the Authority may license pilots for the purpose of conducting ships within Maltese waters.

(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.

(4) Notwithstanding the provisions of this section, the Authority may, if it considers expedient, authorise any person to pilot a vessel in a port subject to such terms and conditions as it deems fit.

Social Security  
Act 1987.  
Act X of 1987.

**57.** (1) Notwithstanding the provisions of the Social Security Act, 1987, pilots and mooringmen shall, for the purposes only of the payment of contributions and the receipt of benefits under that Act, be deemed to be the employees of the owners, masters, charterers, or agents of a ship or of any other persons requesting their services and such owners, masters, charterers or agents or other persons shall be deemed to be the employer of pilots and mooringmen.

(2) The Authority shall deduct from the earnings of pilots

and mooringmen, and shall collect from the master, agent, charterer or owner of a ship or from any other person requesting the services of pilots and mooringmen such contributions at such a rate as from time to time may be in force in respect of employees and employers respectively under the provisions of the Social Security Act, 1987 and shall remit such contributions to the Department of Inland Revenue.

(3) The Minister responsible for ports with the concurrence of the Minister responsible for social policy may make regulations to provide for the collection of social security contributions under this section and for the payments of any benefits due under the Social Security Act, 1987 to pilots and mooringmen.

**58.** 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

**59.** 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.

**60.** (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. Cancellation or revocation of licences.

(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.

**61.** 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. Declaration as to draught of ship.

**62.** 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. Pilot to produce licence.

Liability of owner or master.

**63.** 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.

**64.** (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

65. 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 — Limitation of action.

(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.

**66.** 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.

Service of notice.

**67.** 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 —

(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

Offences in respect of lighthouses, buoys, etc.

**68.** Any person who, wilfully or negligently —

(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.

69. (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.

70. 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.

Obstructing authorised entry.

71. If —

Navigation without pilot.

(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 61 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.

72. (1) Any pilot who, while piloting a ship by wilful breach of duty, or by neglect of duty or by reason of drunkenness —

Breach of duty by pilot.

(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 62 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.

73. 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.

Evasion of dues, rates, etc.

74. 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.

Failure of compliance with sections 30 and 31.

75. Any master of a ship who contravenes any of the provisions of sections 30 or 31 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.

False returns.

76. 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.

Persons endangering life or property.

77. If any person taking part in the loading, unloading or warehousing of goods in any port endangers the safety of life, limb 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.

78. Any person who fails to comply with any direction given by the Authority in exercise of its powers under this Act, or who fails to comply with any provision of this Act or of any regulations made thereunder, shall be guilty of an offence and, unless another penalty is established for such offence in this Act, be liable on conviction to a fine (*multa*) not exceeding five thousand liri, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, 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 or with any provision of this Act.

79. 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 employee 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.

80. 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.

Saving for other penal provisions.

## PART X

### Repeal, Amendment and Saving

81. (1) Subject to the provisions of the Act, the following enactments, that is to say —

Repeal.

- (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.

(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 Maritime Authority Act, 1991.

Cap. 170  
Cap. 100

(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 Maritime Authority established under this Act.

Amendment of laws.

**82.** 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 on such date or dates as the Minister may by Order in the Gazette establish; so however that the Minister may establish different dates on which the different amendments, or parts thereof, appearing in the Second Column of the said Schedule shall take effect.

Saving.

**83.** (1) Nothing in sections 81 and 82 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 81 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.

84. Saving the provisions of section 83 of this Act, 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 54

### 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 Valletta
2. Marsamxett Harbour
3. Marsaxlokk Harbour
4. Mgarr, Gozo.

#### Part IV

1. Ta' Xbiex Yachting Centre
2. Msida Yachting Centre
3. Sliema Yachting Centre
4. Mgarr Yachting Centre, Gozo

## SECOND SCHEDULE

Section 82

## Amendment of Laws

First Column Enactment	Second Column Extent of Amendments
Code of Police Laws Cap. 10.	<p>In section 2, immediately after the definition of "inhabited area" there shall be inserted the following new definition:</p> <p>"the expression "Malta Maritime Authority" means the Authority established under the Malta Maritime Authority Act, 1991."</p> <p>In section 218 for the words "No person" there shall be substituted the words "Save as provided in any other law, no person" and for the words "Director of Ports." there shall be substituted the words "Malta Maritime Authority."</p> <p>In subsection (1) of section 219 for the words "The Minister responsible for ports" there shall be substituted the words "Save as provided for in any other law, the Commissioner of Police".</p> <p>Sections 220 and 221 shall be deleted.</p> <p>In subsection (1) of section 224 for the words "It shall not be lawful" there shall be substituted the words "Save as provided for in any other law, it shall not be lawful".</p> <p>In section 226 for the words "Commissioner of Police." there shall be substituted the words "Commissioner of Police granted with the consent of the Malta Maritime Authority."</p> <p>In subsection (2) of section 229 for the words "of the Director of Ports" there shall be substituted the words "of the Malta Maritime Authority".</p> <p>In subsection (1) of section 231 for the words "Commissioner of Police." there shall be substituted the words "Commissioner of Police, and if the boat to be used in the carrying on of such trade is not registered in terms of the Malta Maritime Authority Act, 1991."</p> <p>Sections 232, 233 and 234 shall be deleted.</p> <p>Section 237 shall be amended as follows:</p> <p>(a) in subsection (1) for the words "to the Director of Ports" there shall be substituted the words "to the Malta Maritime Authority";</p> <p>(b) in the Maltese text, for subsections (2), (3) and (4) there shall be substituted the following:</p>

“Setghat  
ta’ l-  
Awtorità  
Marittima  
ta’ Malta.

(2) Meta jkun mehtieg jew jaqbel illi xi kwantità ta’ munizzjon jew espluzivi ohra jew ta’ xi taghbija ohra ta’ xorta perikoluża li tkun abbord xi bastiment merkantili tinhatt temporanjament waqt li l-bastiment ikun f’xi port ta’ Malta, l-Awtorità Marittima ta’ Malta tkun tista’ tahtar x’imkien fejn għandha titqiegħed dik il-merkanzija, u tordna lill-kaptan tal-bastiment li jahżen dik il-merkanzija fejn hija tkun hatret.

(3) Jekk il-kaptan jonqos li jese gwixxi dan l-ordni minnufih, l-Awtorità Marittima ta’ Malta tista’ tese gwixxi dak l-ordni bi spejjeż u b’riskju tal-kaptan.

(4) L-Awtorità Marittima ta’ Malta m’għandhiex thalli s-safar tal-bastiment mgħobbi b’dik il-munizzjon jew espluzivi jew taghbija ta’ xorta perikoluża jew l-irtir ta’ xi parti minn dik il-merkanzija, sakemm ma jkunux thallsu liha l-ispejjeż tat-trasport u harsien ta’ dik il-merkanzija u ta’ dak il-bastiment.”; u

(c) in the English text, in subsections (2) and (3) for the words “Director of Ports” wherever they appear there shall be substituted the words “Malta Maritime Authority” and in subsection (4) for the words “The Director of Ports” there shall be substituted the words “The Malta Maritime Authority”.

In the Maltese text, article 238 shall be deleted and substituted as follows:

“L-Awtorità  
Marittima  
ta’ Malta  
għandha  
tagħmel  
tfittxija  
fuq  
bastiment  
li jkun  
qiegħed  
ihott  
taghbija  
perikoluża

238. L-Awtorità Marittima ta’ Malta għandha tagħmel tfittxija bir-reqqa fuq kull bastiment merkantili li jkun hatt munizzjon jew espluzivi ohra jew xi taghbija ohra ta’ xorta perikoluża, sabiex hi tiżgura ruhha li ma baqa’ xejn iżjed abbord; u għaldaqshekk tista’ tieħu kull pass li jidhrilha mehtieg.”.

In the English text, in section 238 for the words “Director of Ports” wherever they appear there shall be substituted the words “Malta Maritime Authority”.

Sections 239 to 269, both inclusive, shall be deleted.

For subsection (2) of section 270 there shall be substituted the following:

“(2) Such licence shall not be granted, or renewed, except on production of a valid certificate of registration of the boat and other valid certificates related to seaworthiness and safety of life at sea required under the Malta Maritime Authority Act, 1991.”.

In section 277 for the words “Public Transport Authority.” there shall be substituted the words “Public Transport Authority with the consent of the Malta Maritime Authority.”.

In section 281 for the words “Commissioner of Police” there shall be substituted the words “Malta Maritime Authority”.

Sections 287 and 288 shall be deleted.

In section 289 the words “plying either as passenger boats or as tugs.” shall be substituted by the words “plying as passenger boats.”.

Section 290 shall be amended as follows:

(a) subsection (2) shall be renumbered as subsection (3);

(b) for subsection (1) there shall be substituted the following:

“(1) Every such steam-boat shall be provided with a licence to be issued by the Public Transport Authority.

(2) Such licence shall not be granted, or renewed, except on production of a valid certificate of registration of the boat and other valid certificates related to hull, equipment and machinery issued under the provisions of the Merchant Shipping Act or of the Malta Maritime Authority Act, 1991.”; and

(c) in subsection (3) as renumbered the words “the number of pontoons or the burden of the ship the boat is fit to tow,” shall be deleted.

Sections 291 to 294 both inclusive shall be deleted.

In section 296 for the words “The owner” there shall be substituted the words “Unless otherwise provided in regulations made under the Merchant Shipping Act or the Malta Maritime Authority Act, 1991 to ensure safety of life at sea, the owner”, and immediately following the words “competent engineer” there shall be inserted the words “appointed as engineer-surveyor of ships under the Merchant Shipping Act”.

Section 297 shall be amended as follows:

(a) for the words "The owner" there shall be substituted the words "Unless otherwise provided in regulations made under the Merchant Shipping Act or the Malta Maritime Authority Act, 1991 to ensure safety of life at sea, the owner", and immediately following the words "surveyor of ships" there shall be substituted the words "appointed under the Merchant Shipping Act";

(b) in paragraph (d) for the word "harbour;" there shall be substituted the word "harbour."; and

(c) paragraph (e) shall be deleted.

Section 298 shall be amended as follows:

(a) for the words "The certificates" there shall be substituted the words "Unless otherwise provided in regulations made in terms of the Merchant Shipping Act or the Malta Maritime Authority Act, 1991, the certificates";

(b) for the words "the Commissioner of Police when referring to tugs and with the Public Transport Authority when referring to passenger boats" there shall be substituted the words "Public Transport Authority"; and

(c) for the words "Commissioner of Police, or of the Public Transport Authority, as the case may be" there shall be substituted the words "Public Transport Authority".

Sections 299, 300, 301 and 304 shall be deleted.

Sections 307 and 308 shall be deleted and substituted as follows:

"Licence to boatmen. 307. It shall not be lawful for any person to act as boatman of a passenger boat without a licence from the Public Transport Authority.

Conditions for grant of licence. 308. Such licence shall not be granted to any seaman who is not in possession of an appropriate certificate of competency, or a certificate of proficiency or licence issued in terms of section 91 of the Merchant Shipping Act, or to any seaman who in the opinion of the Public Transport Authority is not a fit and proper person to act as boatman."

In section 309 for the words "Customs Ordinance." there shall be substituted the words "Customs Ordinance, or if the certificate of competency or certificate of proficiency or licence, as the case may be, issued to the holder in terms of section 91 of the Merchant Shipping Act has been cancelled or suspended."

Code of  
Organisation  
and Civil  
Procedure  
Cap. 12.

In section 830, immediately after subsection (2), there shall be added the following new subsection:

“(3) A warrant for the impediment of departure of a ship or vessel shall be rescinded, on an application of the Malta Maritime 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.”.

Port  
Workers  
Ordinance  
Cap. 171.

Except as otherwise provided in this Schedule —

(a) for the words “Director of Ports”, wherever they occur in the Ordinance, there shall be substituted the word “Director”;

(b) for the words “Manager of Port Workers”, wherever they occur in the Ordinance there shall be substituted the word “Authority”;

(c) for the words “Minister responsible for Ports”, wherever they occur in the Ordinance, there shall be substituted the word “Minister”;

(d) for the words “Port Department”, wherever they occur in the Ordinance, there shall be substituted the word “Authority”;

(e) for the words “Ports Ordinance”, wherever they occur in the Ordinance, there shall be substituted the words “Malta Maritime Authority Act, 1991” and the expression “Cap. 170” wherever it appears in the margin shall be deleted.

Section 2 shall be amended as follows:

(a) immediately after the definition of “Act” there shall be inserted the following new definition:

““Authority” means the Malta Maritime Authority established under the Malta Maritime Authority Act, 1991;”;

(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 Maritime 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 Maritime Authority established by the Malta Maritime 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;”;

In subsection (2) of section 3 for the words “Ships not exceeding twenty-four metres in length” there shall be substituted the words “Ships registered under the Malta Maritime Authority Act, 1991 and ships not exceeding twenty-four metres in length”.

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 Maritime 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.”.

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Passed by the House of Representatives at Sitting No. 539 of the 26th June, 1991.

LAWRENCE GONZI  
*Speaker*

RICHARD J. CAUCHI  
*Acting Clerk to the House of Representatives.*