

C 767

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 13,304, 3 ta' Dicembru, 1976
Taqsima C

Nru. 4

3. 12. 76

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Jos. Cassar, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tad-29 ta' Novembru, 1976.

ATT biex jevita u jikkontrolla t-niġġiz tal-baħar u l-ilmijiet l-oħra u biex jagħti seħħ lid-disposizzjonijiet ta' konvenzjonijiet u protokolli internazzjonali u reġjonali li għandhom x'jaqsmu mal-ħarsien ta' l-ambjent tal-baħar.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Jos. Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 29th November, 1976.

AN ACT to prevent and control the pollution of the sea and other waters and to give effect to the provisions of international and regional conventions and protocols relating to the protection of the marine environment.

C. MIFSUD

Clerk to the House of Representatives

**ATT TA' L-1976 BIEX JIĠI EVITAT U KONTROLLAT IT-TNIĠĠIŻ
TAL-BAĦAR**

Tqassim ta' l-Artikoli

TAQSIMA I

Preliminari

Artikolu

1. Titolu fil-qosor u bidu fis-sehħ.
2. Tifsir.

TAQSIMA II

Ħtija Kriminali għal TniĠĠiż

3. Tfiiegħ ta' żjut jew oġġetti oħra li jniĠĠiżu fil-baħar barra l-ibħra territorjali.
4. Tfiiegħ ta' żejt jew oġġett ieħor li jniĠĠeż fl-ibħra territorjali.
5. Tfiiegħ ta' żejt minn *pipe line* jew bħala riżultat ta' tiftix f'qiegħ il-baħar eċċ. f'area indikata.
6. Difiza ta' kaptan akkużat b'reat taħt l-artikolu 3.
7. Difiza ta' persuni oħra akkużati b'reat taħt l-artikolu 4 jew 5.

TAQSIMA III

Responsabbiltà Ċivili għal TniĠĠiż

8. Responsabbiltà għal tniĠĠiż.
9. Eċċezzjonijiet għal responsabbiltà taħt l-artikolu 8.
10. Responsabbiltà għall-ispejjeż ta' miżuri meta l-artikolu 8 ma japplikax.
11. Preskrizzjoni għal talbiet.
12. Assigurazzjoni kontra responsabbiltà għal tniĠĠiż.

TAQSIMA IV

Miżuri biex jiġi Evitat u Kontrollat it-TniĠĠiż

13. Tagħmir fuq bastimenti biex jiġi evitat it-tniĠĠiż.
14. *Records.*
15. Dmir ta' kaptani li jirrapportaw tfiiegħ f'ibħra territorjali.
16. Rapport ta' aċċidenti ta' tniĠĠiż.

TAQSIMA V

Indhil f'Kazijiet ta' Disgrazzji ta' TniĠĠiż taz-Żejt

17. Disgrazzji ta' bastimenti.
18. Jedd għal ġbir lura dwar telf jew ħsara mhux xierqa.
19. Reati dwar l-artikolu 17.
20. Applikazzjoni ta' l-artikoli minn 17 sa 19 għal bastimenti barranin.

TAQSIMA VI

Rimi fil-Baħar

Artikolu

21. Restrizzjonijiet fuq rimi fil-baħar.
22. Liċenzi.
23. Id-disposizzjonijiet dwar ir-rimi jiġu nfurzati.
24. Rinforz ta' konvenzjonijiet eċċ. dwar ir-rimi.
25. Disposizzjonijiet mixxellanji dwar uffiċjali eżekuttivi.
26. Xieħda.

TAQSIMA VII

Disposizzjonijiet Ġenerali

27. Setgħa għall-għemil ta' regolamenti, eċċ.
28. Setgħat ta' spettur.
29. Konvenzjonijiet dwar tniġġiż jiġu nfurzati.
30. Setgħa għall-applikazzjoni ta' ċerti disposizzjonijiet għal bastimenti registrati f'Malta.
31. Setgħa biex jinżamm bastiment.
32. Bejgħ ta' bastiment biex jiġi żgurat il-ħlas ta' multi.
33. Ħarsien mir-responsabbiltà personali.
34. Bastimenti tal-Gvern.
35. Eżenzjonijiet.
36. Riżerva għal pretensjonijiet, restrizzjonijiet, eċċ., oħra.
37. Tħassir.

Skeda.

ABBOZZ TA' LIĠI

msejjah

ATT biex jevita u jikkontrolla t-tniġġiż tal-baħar u l-ilmijiet l-oħra u biex jaġhti seħħ lid-disposizzjonijiet ta' konvenzjonijiet u protokkoll internazzjonali u reġjonali li għandhom x'jaqsmu mal-ħarsien ta' l-ambjent tal-baħar.

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

TAQSIMA I

Preliminari

Titolu fil-qosor
u bidu fis-seħh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1976 biex jiġi Evitat u Kontrollat it-Tniġġiż tal-Baħar.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru jista', b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'oħra —

“area ta' Malta” tfisser Malta u l-ibħra territorjali tagħha;

“barra mill-ibħra territorjali ta' Malta” tfisser barra l-limiti lejn in-naħa tal-baħar ta' daww l-ibħra;

“bastiment” tinkludi kull biċċa tal-baħar użata fin-navigazzjoni li ma titmexxiex bl-imqadef u tinkludi wkoll vettura li timxi fuq kuxxinetti ta' l-arja u biċċiet f'wiċċ il-baħar li jkunu mqabbdin ma' bastiment;

“bastiment Malti” għandha l-istess tifsir kif mogħti lilha bl-artikolu 3 ta' l-Att ta' l-1973 dwar il-Bastimenti Merkantili;

“bastiment tal-Konvenzjoni” tfisser bastiment registrat fi Stat tal-Konvenzjoni;

“biċċa tal-baħar” tinkludi kull bastiment jew dgħajsa jew kull xort'oħra ta' biċċa tal-baħar użata fin-navigazzjoni;

“fdal taż-żejt” tinkludi kull fdal jew skart ta', jew li jkun għej minn, żejt jew tahlita li jkun fiha żejt;

“fi kwantitajiet” tfisser f'dawk il-kwantitajiet li jiġu preskritti;

“hsara” tinkludi telf;

“ibħra territorjali”, dwar Malta, tfisser il-baħar kollu fil-limiti ta' l-ibħra lejn in-naħa tal-baħar territorjali ta' Malta u tinkludi l-ilmijiet ta' kull port, jew daħla u l-ilmijiet l-oħra kollha nterni ta' Malta f'dawk il-limiti;

“ingenju ta' l-ajru Malti” tfisser ingenju ta' l-ajru registrat f'Malta, u tinkludi ingenji ta' l-ajru li jkun b'*bona fide* twella jew għe mikri għal xi żmien itwal minn erbatax-il jum lil indiwidwu residenti f'Malta jew lil kumpannija jew korp magħqud iehor imwaqqaf skond il-liġijiet ta' Malta;

“kaptan” tinkludi kull persuna, barra minn bdot, li għal xi żmien tkun fil-kmand jew inkarigata minn bastiment;

“Konvenzjoni” għandha t-tifsir mogħti lilha bl-artikolu 29 ta' dan l-Att, u tinkludi protokoll, ftehim jew arrangament iehor;

“Ministru” tfisser il-Ministru responsabbli għax-*shipping* u tinkludi kull persuna li taġixxi taħt l-awtorità tiegħu;

“oġġett li jniġġeż” tfisser kull sustanza li jekk tidhol fil-baħar jew f'xi ilmijiet oħra tkun tista' toħloq periklu għas-saħħa tal-bniedem, jew tagħmel hsara lil rizorsi hajjin jew hajja oħra tal-baħar, jew li tagħmel hsara lil amenitajiet jew tfixxkel użu iehor ta' l-imsemmija ibħra jew ilmijiet, u, mingħajr ma tiġi limitata l-ġeneralità ta' dak li ntqal qabel, tinkludi kull sustanza, jew xi sustanza li tkun parti minn klassi ta' sustanzi, li tkun preskritta mill-Ministru, għall-ghanijiet ta' dan l-Att, bħala oġġett li jniġġeż;

“port” għandha l-istess tifsir kif mogħti lilha bl-artikolu 2 ta' l-Ordinanza ta' l-1962 dwar il-Portijiet;

“post fuq l-art” tinkludi kull faċilità ta' kull xorta li tkun qiegħda, fi, fuq jew taħt xi art f'Malta, barra minn art taħt l-ilma;

“post fuq wiċċ il-baħar” tinkludi kull haġa li tkun qiegħda fuq wiċċ il-baħar (barra minn biċċa tal-baħar) jekk tkun ankrata jew imqabbdha ma' qiegħ il-baħar jew max-xtajta jew ma' qiegħ l-ibħra territorjali ta' Malta, u tinkludi kull haġa li tkun qed tistrieħ fuq qiegħ il-baħar jew fuq ix-xtajta jew fuq qiegħ l-ibħra territorjali ta' Malta;

“preskritti” tfisser preskritti b'regolamenti, b'regoli, ordnijiet jew direttivi taħt dan l-Att;

“sid”, dwar bastiment, tfisser il-persuna registrata bħala s-sid tal-bastiment, jew fin-nuqqas ta' registrazzjoni l-persuna li tkun is-sid tal-bastiment;

“sid jew operatur”, dwar faċilità barra mix-xtut jew faċilità fuq l-art, tfisser persuna li tkun is-sid ta' dik il-faċilità jew l-operatur tagħha, u fil-każ ta' faċilità abbandunata, il-persuna li kienet

Ord. Nru. XIII
ta' l-1962

is-sid ta' dik il-facilità jew l-operatur tagħha minnufih qabel tkun giet hekk abbandunata;

“skart tal-kummerċ” tfisser il-fdal solidu jew likwidu ta' kull kummerċ, negozju jew manifattura;

“Stat tal-Konvenzjoni”, dwar kull Konvenzjoni, tfisser pajjiż li l-Gvern tiegħu jkun għe dikjarat b'ordni magħmul taħt l-artikolu 29 ta' dan l-Att li jkun aċċetta dik il-Konvenzjoni u ma jkunx għe dikjarat li ddenunzjaha, u tinkludi kull territorju li għalih il-Konvenzjoni tkun għe dikjarata li tapplika, li ma jkunx territorju li għalih ikun għe hekk dikjarat li l-Konvenzjoni tkun waqfet milli tapplika;

“struttura tal-baħar” tfisser cattru jew struttura oħra fuq il-baħar magħmula mill-bniedem;

“struttura tal-baħar Maltija” tfisser struttura tal-baħar li tkun proprjetà ta', jew mikrija lil, individwu residenti f'Malta jew lil kumpannija jew korp magħqud ieħor imwaqqaf skond il-liġijiet ta' Malta;

“tagħbija”, meta wżata fit-Taqsima VI ta' dan l-Att, tfisser tagħbija għar-rimi;

“taħlita li jkun fiha oġġett li jniġġeż” tfisser kull taħlita ta' oġġett li jniġġeż ma' ilma jew ma' xi sustanza oħra jew mat-tnejn u kull taħlita ta' ilma jew ta' xi sustanza oħra, jew tat-tnejn, ma' oġġett li jniġġeż;

“taħlita li jkun fiha żejt” tfisser kull taħlita ta' żejt ma' ilma jew ma' xi sustanza oħra jew mat-tnejn u kull taħlita ta' ilma jew ta' xi sustanza oħra, jew tat-tnejn, ma' żejt;

“tfiegħ”, dwar żejt jew oġġett ieħor li jniġġeż jew dwar taħlita li jkun fiha żejt jew oġġett ieħor li jniġġeż, tfisser kull tfiegħ jew tnixxija jiġru kif jiġru;

“trasferiment”, dwar żejt, tfisser trasferiment fi kwantità;

“uffiċjal xieraq” tfisser uffiċjal awtorizzat għal hekk mill-Ministru jew minn awtorità oħra xierqa;

“žejt” tfisser żejt ta' kull deskrizzjoni u tinkludi spirtu prodott miż-žejt ta' kull deskrizzjoni u tinkludi wkoll qatran.

(2) Dwar kull ħsara li tiġġarrab mit-tnixxija ta' xi żejt minn bastiment, riferenzi f'dan l-Att għas-sid tal-bastiment huma riferenzi għas-sid meta ssir il-ġrajja jew l-ewwel waħda mill-ġrajjiet li min-habba fihom ikun hemm it-tfiegħ.

(3) Riferenza f'dan l-Att għall-*area* ta' xi pajjiż tinkludi l-baħar territorjali ta' dak il-pajjiż.

(4) Kull riferenza f'dan l-Att għall-miżuri li raġonevolment jittieħdu wara t-tfiegħ ta' żejt jew oġġett ieħor li jniġġeż sabiex tiġi evitata jew titnaqqas il-ħsara li għib magħha kontaminazzjoni li tkun għejja minn dak it-tfiegħ għandha tinkludi għemil li jsir biex iż-žejt jitneħħa mill-ilma u mix-xtajtiet jew dak l-għemil ieħor li jkun meħtieġ biex titnaqqas jew tittaffa l-ħsara lis-saħħa jew lill-ġid tal-poplu, magħduda, iżda mhux limitata għal hut, krustaciji, l-animali mhux domestikati, u proprjetà pubblika u privata, ramliet u xtajtiet oħra.

TAQSIMA II

Htija Kriminali għal Tniġġiz

3. (1) Jekk xi żejt jew oġġett ieħor li jniġġeż li għalihom japplika dan l-artikolu jew xi taħlita li jkun fiha dak iż-żejt jew dak l-oġġett li jniġġeż tintefa' minn bastiment Malti f'xi parti tal-baħar barra l-ibħra territorjali ta' Malta, is-sid jew il-kaptan tal-bastiment ikun, bla ħsara għad-disposizzjonijiet ta' dan l-Att, hati ta' reat.

Tfiegħ ta' żjut jew oġġetti oħra li jniġġu fil-baħar barra l-ibħra territorjali.

(2) Dan l-artikolu japplika —

(a) għal żejt mhux raffinat, żejt tal-*fuel* u żejt lubrikanti; u

(b) għal żejt *diesel* oħxon, kif imfisser b'regolamenti magħmula mill-Ministru taħt dan l-artikolu;

u għandu japplika wkoll għal kull xort'oħra ta' żejt u għal kull oġġett li jniġġeż li jista' jiġi speċifikat b'regolamenti magħmula mill-Ministru, meta jitqiesu d-disposizzjonijiet ta' kull Konvenzjoni aċċettata mill-Gvern ta' Malta safejn din tkun tirreferi għal evitar ta' tniġġiz tal-baħar.

(3) Regolamenti magħmula mill-Ministru jistgħu jagħmlu eċċezzjonijiet għat-thaddim tas-subartikolu (1) ta' dan l-artikolu, jew b'mod ġenerali jew dwar klassijiet partikolari ta' bastimenti, deskrizzjonijiet partikolari ta' żjut jew oġġetti oħra li jniġġu jew taħlitiet li jkun fihom żejt jew oġġetti oħra li jniġġu jew it-tfiegħ ta' żejt jew oġġetti li jniġġu jew taħlitiet oħra f'ċirkostanzi partikolari jew f'arej partikolari tal-baħar, u jista' jagħmel hekk jew b'mod assolut jew taħt xi kondizzjonijiet speċifikati.

(4) Kull persuna hatja ta' reat taħt dan l-artikolu tehel, meta tinsab hatja, multa ta' mhux inqas minn £250 u mhux iżjed minn £50,000.

4. (1) Jekk xi żejt jew oġġett ieħor li jniġġeż jew xi taħlita li jkun fiha żejt jew oġġett ieħor li jniġġeż tintefa' fl-ibħra territorjali ta' Malta minn xi biċċa tal-baħar jew minn xi post fuq wiċċ il-baħar, jew minn xi post fuq l-art, jew minn xi apparat użat biex jittrasferixxi żejt jew oġġett ieħor li jniġġeż (sew għal jew minn post fuq l-art jew fuq wiċċ il-baħar), f'dan il-każ, bla ħsara għad-disposizzjonijiet ta' dan l-Att dawn li ġejjin ikunu hatja ta' reat, jiġifieri —

Tfiegħ ta' żejt jew oġġett ieħor li jniġġeż fl-ibħra territorjali.

(a) jekk it-tfiegħ isir minn biċċa tal-baħar, is-sid jew il-kaptan tal-biċċa tal-baħar;

(b) jekk it-tfiegħ isir minn apparat li jintuża biex iż-żejt jew l-oġġett l-ieħor li jniġġeż jiġi trasferit minn fuq jew għal fuq il-biċċa tal-baħar jew isir waqt li z-żejt jew l-oġġett l-ieħor li jniġġeż ikun qed jiġi hekk trasferit, is-sid ta' l-apparat jew il-persuna inkarigata minnu;

(ċ) jekk it-tfiegħ isir minn xi post ieħor, il-persuna li tokupa dak il-post jew il-persuna l-oħra inkarigata minn dak il-post.

(2) Kull persuna hatja ta' reat skond dan l-artikolu tehel, meta tinsab hatja, multa ta' mhux inqas minn £250 u mhux iżjed minn £50,000.

5. (1) Jekk xi żejt jew xi taħlita li jkun fiha żejt tintefa' f'xi parti tal-baħar —

(a) minn *pipe-line*; jew

(b) bħala riżultat ta' xi operazzjonijiet għal tfitix f'qiegħ il-baħar u s-sottoswol jew l-isfruttament tar-riżorsi naturali tagħ-

Tfiegħ ta' żejt minn *pipe-line* jew bħala riżultat ta' tiftix f'qiegħ il-baħar eċċ. f'area indikata.

hom f'area indikata,

f'dan il-każ, bla ħsara għad-disposizzjonijiet ta' dan l-Att, is-sid tal-*pipe-line* jew, skond il-każ, il-persuna li tkun qed tmexxi l-operazzjonijiet tkun hatja ta' reat kemm-il darba t-fiegh ma jsirx minn xi post li hi tkun qed tokkupa u ttiprova li dan ikun ġara minħabba għemil ta' persuna li kienet hemm mingħajr il-permess tagħha (imfisser jew mifhum).

Att Nru. XXXV
ta' l-1966

(2) F'dan l-artikolu "area indikata" tfisser area li għal xi żmien tkun indikata b'ordni magħmul skond is-subartikolu (3) ta' l-artikolu 3 ta' l-Att ta' l-1966 dwar il-Blata Kontinentali.

(3) Persuna misjuba hatja ta' reat skond dan l-artikolu tehel, meta tinsab hatja, multa ta' mhux inqas minn £250 u mhux iżjed minn £50,000.

Difiża ta'
kaptan akkużat
b'reat taht
l-artikolu 3.

6. (1) Meta persuna tkun akkużata b'reat skond l-artikolu 3 ta' dan l-Att, tista' tiddefendi ruħha billi ttiprova li ż-żejt, l-oġġett li jniġġeż jew it-taħlita kienet mitfugha sabiex tiġi żgurata s-sigurtà ta' xi biċċa tal-baħar jew biex tevita ħsara lil xi biċċa bħal dik jew lill-merkanzija, jew biex tiġi salvata xi hajja, kemm-il darba l-qorti ma tkunx sodisfatta li t-fiegh taż-żejt, jew ta' l-oġġett li jniġġeż jew tat-taħlita ma kienx meħtieġ għal dak l-għan jew li ma kienx pass xieraq li jit-tiehed fiċ-ċirkostanzi.

(2) Meta persuna tkun akkużata kif imsemmi fis-subartikolu (1) ta' dan l-artikolu, tista' wkoll tiddefendi ruħha billi ttiprova —

(a) li ż-żejt, jew l-oġġett li jniġġeż, jew it-taħlita jkun tnixxew minħabba ħsara fil-biċċa tal-baħar u li malajr kemm kien prattikabbli wara li ġrat il-ħsara ttieħdu l-passi kollha biex tiġi evitata, jew (jekk ma setgħetx tiġi evitata) biex titwaqqaf jew titnaqqas it-tnixxija taż-żejt, ta' l-oġġett li jniġġeż jew tat-taħlita; jew

(b) li ż-żejt, jew l-oġġett li jniġġeż jew it-taħlita jkun tnixxew minħabba *leakage*, li la l-*leakage* lanqas xi dewmien biex instab li ġara ma ġraw minħabba nuqqas ta' ħsieb xieraq, u li malajr kemm kien prattikabbli wara li nstab li ġrat it-tnixxija ttieħdu l-passi kollha xierqa biex titwaqqaf jew titnaqqas.

Difiża ta'
persuni oħra
akkużati b'reat
taht l-artikolu 4
jew 5.

7. Meta persuna tkun akkużata, dwar it-tnixxija ta' xi żejt, oġġett li jniġġeż jew taħlita li jkun fiha żejt jew oġġett li jniġġeż, b'reat skond l-artikolu 4 jew l-artikolu 5 ta' dan l-Att —

(a) bħala persuna li tokkupa post fuq l-art; jew

(b) bħala persuna li tmexxi l-operazzjonijiet għal tfitix f'qiegħ il-baħar u s-sottoswol jew l-isfruttament tar-riżorsi naturali tagħhom; jew

(c) bħala s-sid ta' *pipe-line*;

tista' tiddefendi ruħha billi ttiprova li la t-tnixxija u lanqas xi dewmien biex instab li ġrat ma ġara minħabba nuqqas ta' ħsieb xieraq u li malajr kemm kien prattikabbli wara li nstab li ġrat inthadu l-passi kollha xierqa biex titwaqqaf jew titnaqqas.

TAQSIMA III

Responsabbiltà Ċivili għal Tniġġiz

8. (1) Meta xi żejt jew oġġett ieħor li jniġġeż, jew xi tahlita li jkun fiha żejt jew oġġett li jniġġeż, tintefa' minn xi biċċa tal-baħar (sew jekk tingarr bħala parti mill-merkanzija tal-biċċa tal-baħar jew xort'oħra), jew minn post fuq wiċċ il-baħar jew minn post fuq l-art —

Responsabbiltà
għal tniġġiz.

(a) is-sid tal-bastiment; jew

(b) is-sid jew l-operatur tal-post fuq wiċċ il-baħar jew tal-post fuq l-art,

għandu, bla hsara għad-disposizzjonijiet ta' dan l-Att, ikun responsabbli —

(c) għal kull hsara li tiġġarrab fl-area ta' Malta b'kontaminazzjoni li tirriżulta mit-tfiegħ; u

(d) għall-ispejjeż ta' kull miżuri li b'mod xieraq ikunu ttieħdu wara t-tfiegħ sabiex tiġi evitata jew titnaqqas kull hsara bħal dik fl-area ta' Malta; u

(e) għal kull hsara li tkun iġġarrbet fl-area ta' Malta b'xi miżuri li jkunu hekk ittieħdu.

(2) Meta żejt jew oġġett ieħor li jniġġeż, jew xi tahlita li jkun fiha żejt jew oġġett li jniġġeż, tintefa' minn aktar minn biċċa tal-baħar waħda u —

(a) is-sid ta' kull waħda minnhom ikollu responsabbiltà taħt dan l-artikolu; iżda

(b) il-hsara jew l-ispejjeż li għalihom kull wiehed mis-sidien ikun responsabbli għalihom ma jistgħux raġonevolment jiġu separati minn dawk li ieħor jew oħrajn ikun responsabbli għalihom,

kull wiehed mis-sidien ikun hati *in solidum* ma' l-ieħor jew ma' l-oħrajn, għall-hsara jew għall-ispejjeż kollha li għalihom is-sidien ikunu flimkien responsabbli taħt dan l-artikolu.

(3) Għall-finijiet ta' din it-Taqsima ta' dan l-Att, meta jkun hemm iktar minn tfiegħ wiehed mill-istess grajja jew minn grajjiet wara xulxin li jinholqu mill-istess haġa, dawn għandhom jitqiesu bħala waħda; iżda kull miżuri li jittieħdu wara l-ewwel minnhom għandhom jitqiesu li ttieħdu wara t-tfiegħ.

(4) Meta s-sid ta' biċċa tal-baħar ikun responsabbli għal tfiegħ skond dan l-artikolu, l-artikoli 349 u 350 ta' l-Att ta' l-1973 dwar il-Bastimenti Merkantilijiet m'għandhomx japplikaw dwar dik ir-responsabbiltà.

9. Is-sid jew l-operatur ta' biċċa tal-baħar jew ta' post fuq wiċċ il-baħar jew post fuq l-art li minnu jkun hemm tfiegħ ta' żejt jew oġġett ieħor li jniġġeż ma jkollu ebda responsabbiltà taħt l-artikolu 8 ta' dan l-Att jekk hu jipprova li t-tfiegħ —

Eċċezzjonijiet
għal
responsabbiltà
taħt l-artikolu 8.

(a) inholoq minn att ta' gwerra, ostilitajiet, gwerra ċivili, rewwixta jew fenomenu naturali eċċezzjonali, inevitabbli u irrezistibbli; jew

(b) ikun ġara għal kolloxx minhabba xi haġa li tkun saret jew li naqset milli ssir minn xi persuna oħra, li la tkun fl-impieg u lanqas aġent tas-sid jew ta' l-operatur, bil-hsieb li tagħmel hsara; jew

(c) fil-każ ta' tfiegħ minn biċċa tal-baħar, ikun ġara għal kol-lox minhabba t-traskuraġni jew għemil hażin tal-gvern jew ta' awtorità l-oħra fil-qadi ta' xogħolha li żżomm dwal jew għajnu-niet oħra tan-navigazzjoni li għall-manutenzjoni tagħhom tkun responsabbli hi.

Responsabbiltà
għall-ispejjeż
ta' miżuri meta
l-artikolu 8 ma
japplikax.

10. (1) Meta —

(a) wara tfiegħ ta' zejt jew oġġett ieħor li jniġġeż minn xi biċċa tal-baħar, jew post fuq wiċċ il-baħar, jew post fuq l-art, jittieħdu miżuri xierqa sabiex tiġi evitata jew titnaqqas il-ħsara fl-area ta' Malta li tista' tinholoq mit-tfiegħ; u

(b) xi persuna tkun responsabbli, jew kieku ma kenux il-miżuri kienet tkun responsabbli, barra milli taħt l-artikolu 8, għal xi ħsara bħal dik,

allura, ikun japplika jew le l-paragrafu (d) tas-subartikolu (1) ta' dan l-artikolu, dik il-persuna tkun responsabbli għall-ispejjeż tal-miżuri li jkunu ttieħdu kif intqal qabel, sew jekk dik il-persuna li tieħu dawk il-passi teħodhomx jew le għat-tharis ta' l-interessi tagħha jew fil-qadi ta' dmirijietha.

Preskrizzjoni
għal talbiet.

11. Ebda azzjoni biex tiġi nfurzata talba għal danni li jiġġarrbu taħt l-artikolu 8 ta' dan l-Att ma għandha tintlaqa' minn xi qorti f'Malta kemm-il darba l-azzjoni ma tinbediex fi żmien ta' mhux iktar minn tliet snin wara li tkun tista' ssir it-talba u mhux iktar minn sitt snin wara l-ġrajja jew l-ewwel ġrajja li biha jinholoq it-tfiegħ u li minhabba fiha kien hemm dik ir-responsabbiltà.

Assigurazzjoni
kontra
responsabbiltà
għal tniġġiż.

12. (1) Kull biċċa tal-baħar li għaliha japplika dan l-artikolu m'għandhiex tidhol f'port f'Malta jew titlaq minnu jew tasal fi stazzjon fl-ibħra territorjali ta' Malta jew titlaq minnu jew tankra fl-ibħra territorjali ta' Malta, kemm-il darba ma jkunx hemm dwar dik il-biċċa tal-baħar kuntratt ta' assigurazzjoni jew garanzija oħra magħrufa mill-Ministru għall-finijiet ta' dan l-artikolu.

(2) Il-Ministru għandu jagħraf kuntratt ta' assigurazzjoni jew garanzija oħra għall-finijiet ta' dan l-artikolu jekk dak il-kuntratt jew dik il-garanzija jkunu jaqblu mal-htigiet ta' l-Artiklu VII ta' l-*International Convention on Civil Liability for Oil Pollution Damage* magħmula fi Brussels fid-29 ta' Novembru 1969, jew ma' dawk il-htigiet li l-Ministru jista' jispeċifika b'avviż fil-Gazzetta:

Iżda, meta l-Ministru jkun tal-fehma li jkun hemm dubju jekk il-persuna li ttiprovdi l-assigurazzjoni jew garanzija oħra tkunx tista' tissodisfa l-obbligazzjonijiet tagħha dwarha, jew jekk l-assigurazzjoni jew il-garanzija l-oħra tkunx biżżejjed biex tkopri r-responsabbiltà tas-sid taħt l-artikolu 8 ta' dan l-Att fiċ-ċirkostanzi kollha, hu jista' jirrifjuta li jagħraf dik l-assigurazzjoni jew il-garanzija.

(3) Prova bid-dokumenti dwar jekk il-biċċa tal-baħar ikollhiex il-kuntratt ta' assigurazzjoni jew il-garanzija l-oħra meħtieġa bis-subartikolu (1) ta' dan l-artikolu għandha, fuq talba, tiġi preżentata mill-kaptan lil kull uffiċjal tad-dwana jew uffiċjal ieħor xieraq.

(4) Jekk xi biċċa tal-baħar tipprowa tidhol f'port f'Malta jew titlaq minnu jew tipprowa tasal fi stazzjon fl-ibħra territorjali ta' Malta jew titlaq minn jew tankra fl-ibħra territorjali ta' Malta bi ksur tas-subartikolu (1) ta' dan l-artikolu, il-kaptan jew is-sid tal-biċċa tal-baħar jeħel, meta jinsab ħati, multa ta' mhux iżjed minn £35,000.

(5) Jekk il-kaptan tal-biċċa tal-baħar jonqos li jħares xi talba magħmula skond is-subartikolu (3) ta' dan l-artikolu, jehel, meta jin-sab hati, multa ta' mhux iżjed minn £400.

(6) Dan l-artikolu ma japplikax għal xi biċċa tal-baħar li tkun iġġorr bi kwantità tagħbija ta' żejt tax-xorta preskritta mill-Ministru.

TAQSIMA IV

Mizuri biex jiġi Evitat u Kontrollat it-Tniġġiz

13. (1) Sabiex jiġi evitat jew ikkontrollat it-tniġġiz tal-baħar, il-Ministru jista' jagħmel regolamenti li jeħtieġu bastimenti Maltin li jiġu mghammra b'dak it-tagħmir u li jħarsu dawk il-ħtiġiet l-oħra li jistgħu jiġu speċifikati fir-regolamenti.

Tagħmir fuq
bastimenti biex
jiġi evitat
it-tniġġiz.

(2) Bla ħsara għall-generalità tas-subartikolu (1) ta' dan l-artikolu, meta xi regolamenti magħmula bis-saħħa tiegħu jeħtieġu li bastimenti jitghammru b'tagħmir ta' deskrizzjoni speċifikata, ir-regolamenti jistgħu jipprovdu li tagħmir ta' dik id-deskrizzjoni —

(a) ma jitqiegħedx fuq bastiment li għalih japplikaw ir-regolamenti kemm-il darba ma jkunx ta' xorta ippruvata u approvata b'dak il-mod li jista' jiġi preskritt;

(b) fil-waqt li jkun qiegħed fuq dak il-bastiment, ma jitqiesx li jkun skond il-ħtiġiet tar-regolamenti kemm-il darba, f'dawk iż-żminijiet li jistgħu jiġu preskritti ma jitqiegħedx għall-prova u għall-approvazzjoni b'dak il-mod li jista' jiġi preskritt, u ma jiġix hekk ippruvat u approvat.

(3) Jekk fil-każ ta' xi bastiment, id-disposizzjonijiet ta' xi regolamenti magħmula skond dan l-artikolu li japplikaw għal dak il-bastiment ikunu miksura, is-sid jew il-kaptan tal-bastiment ikun ħati ta' reat u jehel, meta jinsab ħati, multa ta' mhux iżjed minn £1,000.

14. (1) Il-Ministru jista' jagħmel regolamenti li jeħtieġu li jin-garru *record books* fuq bastimenti Maltin u li jeħtieġu lill-kaptan ta' kull bastiment bhal dak li jirreġistra fir-*record book* li jin-garr fuq il-bastiment —

Records.

(a) dawk mill-operazzjonijiet li ġejjin li jiġu preskritti li jsiru abbord il-bastiment jew dwar il-bastiment, jiġifieri operazzjonijiet dwar:

(i) l-imbark ta' kull tagħbija ta' żejt jew oġġett ieħor li jniġġeż; jew

(ii) it-trasferiment ta' kull tagħbija ta' żejt jew oġġett ieħor li jniġġeż waqt xi vjaġġ; jew

(iii) it-tfiegħ ta' kull tagħbija ta' żejt jew oġġett ieħor li jniġġeż; jew

(iv) it-tqegħid ta' savorra f'tankijiet (sew tankijiet għal *fuel* bħala tagħbija kemm tankijiet għal *fuel* bħala *bunker*) u t-tbattil tas-savorra minn, u t-tindif ta', dawk it-tankijiet; jew

(v) is-separazzjoni ta' żejt mill-ilma, jew minn sustanzi oħra, f'kull tahlita li jkun fiha żejt; jew

(vi) ir-rimi ta' kull żejt jew ilma, jew xi sustanzi oħra, li jinqala' mill-operazzjonijiet dwar xi wahda mill-hwejjeg speċifikati fis-sub-paragrafi ta' qabel dan; jew

(vii) ir-rimi ta' kull feal iehor ta' zejt jew oggett iehor li jniġġeż;

(b) kull okkażjoni li fiha zejt jew oggett iehor li jniġġeż jew tahlita li jkun fiha zejt jew oggett iehor li jniġġeż tintefa' mill-bastiment sabiex tiġi żgurata s-sigurtà ta' xi biċċa tal-baħar, jew biex tiġi evitata ħsara lil xi biċċa tal-baħar jew tagħbija, jew biex tiġi salvata ħajja;

(c) kull okkażjoni li fiha zejt jew oggett iehor li jniġġeż jew tahlita li jkun fiha zejt jew oggett iehor li jniġġeż tinsab li tkun qed tnixxi, jew li tkun nixxiet, mill-bastiment minhabba ħsara fil-bastiment, jew minhabba *leakage*.

(2) Il-Ministru jista' jagħmel regolamenti li jeħtieġu li jinżammu *records* dwar it-trasferiment ta' zejt jew oggetti oħra li jniġġeżu għal fuq jew minn fuq b'cejjeċ tal-baħar fil-waqt li dawn ikunu fl-ibħra territorjali ta' Malta, u li jeħtieġu lill-kaptan ta' kull biċċa tal-baħar bħal dik, jew lil dik il-persuna l-oħra kif jista' jiġi preskritt, biex iżżomm dawk *ir-records*.

(3) Il-ħtiġiet ta' kull regolament magħmul taħt is-sub-artikolu (2) ta' dan l-artikolu jkun b'żieda mal-ħtiġiet ta' kull regolament magħmul taħt is-subartikolu (1) ta' dan l-artikolu.

(4) Regolamenti taħt dan l-artikolu li jeħtieġu l-garr ta' *record books* jew li jinżammu *records* jistgħu —

(a) jippreskrivu l-forma ta' *record books* jew *ir-records* u x-xorta ta' dhul li jsir fihom;

(b) jeħtieġu lill-persuna li tipprovdi jew li żżomm il-kotba jew *ir-records* li żżommhom għal żmien preskritt;

(c) jeħtieġu li persuna, mat-tmien taż-żmien preskritt, tibgħat il-kotba jew *ir-records* f'post jew lil persuna stabbilita bir-regolamenti jew bis-saħħa tagħha;

(d) jipprovdu għall-kustodja jew għat-tneħħija ta' kotba jew *records* wara li jintbagħtu f'dak il-post jew lil dik il-persuna.

(5) Jekk xi bastiment jonqos li jgorr dak il-ktieb jew dawk il-kotba kif meħtieġ li jgorr skond dan l-artikolu, is-sid jew il-kaptan jeħel, meta jinsab ħati, multa ta' mhux iżjed minn £500.

(6) Jekk xi persuna tonqos li tħares xi waħda mill-ħtiġiet imposti fuqha b'dan jew skond dan l-artikolu teħel, meta tinsab ħatja, multa ta' mhux iżjed minn £500.

(7) Jekk xi persuna tagħmel xi dhul f'xi *record book* li jinġarr jew *ir-records* miżmuma taħt dan l-artikolu li hi tkun taf li jkun falz jew qarrieqi f'xi partikolar sostanzjali, din teħel meta tinsab ħatja, multa ta' mhux iżjed minn £500 jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multu u priġunerija flimkien.

(8) F'kull proċediment taħt dan l-Att —

(a) kull *record book* li jinġarr jew *record* miżmum skond regolamenti magħmula taħt dan l-artikolu għandhom, sakemm ma jiġix ippruvat kuntrarju, ikunu prova biżżejjed tal-fatti dikjarati fihom;

(b) kull kopja ta' dħul f'dak ir-*record book* jew fir-*records* li tkun ċertifikata, mill-kaptan tal-bastiment li fuqu l-ktieb ikun qed jinġarr jew mill-persuna li tkun meħtieġa li żżomm dawk ir-*records*, li tkun kopja vera tad-dħul għandha, sakemm ma jiġix ippruvat kuntrarju, tkun prova bizżejjed tal-fatti dikjarati fid-dħul;

(ċ) kull dokument li jkun jidher li hu *record book* li jinġarr jew *record* li jinżamm skond regolamenti magħmula taħt dan l-artikolu, jew li jidher li jkun dik il-kopja ċertifikata kif imsemmi fil-paragrafu (b) ta' dan is-subartikolu għandu, sakemm ma jiġix ippruvat kuntrarju, jitqies li hu dak il-ktieb, *record* jew kopja, skond il-każ.

15. (1) Jekk xi żejt jew oġġett ieħor li jniġġeż jew taħlita li jkun fiha żejt jew oġġett ieħor li jniġġeż —

Dmir ta' kaptani
li jirrapportaw
tfieġh f'ibhra
territorjali.

(a) tintefa' minn biċċa tal-baħar fl-ibhra territorjali ta' Malta; jew

(b) tinsab li tkun qed tnixxi, jew li tkun nixxiet, minn biċċa tal-baħar f'dawk l-ibhra territorjali; jew

(ċ) tinsab li tkun qed tnixxi, jew li tkun nixxiet, f'dawk l-ibhra minn post fuq l-art jew post fuq wiċċ il-baħar;

is-sid jew il-kaptan tal-bastiment, jew il-persuna li tokkupa l-post fuq l-art jew il-post fuq wiċċ il-baħar, skond il-każ, għandhom minnufih jirrapportaw il-ġrajja lid-Direttur tal-Portijiet fejn jindikaw taħt liema paragrafu ta' dan is-subartikolu tkun saret il-ġrajja u fejn jagħtu dawk id-dettalji li jkunu meħtieġa minn dak id-Direttur.

(2) Jekk persuna tonqos li tagħmel rapport kif meħtieġ fis-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat u tehel meta tinsab hatja multa ta' mhux iżjed minn £500.

16. (1) Il-Ministru jista' jagħmel regolamenti li jeħtieġu lil kaptani ta' bastimenti Maltin jew persuni li jkunu fil-kmand ta' inġenji ta' l-ajru Maltin li jirrapportaw —

Rapport ta'
aċċidenti ta'
tniġġiż.

(a) kull aċċidenti jew disgrazzji li jkunu qed iġibu jew li jistgħu jgħibu tniġġiż tal-baħar b'žejt jew b'oġġett ieħor li jniġġeż; u

(b) il-preżenza, il-karatteristiċi u l-limitu ta' żejt jew oġġett ieħor li jniġġeż li jkun ġie osservaġ fuq jew fil-baħar,

lil kull awtorità jew organizzazzjoni bħal dik preskritta u f'dik il-forma u b'dak il-mod kif jiġi preskritt.

(2) Jekk kaptan ta' bastiment Malti jew persuna li tkun fil-kmand ta' inġenju ta' l-ajru Malti jonqsu li jagħmlu rapport kif meħtieġ b'xi regolamenti magħmula taħt is-subartikolu (1) ta' dan l-artikolu, jeħlu, meta jinsabu hatja, multa ta' mhux iżjed minn £500.

TAQSIMA V

Indħil f'Kazijiet ta' Disgrazzji ta' Tniġġiż taż-Żejt

17. (1) Is-setgħat mogħtija b'dan l-artikolu għandhom ikunu eżerċitabbli meta —

Disgrazzji ta'
bastimenti.

(a) ikun inqala' aċċident fuq jew go bastiment; u

(b) fil-fehma tal-Ministru, żejt jew oġġett ieħor li jniggeż mill-bastiment se johloq jew jista' johloq tniġġiż fuq skala kbira f'Malta jew fl-ilmijiet f'Malta jew hdejn Malta sal-limitu ta' lejn il-baħar ta' l-ibħra territorjali; u

(ċ) fil-fehma tal-Ministru, l-użu tas-setgħat mogħtija b'dan l-artikolu jkun meħtieġ b'urġenza, u jkunu eżerċitabbli suġġetti għad-disposizzjonijiet ta' dan l-Att.

(2) Sabiex jiġi evitat jew jitnaqqas it-tniġġiż, il-Ministru jista' jagħti direttivi dwar il-bastiment jew it-tagħbija tiegħu —

(a) lis-sid tal-bastiment, jew lil kull persuna oħra li jkollha bastiment fil-pussess tagħha; jew

(b) lill-kaptan tal-bastiment; jew

(ċ) lil kull *salvor* li jkollu bastiment fil-pussess tiegħu, jew lil kull persuna li tkun l-impjegata jew l-aġent ta' xi *salvor* li jkollu bastiment fil-pussess tiegħu, u li tkun inkarigata mill-operazzjoni tas-salvataġġ.

(3) Direttivi mogħtija taħt is-subartikolu (2) ta' dan l-artikolu jistgħu jeħtieġu lill-persuna li lilha jingħataw li tiegħu, jew li ma teħux, xi azzjoni ta' xi xorta tkun li tkun, bla ħsara għall-ġeneralità tad-disposizzjonijiet ta' qabel ta' dan is-subartikolu d-direttivi jistgħu jeħtieġu —

(a) li l-bastiment għandu jiġi mċaqlaq, jew li ma jiċċaqlaqx, jew li jitqiegħed f'post speċifikat, jew li għandu jitneħħa minn area jew lokalità speċifikata; jew

(b) li l-bastiment m'għandux jitqiegħed f'post jew area speċifikata, jew m'għandux iġhaddi fuq rotta speċifikata; jew

(ċ) li xi żejt jew oġġett ieħor li jniggeż jew tagħbija għandha, jew m'għandhiex tinħatt jew tintefa; jew

(d) li miżuri ta' salvataġġ speċifikati għandhom, jew m'għandhomx jittieħdu.

(4) Jekk fil-fehma tal-Ministru, is-setgħat mogħtija bis-subartikolu (2) ta' dan l-artikolu jkunu, jew ikunu nstabu li huma, mhux biżżejjed għal dak il-għan, il-Ministru jista', sabiex jiġi evitat jew jitnaqqas it-tniġġiż, jew ir-riskju ta' tniġġiż, jieħu, dwar il-bastiment jew it-tagħbija tiegħu, kull azzjoni ta' kull xorta tkun li tkun, u bla ħsara għall-ġeneralità tad-disposizzjonijiet ta' qabel ta' dan is-subartikolu l-Ministru jista' —

(a) jieħu kull azzjoni li huwa għandu s-setgħa li jeħtieġ li tittieħed b'direttiva taħt dan l-artikolu;

(b) jagħmel dawk l-operazzjonijiet biex jiġi mġharraq jew distrutt il-bastiment, jew xi parti minnu, li jkunu ta' dik ix-xorta li ma tkunx tista' ssir minn persuna li lilha hu jista' jagħti direttivi;

(ċ) jagħmel dawk l-operazzjonijiet li jinvolve t-tehid tal-kontroll tal-bastiment.

(5) Is-setgħat tal-Ministru taħt is-subartikolu (4) ta' dan l-artikolu jkunu eżerċitabbli wkoll minn dawk il-persuni li jistgħu jiġu awtorizzati għal hekk f'isem il-Ministru.

(6) Kull persuna li jkollha x'taqsam mat-tharis ta' direttiva mogħtija, jew azzjoni li tittiehed, taħt dan l-artikolu għandha tagħmel mill-aħjar li tista' biex tevita kull riskju għall-ħajja umana.

(7) Id-disposizzjonijiet ta' dan l-artikolu u ta' l-artikolu 20 ta' dan l-Att huma bla ħsara għal kull drittijiet jew setgħat tal-Gvern ta' Malta eżerċitabbli barra minn dawk l-artikoli sew jekk taħt liġi internazzjonali jew xort'oħra.

(8) Qed jiġi b'dan dikjarat li kull azzjoni li tittiehed dwar bastiment li jkun taħt arrest jew dwar it-tagħbija ta' bastiment bħal dak, li tkun azzjoni li tittiehed skond direttiva mogħtija taħt dan l-artikolu, jew li tkun xi azzjoni li tittiehed skond is-subartikolu (4) jew (5) ta' dan l-artikolu ma tkunx disprezz ta' qorti.

(9) F'dan l-artikolu, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra —

“accident” tinkludi telf, inkaljurata, jew abbandun ta' bastiment jew ħsara li tiġġarrabu; u

“speċifikat”, dwar direttiva mogħtija taħt dan l-artikolu, tfisser speċifikata bid-direttiva.

18. (1) Jekk xi azzjoni li tittiehed kif imiss minn persuna skond direttiva mogħtija lilu taħt l-artikolu 17 ta' dan l-Att, jew xi azzjoni li tittiehed taħt is-subartikolu (4) jew (5) ta' dak l-artikolu —

Jedd għal għbir lura dwar telf jew ħsara mhux xierqa.

(a) ma kenitx raġonevolment meħtieġa biex jiġi evitat jew imnaqqas it-tniġġiż, jew ir-riskju ta' tniġġiż; jew

(b) kienet hekk li l-għid li għamlet jew li x'aktarx kienet tagħmel kien żgħir b'paragun ma' l-ispiza li tkun saret, jew mal-ħsara li tiġġarrab, bħala riżultat ta' l-azzjoni,

persuna li tagħmel l-ispiza jew li gġarrab il-ħsara bħala riżultat ta', jew billi hadet hija stess. l-azzjoni, ikollha l-jedd li tiġbor lura l-kumpens mingħand il-Ministru.

(2) Meta jiġi kkunsidrat jekk japplikax dan l-artikolu, għandu jiġi meqjus —

(a) il-kobor u r-riskju tat-tniġġiż kieku l-azzjoni ma tkunx ittieħdet;

(b) kemm dik l-azzjoni kienet mistennija li tkun effettiva; u

(c) il-kobor tal-ħsara li tkun iġġarrbet minħabba l-azzjoni.

(3) Kull riferenza f'dan l-artikolu għat-teħid ta' kull azzjoni tinkludi riferenza għat-tharis ta' direttiva li ma tittieħdx xi azzjoni speċifikata.

(4) Il-Qorti tal-Kummerċ ikollha ġurisdizzjoni li tisma' u tiddeċiedi kull talba li tinqala' taħt dan l-artikolu.

19. (1) Jekk il-persuna li lilha tkun ingħatat direttiva skond l-artikolu 17 ta' dan l-Att tikser, jew tonqos li thares, xi ħtieġa tad-direttiva, tkun hatja ta' reat.

Reati dwar l-artikolu 17

(2) Jekk persuna bir-rieda tfixkel lil xi persuna li tkun —

(a) qed taġixxi f'isem il-Ministru dwar l-għoti jew in-notifika ta' direttiva skond l-artikolu 17 ta' dan l-Att;

(b) qed taġixxi skond direttiva skond dak l-artikolu; jew

(c) qed taġixxi skond is-subartikolu (4) jew (5) ta' dak l-artikolu,

tkun hatja ta' reat.

(3) Fi proċedimenti għal reat taħt is-subartikolu (1) ta' dan l-artikolu, l-akkużat jista' jiddefendi ruħu billi jipprova li huwa uza d-diligenza kollha xierqa biex jiżgura t-tħaris tad-direttiva jew li kellu raġuni tajba li jahseb li bit-tħaris tad-direttiva kien ikun hemm riskju serju għall-ħajja umana.

(4) Persuna hatja ta' reat taħt dan l-artikolu tehel, meta tinsab hatja, multa ta' mhux inqas minn £250 u mhux iżjed minn £50,000.

Applikazzjoni ta' l-artikoli minn 17 sa 19 għal bastimenti barranin.

20. (1) Il-Ministru jista' b'ordni fil-Gazzetta jipprovdi li l-artikoli minn 17 sa 19 ta' dan l-Att, flimkien ma' kull disposizzjonijiet oħra ta' din it-Taqsima ta' dan l-Att dikjarati fl-ordni, japplikaw għal bastiment —

(a) li ma jkunx bastiment reġistrat f'Malta; u

(b) li għal dak iż-żmien ikun barra l-ibhra territorjali ta' Malta,

f'dawk il-każijiet u ċ-ċirkostanzi li jistgħu jiġu speċifikati fl-ordni, u soġġett għal dawk l-eċċezzjonijiet, adattamenti u modifikazzjonijiet, jekk ikun hemm, li jiġu hekk speċifikati.

(2) Hlief kif provdut b'ordni magħmul skond is-subartikolu (1) ta' dan l-artikolu, ebda direttiva skond l-artikolu 17 ta' dan l-Att m'għandha tapplika għal bastiment li ma jkunx reġistrat f'Malta u li għal dak iż-żmien ikun barra l-ibhra territorjali ta' Malta, u m'għandha tittiehed ebda azzjoni skond is-subartikolu (4) jew (5) ta' l-artikolu 17 ta' dan l-Att dwar xi bastiment bħal dak.

TAQSIMA VI

Rimi fil-Baħar

Restrizzjonijiet fuq rimi fil-baħar.

21. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, ebda persuna ma għandha, hlief skond liċenza mogħtija taħt l-artikolu 22 ta' dan l-Att u skond il-kondizzjonijiet ta' dik il-liċenza —

(a) tarmi xi sustanza jew oġġett fl-ibhra territorjali ta' Malta; jew

(b) tarmi xi sustanza jew oġġett fil-baħar barra l-ibhra territorjali ta' Malta minn bastiment Malti, jew inġenju ta' l-ajru Malti jew struttura tal-baħar Maltija; jew

(ċ) tghabbi xi sustanza jew oġġett fuq biċċa tal-baħar, inġenju ta' l-ajru jew struttura tal-baħar f'Malta jew fl-ibhra territorjali ta' Malta sabiex tarmiha fil-baħar, sew jekk fl-ibhra territorjali ta' Malta sew jekk le; jew

(d) iġġieghel jew thalli xi sustanza jew oġġett jintremew jew jitgħabbew kif imsemmi fil-paragrafu (a), (b) jew (ċ) ta' hawn fuq.

(2) Bla ħsara għas-subartikoli (3), (4) u (5) ta' dan l-artikolu, sustanzi u oġġetti jintremew fil-baħar għall-finijiet ta' din it-Taqsima ta' dan l-Att jekk ikunu permanentement depożitati fil-baħar minn vettura, biċċa tal-baħar, inġenju ta' l-ajru jew struttura tal-baħar jew minn struttura fuq l-art mibnija jew adattata għal kollox jew prinċipalment sabiex jiġu depożitati solidi fil-baħar.

(3) Tfiiegħ li hu inċidentalment għal jew li jiġi mill-operazzjoni normali ta' bastiment, inġenju ta' l-ajru, vettura jew struttura tal-baħar jew tagħmir tagħha ma jitqiesx li hu rimi għall-finijiet ta' din it-Taqsima ta' dan l-Att kemm-il darba l-bastiment, l-inġenju ta' l-ajru,

il-vettura jew l-istruttura tal-baħar li tkun ma tkunx mibnija jew adattata għal kollox jew prinċipalment sabiex teħles minn skart jew fdal u t-tfiegh jġri bħala parti mill-operazzjoni tagħha għal dak il-għan.

(4) Bla ħsara għad-disposizzjonijiet tas-subartikoli (5), (6) u (7) ta' dan l-artikolu, kull persuna li tikser xi waħda mid-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat u teħel, meta tinsab hatja, multa ta' mhux iżjed minn £10,000 jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew dik il-multa u prigunerija flimkien.

(5) Persuna akkużata b'reat taħt is-subartikolu (4) ta' dan l-artikolu tista' tiddefendi ruħha billi tipprova —

(a) li dawk is-sustanzi jew l-oġġetti ntremew sabiex tiġi żgurata s-sigurtà ta' biċċa tal-baħar, inġenju ta' l-ajru jew struttura tal-baħar jew biex tiġi salvata ħajja; u

(b) li tkun ħadet passi fi żmien xieraq biex tgħarraf lill-Ministru li r-rimi jkun sar u dwar il-lokalità u ċ-ċirkostanzi li fihom dan ikun ġara u x-xorta u l-kwantità ta' sustanzi jew oġġetti mormija,

kemm-il darba l-qorti ma tkunx sodisfatta li r-rimi ma kienx meħtieġ għal xi wieħed mill-għanijiet imsemmija u li dak ir-rimi ma kienx il-pass xieraq li għandu jittieħed fiċ-ċirkostanzi.

(6) Persuna akkużata b'reat taħt is-subartikolu (4) ta' dan l-artikolu tista' tiddefendi ruħha billi tipprova dwar sustanzi u oġġetti mormija barra mill-ibħra territorjali ta' Malta minn bastiment jew inġenju ta' l-ajru Malti li dawn tgħabbewlu fi Stat tal-Konvenzjoni u li r-rimi kien awtorizzat b'licenza maħruġa minn awtorità responsabli f'dak l-Istat.

22. (1) Fid-deċizzjoni tiegħu dwar jekk għandux jagħti licenza jew le, il-Ministru għandu jqis kull Konvenzjoni fuq rimi fil-baħar li fiha Malta tkun parti u l-htieġa li jħares l-ambjent tal-baħar u r-rizorsi hajjin li jgħixu fih minn kull konsegwenzi ħżiena tar-rimi ta' sustanzi jew oġġetti li għalihom tkun tirreferi l-licenza, jekk din tiġi mogħtija; u l-Ministru jista' jinkludi f'licenza dawk il-kondizzjonijiet li fil-fehma tiegħu jkunu meħtieġa jew spedjenti sabiex jithares dak l-ambjent u dawk ir-rizorsi minn kull konsegwenzi bħal dawk, u sabiex tkun imħarsa kull Konvenzjoni kif intqal qabel. Licenzi.

(2) Il-Ministru jista' jibdel jew jirrevoka licenza jekk fil-fehma tiegħu dik il-licenza għandha tinbidel jew tiġi revokata min-ħabba ksur ta' kondizzjoni li jkun hemm fiha jew tibdil fiċ-ċirkostanzi dwar l-ambjent tal-baħar jew ir-rizorsi hajjin li jgħixu fih, magħdud tibdil fil-għerf xjentifiku jew biex tinghata effett lil xi Konvenzjoni kif intqal qabel.

(3) Il-Ministru jista' jeħtieġ lil kull applikant għal licenza —

(a) li jhallas dak id-dritt ma' l-applikazzjoni għaliha kif jista' jiġi preskritt;

(b) li jagħti dak it-tagħrif u jhalli li jsir dak l-eżami u li jittieħdu kampjuni tas-sustanzi jew oġġetti li jkun irid jarmi, jew ta' sustanzi jew oġġetti bħalhom, u li jagħti dak it-tagħrif dwar il-mod li hu jkun jixtieq juża, kif il-Ministru jidhirlu meħtieġ jew spedjenti;

(ċ) li jhallas dak l-ammont, b'zieda ma' kull dritt taħt il-paragrafu (a) ta' dan is-subartikolu, kif il-Ministru jista' jiddeċiedi biex isiru kull provi li fil-fehma tal-Ministru jkunu meħ-

tiegħa sabiex ikun jista' jiddeċiedi jekk għandhiex tingħata liċenza u l-kondizzjonijiet li xi liċenza li tingħata għandu jkollha, u b'mod partikolari kull spiża li ssir dwar xi *monitoring* biex jiġi stabbilit l-effett li r-rimi jista' jkollu jew kellu fuq l-ambjent tal-baħar u r-rizorsi hajjin li jgħixu fih.

(4) Liċenza —

- (a) għandha tispeċifika l-persuna li lilha tkun għet mogħtija;
- (b) għandha tghid jekk għandhiex tibqa' fis-seħħ sakemm tiġi revokata jew sakemm jiskadi ż-żmien speċifikat fil-liċenza;
- (ċ) għandha tispeċifika l-kwantità u d-deskrizzjoni ta' sustanzi jew oġġetti li għaliha tirreferi; u
- (d) tista' tagħmel disposizzjonijiet u kondizzjonijiet differenti dwar xortiet differenti ta' sustanzi jew oġġetti.

(5) Il-Ministru jista' jittrasferixxi liċenza mingħand id-detentur lil kull persuna oħra fuq applikazzjoni ta' dik il-persuna jew tad-detentur, iżda jkollu s-setgħa li jinkludi kondizzjonijiet addizzjonali f'liċenza meta jittrasferiha.

(6) Kull persuna li biex tikseb l-għoti jew it-trasferiment ta' liċenza, jew sabiex taqdi xi dmir impost fuqha bħala kondizzjoni ta' liċenza, xjentement jew bi traskuraġni tagħmel dikjarazzjoni falza jew xjentement jew bi traskuraġni tipproduċi, tagħti, tiffirma jew xort'oħra tagħmel użu minn dokument li jkun fih dikjarazzjoni falza tkun hatja ta' reat u teħel meta tinsab hatja multa ta' mhux iżjed minn £1,000 jew prigunerija għal żmien ta' mhux iktar minn sitt xhur, jew dik il-multu u prigunerija flimkien.

Id-disposizzjonijiet dwar ir-rimi jiġu nferzati.

23. (1) Il-Ministru jista' jinkariga lil dawk l-uffiċjali pubbliċi jew persuni oħra li jidhirlu xierqa (f'din it-Taqsima ta' dan l-Att imsejja "uffiċjali eżekuttivi") biex jiżguraw it-tħaris ta' din it-Taqsima ta' dan l-Att u l-pattijiet u l-kondizzjonijiet ta' kull liċenza mogħtija minnu taħt l-artikolu 22 ta' l-Att.

(2) Fil-qadi ta' dmirijietu, uffiċjal eżekuttiv —

- (a) jista' f'kull hin xieraq jidhol f'kull post u jitla' fuq kull vettura, biċċa tal-baħar jew struttura tal-baħar, u jispezzjonahom, u sew ma' persuni u b'tagħmir biex ighinuh fid-dmirijiet tiegħu, kemm mingħajrhom;
- (b) jista' jiftaħ kull reċipjent u jeżamina u jieħu kampjun ta' kull sustanza jew oġġett;
- (ċ) jista' jeżamina tagħmir u jeħtieġ lil kull persuna inkarigata minnu li tagħmel dak kollu li fil-fehma ta' l-uffiċjal ikun meħtieġ biex jiġi facilitat l-eżami;
- (d) jista' jeħtieġ lil kull persuna li tipproduċilu kull liċenza, *records* jew dokumenti oħra dwar ir-rimj ta' sustanzi jew oġġetti fil-baħar u li jkun fil-kustodja jew fil-pussess tagħha;
- (e) jista' jeħtieġ lil kull persuna abbord biċċa tal-baħar, inġenju ta' l-ajru jew struttura tal-baħar li tipproduċi kull *record* jew dokumenti oħra li jirreferu għalihom u li jkunu fil-kustodja jew fil-pussess tagħha;
- (f) jista' jieħu kopji ta' kull dokument prodott taħt xi wieħed mill-paragrafi ta' qabel ta' dan is-subartikolu; u
- (g) jista' jeħtieġ l-attendenza quddiemu ta' kull persuna li jkun jidhirlu meħtieġa jew spedjenti li jeżamina.

24. Il-Ministru jista' b'ordni fil-Gazzetta jiddikjara —

Rinforz ta'
Konvenz-
jonijiet eċċ.
dwar ir-rimi.

(a) li kull proċedura li tkun giet imwaqqfa għall-applikazzjoni effettiva ta' Konvenzjoni dwar ir-rimi fil-baħar li fiha Malta tkun parti, u li tkun speċifikata fl-ordni, tkun proċedura aċċettata bejn Malta u l-Gvern ta' l-Istat tal-Konvenzjoni li jkun bl-istess mod speċifikat; u

(b) li s-setgħat mogħtija bl-artikolu 23 ta' dan l-Att, jistgħu jiġu eżerċitati, sabiex tiġi nferzata dik il-proċedura, barra l-ibhra territorjali ta' Malta —

(i) dwar bastiment Malti minn persuna awtorizzata li tinforzaha mill-Gvern ta' dak l-Istat (hawnhekk iżjed 'il quddiem imsejha "uffiċjal barrani eżekuttiv"); u

(ii) dwar bastiment ta' dak l-Istat, minn uffiċjal eżekuttiv,

u meta jkun sar ordni taħt dan l-artikolu s-setgħat mogħtija bl-artikolu 23 ta' dan l-Att għandhom ikunu eżerċitabbli skond dak l-ordni.

25. (1) Uffiċjal eżekuttiv jew uffiċjal barrani eżekuttiv ma jkunx responsabbli f'xi proċedimenti ċivili jew kriminali għal xi haġa li tkun tidher li qed issir fl-eżerċizzju tas-setgħat mogħtija lilu b'din it-Taqsima ta' dan l-Att jekk il-qorti tkun sodisfatta li l-egħmil ikun sar in *bona fide* u li kien hemm raġunijiet xierqa biex hekk jagħmel.

Disposiz-
zjonijiet
mixxellanji
dwar uffiċjali
eżekuttivi.

(2) Kull persuna li —

(a) mingħajr raġuni xierqa tonqos li tħares xi htieġa mposta, jew li twieġeb għal xi mistoqsija, mill-uffiċjal eżekuttiv jew minn uffiċjal barrani eżekuttiv taħt din it-Taqsima ta' dan l-Att;

(b) mingħajr raġuni xierqa ma thallix, jew tipprova ma thallix, lil xi persuna oħra tħares xi htieġa bħal dik jew twieġeb xi mistoqsija bħal dik; jew

(ċ) tattakka lil xi uffiċjal bħal dak waqt l-eżerċizzju ta' xi setgħat mogħtija lilu b'din jew bis-saħħa ta' din it-Taqsima ta' dan l-Att jew tfixkel lil xi uffiċjal bħal dak fl-eżerċizzju ta' xi waħda minn dawk is-setgħat,

tkun hatja ta' reat.

(3) Persuna hatja ta' reat taħt dan l-artikolu tehel, meta tinsab hatja, fil-każ ta' l-ewwel reat multa ta' mhux iżjed minn £200, u fil-każ tat-tieni reat jew reat ieħor wara multa ta' mhux iżjed minn £1,000, dwar kull wiehed minn dawk ir-reati.

26. (1) F'kull proċedimenti ċivili jew kriminali, dikjarazzjoni bil-miktub li tidher li tkun rapport magħmul minn uffiċjal eżekuttiv jew minn uffiċjal barrani eżekuttiv fuq hwejjeġ li jkunu ġew aċċertati fl-eżerċizzju tas-setgħat tiegħu taħt din it-Taqsima ta' dan l-Att tiġi milqugħa bħala prova l-istess bħal xiehda bil-fomm f'dak is-sens minn dak l-uffiċjal.

Xiehda.

(2) Is-subartikolu (1) ta' dan l-artikolu għandu jittiehed b'żieda ma', u mhux b'deroga ta', id-disposizzjoni ta' xi liġi oħra dwar l-ilqugh u l-ammissibilità ta' prova b'dokumenti.

TAQSIMA VII

Disposizzjonijiet Generali

Setgħa
għall-egħmil ta'
regolamenti,
eċċ.

27. (1) Bla hsara għas-setgħat mogħtija bid-disposizzjonijiet ta' qabel ta' dan l-Att, il-Ministru jista' jagħmel dawk ir-regolamenti, regoli jew ordnijiet, jew jagħti dawk id-direttivi, li fil-fehma tiegħu jkunu meħtieġa jew spedjenti sabiex isehħu kull waħda mid-disposizzjonijiet ta' dan l-Att, u b'mod partikolari, iżda bla hsara għall-ġeneralità ta' dak li ntqal qabel, il-Ministru jista' jagħmel regolamenti —

(a) li jippreskrivu sustanzi u klassijiet ta' sustanzi li huma, għall-finijiet ta' dan l-Att, oġġetti li jniġġżu;

(b) dwar il-bini ta' bastimenti li jgħorru żejt jew oġġetti oħra li jniġġżu u t-tgħammir, manutenzjoni, il-provi u l-użu ta' tagħmir elettroniku jew tagħmir ieħor tan-navigazzjoni fuq dawk il-bastimenti, b'zieda ma' kull tagħmir ieħor meħtieġ b'xi disposizzjoni ta' l-Att ta' l-1973 dwar il-Bastimenti Merkantili jew ta' xi regolamenti magħmula bis-saħħa tiegħu;

(ċ) dwar il-provvisti u tagħmir li għandhom jingarru u t-tagħmir u l-installazzjonijiet li jkunu meħtieġa fuq bastimenti li jgħorru żejt jew oġġetti oħra li jniġġżu għat-tqandil taż-żejt jew oġġett ieħor li jniġġż u biex isir dak li jkun meħtieġ għal kull tfiegħ tagħhom;

(d) li jippreskrivu l-proċeduri li għandhom jitharsu meta żejt jew oġġett ieħor li jniġġż jitgħabba jew jinħatt minn bastiment fl-ibħra territorjali ta' Malta jew jiġi trasferit abbord bastiment f'dawk l-ibħra;

(e) li jippreskrivu l-provvisti u t-tagħmir li għandhom jinżammu minn operaturi ta' faċilitajiet fuq il-baħar u fuq l-art għal bastimenti biex jintużaw f'xi tfiegħ ta' żejt jew oġġett ieħor li jniġġż;

(f) li jippreskrivu l-miżuri għall-ħarsien ta' l-ambjent tal-baħar minn tniġġiż b'żibel u drenaġġ minn bastimenti;

(g) li jeħtieġu persuni li jkunu jagħmlu xi kummerċ, negozju jew manifattura f'Malta biex iqiegħdu dak it-tagħmir u jieħdu dawk il-miżuri l-oħra li jistgħu jiġu preskritti sabiex jiġi evitat jew ikkontrollat it-tniġġiż tal-baħar b'xi skart tal-kummerċ;

(h) li jippreskrivu l-kwantitajiet ta' żejt jew oġġetti oħra li jniġġżu għall-finijiet tat-tifsira "fi kwantitajiet" f'dan l-Att;

(i) dwar il-mod kif jinżamm l-iskart taż-żejt jew skart ieħor ta' bastimenti li jgħorru żejt jew oġġetti oħra li jniġġżu;

(j) li jippreskrivu kull haġa li hi meħtieġa jew awtorizzata b'dan l-Att li tiġi preskritta.

(2) Kull setgħa mogħtija lill-Ministru b'dan l-Att li jagħmel regolamenti, regoli jew ordnijiet, jew li jagħti direttivi, tinkludi s-setgħa —

(a) li jvarja, jibdel jew iħassar kull regolament, regola, ordni jew direttiva bħal dawk, mingħajr hsara għall-egħmil ta' regolament, regola jew ordni godda, jew għall-ghoti ta' direttiva ġdida;

(b) bla hsara għal dawk il-limitazzjonijiet jew disposizzjoni oħra espressa li tinsab f'dan l-Att, li tippovdi għal multa jew ammenda ta' mhux iktar minn £10,000 jew prigunerija għal mhux iktar minn sitt xhur, jew it-tnejn, u għal kull sanzjoni oħra li l-Ministru jidhirlu xierqa;

(ċ) li jagħmel dawk id-disposizzjonijiet tranzitorji, incidentali jew supplementari li fil-fehma tal-Ministru jkunu xierqa.

(3) Regolamenti, regoli u ordnijiet magħmula, u ordnijiet mogħtija taħt xi waħda mid-disposizzjonijiet ta' dan l-Att jistgħu jsiru jew jingħataw bl-ilsien Inġliż biss.

28. (1) Il-Ministru jista' jaħtar jew isemmi xi persuna bħala spettur biex tirrapportalu, jew b'mod ġenerali jew għal għanijiet speċifikati jew fi grajjiet speċjali, — Setgħat ta' spettur

(a) jekk il-projbizzjonijiet, ir-restrizzjonijiet u l-obbligi mposti bis-saħħa ta' dan l-Att ġewx imħarsa;

(b) liema miżuri għandhom jew ikun hemm hteġa li jitteħdu biex jiġi evitat it-tfiegħ ta' żejt jew oġġetti oħra li jniġġżu.

(2) Persuna mahtura jew imsemmija skond is-subartikolu (1) ta' dan l-artikolu jkollha s-setgħa —

(a) li titla' abbord kull biċċa tal-baħar u tispezzjonaha jew tispezzjona xi parti minnha jew kull haġa mill-makkinarju, dgħajjes, tagħmir jew oġġetti li jkunu abbord u kull tagħmir biex jittrasferixxi żejt jew oġġett ieħor li jniġġeż, għall-fini tas-subartikolu (1) ta' dan l-artikolu u biex jiġu aċċertati ċ-ċirkostanzi dwar tfiegħ taż-żejt allegat mill-biċċa tal-baħar għal go l-ibhra;

(b) li titla' abbord kull biċċa tal-baħar li tkun fi-ibhra territorjali ta' Malta u li jkollha suspett li tkun fi triqtha għal post f'Malta, u li tagħmel dawk l-ispezzjonijiet tal-biċċa tal-baħar li bihom tkun tista' tistabbilixxi jekk il-biċċa tal-baħar tkunx tħares kull waħda mid-disposizzjonijiet ta' dan l-Att jew tar-regolamenti magħmula bis-saħħa tiegħu li jkunu japplikaw għaliha;

(ċ) li titla' abbord kull biċċa tal-baħar u tagħmel prova lil kull tagħmir li jkun abbord li bih il-biċċa tal-baħar għandha tkun mgħammra skond regolamenti magħmula taħt dan l-Att;

(d) li teħtieġ il-produzzjoni ta' kull *record book* li għandu jingarr u kull *records* li għandhom jinżammu skond regolamenti magħmula taħt dan l-Att;

(e) li titla' abbord kull bastiment tal-Konvenzjoni waqt li l-bastiment ikun f'port jew fi stazzjon f'Malta, u li teħtieġ il-produzzjoni ta' kull *record book*, dokument jew ċertifikat li skond il-Konvenzjoni għandu jingarr;

(f) li tikkopja kull reġistrazzjoni minn kull ktieb jew *record* bħal dawk u li teħtieġ lill-kaptan jiċċertifika l-kopja bħala vera kopja tar-reġistrazzjoni;

(g) li tordna kull bastiment li jitlaq mill-ibhra territorjali ta' Malta fuq dik ir-rotta u b'dak il-mod li tista' tordna, li jibqa' barra minn dawk l-ibhra jew li jmur u jirmigga, jankra jew jibqa' għal hin xieraq speċifikat minnha u f'port magħżul minnha li jkun fi-ibhra territorjali ta' Malta —

(i) jekk tissospetta, fuq raġunijiet xierqa, li l-bastiment ma jkunx iħares xi waħda mid-disposizzjonijiet ta' dan l-Att jew mir-regolamenti magħmula bis-saħħa tiegħu li jkunu jew jistgħu jkunu japplikaw għalih; jew

(ii) jekk, minħabba t-temp, viżibilità, kondizzjonijiet tal-baħar, il-kondizzjoni tal-bastiment jew xi tagħmir tiegħu,

jew minhabba xi nuqqas fl-ekwipaġġ tiegħu jew il-kondizzjoni tat-tagħbija, tkun sodisfatta li dak l-ordni jkun ġustifikat biex jiġi evitat it-tfiegħ ta' żejt jew oġġett ieħor li jniġġeż;

(h) tordna lil kull bastiment li hi tissospetta, fuq raġunijiet xierqa, li jkun qed iġorr żejt jew oġġett ieħor li jniġġeż, li jgħaddi mill-ibħra territorjali ta' Malta fuq dik ir-rotta preskritta minnha u b'rata ta' heffa li ma tkunx iktar mir-rati msemmija minnha; u

(i) meta tkun mgħarrfa li kwantità sostanzjali ta' oġġett li jniġġeż tkun giet mitfugħa fl-ibħra territorjali ta' Malta jew li tkun dahlet f'dawk l-ibħra, jew meta fuq raġunijiet xierqa tkun sodisfatta li jkun hemm periklu kbir u imminenti ta' tfiegħ sostanzjali ta' oġġett li jniġġeż —

(i) tordna lill-bastimenti kollha f'area speċifikata ta' l-ibħra territorjali ta' Malta li jirrapportawha l-pożizzjoni tagħhom; u

(ii) tordna lil kull bastiment li jieħu sehem fit-tnaddif ta' dak iż-żejt jew oġġett ieħor li jniġġeż jew f'kull azzjoni biex jiġi kontrollat jew jitwaqqaf it-tniġġiż.

(3) Spettur li jeżerċita xi waħda mis-setgħat mogħtija bis-subartikolu (2) ta' dan l-artikolu m'għandux mingħajr hteieġa jzomm jew idewwem lill-bastiment milli jkompli fuq il-vjaġġ tiegħu.

(4) Kull setgħa mogħtija b'dan l-artikolu biex xi tagħmir abbord bastiment issirlu prova għandha tiftiehem li tinkludi setgħa li tehtieġ persuni abbord il-bastiment li jagħmlu dak ix-xogħol li jkun meħtieġ biex it-tagħmir tkun tista' ssirlu l-prova.

(5) Ikun dovut u jkollu jithallas lis-sid ta' kull bastiment kumpens għal servizzi mogħtija minn dak il-bastiment skond ordni mogħti taht is-sub-paragrafu (ii) tal-paragrafu (i) tas-subartikolu (2) ta' dan l-artikolu.

(6) Jekk xi persuna tfixkel jew tipprova tfixkel lil xi spettur milli jitla' abbord xi biċċa tal-baħar jew xort'ohra ma thallihx jew tipprova ma thallihx jaqdi d-dmirijiet jew il-funzjonijiet tiegħu skond dan l-artikolu, jew tonqos mingħajr raġuni xierqa li thares xi hteieġa legittima ta' l-ispettur, jew ma thallix jew tipprova ma thallix lil xi persuna ohra thares xi hteieġa bħal dik jew xjentement tagħmel dik-jarazzjoni falza jew qarrieqa jew bil-fomm jew bil-miktub, lil spettur, dik il-persuna tehel għal kull reat multa ta' mhux iżjed minn £1,000.

Konvenzjonijiet dwar tniġġiż jiġu nferzati.

29. (1) Jekk il-Ministru jkun sodisfatt —

(a) li l-Gvern ta' xi pajjiż ikun aċċetta, jew ikun iddenunzja Konvenzjoni; jew

(b) li Konvenzjoni tapplika, jew ma tkunx baqgħet tapplika, għal xi territorju,

hu jista', b'ordni fil-Gazzetta, jagħmel dikjarazzjoni f'dak is-sens.

(2) F'dan l-Att "Konvenzjoni" tfisser Konvenzjoni li fiha l-Gvern ta' Malta jkun parti u li tkun tirreferi, jew safejn tkun tirreferi, għall-harsien mit-tniġġiż tal-baħar.

Setgħa għall-applikazzjoni ta' ċerti disposizzjonijiet għal bastimenti reġistrati f'Malta.

30. (1) Il-Ministru jista' b'ordni fil-Gazzetta jordna li, bla hsara għal dawk l-eċċezzjonijiet u modifiki li jistgħu jiġu speċifikati fl-ordni, kull disposizzjoni ta' dan l-Att jew ta' kull regolament magħmul bis-saħħa tiegħu, li ma japplikax għal bastimenti reġistrati f'pajjiżi jew territorji barra minn Malta jkun japplikaw għal dawk

il-bastimenti kull meta dawn ikunu f'port f'Malta, jew meta jkunu fl-ibhira territorjali ta' Malta waqt li dawn ikunu fi triqthom għal jew minn port f'Malta.

(2) Ordni magħmul taħt is-subartikolu (1) ta' dan l-artikolu m'għandux isir hekk li jimponi htigiet differenti dwar bastimenti ta' pajjiżi jew territorji differenti; iżda jekk il-Ministru jkun sodisfatt, dwar xi pajjiż jew territorju, li bastimenti reġistrati hemmhekk ikunu meħtieġa bil-liġi ta' dak il-pajjiż jew territorju li jharsu disposizzjonijiet li sostanzjalment huma xorta, jew li għandhom l-istess effett, bhall-htigiet imposti bis-saħħa ta' l-ordni, il-Ministru jista' b'ordni fil-Gazzetta jordna li daww il-htigiet m'għandhomx japplikaw għal xi bastiment reġistrat f'dak il-pajjiż jew territorju jekk il-bastiment ikun iħares daww id-disposizzjonijiet li japplikaw għalih taħt il-liġi ta' dak il-pajjiż jew territorju.

(3) Ebda disposizzjoni ma għandha bis-saħħa ta' ordni magħmul taħt dan l-artikolu tapplika għal xi bastiment bħala li hu f'port f'Malta, jew fi triqtu minn jew għal dak il-port, jekk il-bastiment ma kienx ikun f'dak il-port, jew skond il-każ, fi triqtu għal jew mill-port, kieku mhux minħabba t-temp jew xi ċirkostanzi oħra li la l-kaptan lanqas is-sid lanqas il-kerrej (jekk ikun hemm) tal-bastiment ma seta' jevita jew jipprevjeni.

31. (1) Meta l-Ministru jkollu raġuni xierqa jaħseb li xi żejt jew oġġett ieħor li jniġġeż jew xi tahlita ta' żejt jew oġġett ieħor li jniġġeż tkun għet mitfugħa minn xi bastiment u s-sid tal-bastiment ikun sar responsabbli taħt l-artikolu 8 jew l-artikolu 10 ta' dan l-Att, il-bastiment jista' jiġi miżmum sakemm is-sid jew l-assiguraturi tal-bastiment jiddepożitaw mal-Gvern somma flus, jew jagħtu dik il-garanzija, li fil-fehma tal-Ministru tkun biżżejjed biex tkopri r-responsabbiltà tas-sid skond daww l-artikoli.

Setgħa biex
jiażamm
bastiment.

(2) Jekk bastiment jipprova jitlaq minn port f'Malta jew mill-ibhira territorjali ta' Malta jew minn stazzjon f'daww l-ibhira bi ksur ta' l-artikolu 22 ta' dan l-Att il-bastiment jista' jiġi miżmum.

(3) Meta bastiment għandu jew jista' jiġi miżmum kull uffiċjal b'kummissjoni fis-servizz militari ta' Malta, kull uffiċjal tal-pulizija mhux taħt il-grad ta' spettur, kull uffiċjal tad-Dwana, jew uffiċjal xieraq, jista' jzomm lill-bastiment; u jekk il-bastiment wara li jiġi miżmum, jew wara li jiġi notifikat lill-kaptan avviż ta' detenzjoni, isalpa qabel ma jiġi meħlus mill-awtorità kompetenti, il-kaptan tal-bastiment, kif ukoll is-sid u kull persuna li taġhti l-ordni biex il-bastiment isalpa, jekk dak is-sid jew dik il-persuna tkun haġet sehem biex jew qabiet li l-bastiment isalpa, ikunu haġta ta' reat u jehlu, meta jinsabu haġta, multa ta' mhux iżjed minn £50,000.

(4) Kull persuna awtorizzata skond dan l-artikolu li jzomm bastiment tista', jekk jidhirlha meħtieġ, tqiegħed pulizija jew gwardjan ieħor abbord u tiegħu daww il-miżuri l-oħra biex il-bastiment ma jithallix isalpa.

32. Meta s-sid jew il-kaptan ta' bastiment ikun instab haġta ta' reat skond id-disposizzjonijiet ta' dan l-Att u xi multa mposta taħt dan l-Att ma tithallasx fiż-żmien ordnat mill-qorti, il-qorti jkollha, b'żieda ma' kull setgħat biex tinforza l-ħlas, is-setgħa li tordna li l-ammont li jibqa' mhux imħallas jingabar bis-sekwestru u l-bejgħ tal-bastiment, tal-parank, l-għamara u l-apparat tiegħu, u dik il-qorti jkollha, għall-finijiet ta' dan l-artikolu, is-setgħat kollha li bil-liġi huma mogħtija lill-Qorti tal-Kummerċ.

Bejgħ ta'
bastiment biex
jiġi żgurat
il-ħlas ta'
multi.

Harsien minn
responsabbiltà
personali.

33. Il-Ministru u kull persuna mpjegata fl-amministrazzjoni jew eżekuzzjoni ta' dan l-Att jew li taġixxi taħt l-awtorità jew id-direttiva tal-Ministru ma jkunux responsabbli personalment għal danni jew xort'oħra għal xi telf li jiġġarrab minn xi persuna minhabba xi għemil li jkun sar jew li jkun naqas milli jsir minnhom dwar l-amministrazzjoni jew l-eżekuzzjoni ta' dan l-Att, kemm-il darba dan ma jkunx ġara minhabba traskuraġni jew għemil bir-rieda taġġhom.

Bastimenti
tal-Gvern.

34. Id-disposizzjonijiet ta' dan l-Att ma japplikawx għal, jew dwar, xi bastiment tal-gwerra jew xi bastiment li f'dak iż-żmien ikun qed jintuża mill-Gvern ta' Malta jew mill-Gvern ta' xi Stat barrani għal xi għan li ma jkunx għan kummerċjali.

Eżenzjonijiet.

35. Il-Ministru jista' jeżenta bastimenti jew klassijiet ta' bastimenti minn kull waħda mid-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu, jew b'mod assolut jew taħt dawk il-kondizzjonijiet li jidhirlu xierqa.

Riżerva għal
pretensjonijiet,
restrizzjonijiet,
eċċ., oħra.

36. (1) Ebda haġa f'dan l-Att ma tippregudika xi pretensjoni jew l-eżekuzzjoni ta' xi pretensjoni, li persuna li ssir responsabbli taħt dan l-Att jista' jkollha kontra persuna oħra dwar dik ir-responsabbiltà.

(2) Ebda haġa f'dan l-Att ma għandha tolqot xi restrizzjoni mposta b'xi jew taħt xi liġi oħra jew tidderoga minn xi dritt jew azzjoni oħra jew rimedju ieħor (sew ċivili sew kriminali) fi procedimenti li jsiru mhux taħt dan l-Att.

Thassir.

37. Il-liġijiet imsemmija fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dan l-Att ikollhom effett bl-emendi u t-thassir imsemmija dwarhom fit-tieni kolonna ta' dik l-Iskeda.

SKEDA

LIGI

SAFEJN TIĠI EMENDATA JEW IMĦASSRA

Kodiċi tal-Liġijiet tal-Pulizija, Kap. 13

L-artikolu 210 huwa mħassar.

L-Att ta' l-1966 dwar il-Blata Kontinen-
tali (Att Nru. XXXV ta' l-1966)

L-artikolu 7 huwa mħassar.

Għanijiet u Ragunijiet

L-Għan ta' dan l-Abbozz huwa li jipprovdi b'mod komprensiv biex jiġi evitat u kkontrollat it-tniġġiż tal-baħar, magħduda b'mod partikolari l-ibħra territorjali u nterni ta' Malta. L-Abbozz jagħti s-setgħa lill-Gvern li jidhol fil-Konvenzjonijiet internazzjonali ewlenija kollha dwar it-tniġġiż tal-baħar u l-harsien ta' l-ambjent tal-baħar.

MARINE POLLUTION (PREVENTION AND CONTROL) ACT, 1976
Arrangement of Sections

PART I

Preliminary

Section

1. Short title and commencement.
2. Interpretation.

PART II

Criminal Liability for Pollution

3. Discharge of oils or other pollutants into sea outside territorial waters.
4. Discharge of oil or other pollutant into the territorial waters.
5. Discharge of oil from pipe lines or as the result of sea-bed exploration etc. in a designated area.
6. Defence of master charged with offence under section 3.
7. Defence of other persons charged with offence under section 4 or 5.

PART III

Civil Liability for Pollution

8. Liability for pollution.
9. Exceptions for liability under section 8.
10. Liability for cost of measures where section 8 does not apply.
11. Extinguishment of claims.
12. Insurance against liability for pollution.

PART IV

Measures to Prevent and Control Pollution

13. Equipment in ships to prevent pollution.
14. Records.
15. Duty of masters to report discharges into the territorial waters.
16. Reporting of pollution accidents.

PART V

Intervention in Cases of Oil Pollution Casualties

17. Shipping Casualties.
18. Right to recover in respect of unreasonable loss or damage.
19. Offences in relation to section 17.
20. Application of sections 17 to 19 to foreign ships.

PART VI

Dumping at Sea

Section

21. Restrictions on dumping in the sea.
22. Licences.
23. Enforcement of provisions relating to dumping.
24. Enforcement of Conventions etc. relating to dumping.
25. Miscellaneous provisions as to enforcement officers.
26. Evidence.

PART VII

General Provisions

27. Power to make regulations etc.
28. Powers of inspector.
29. Enforcement of Conventions relating to pollution.
30. Power to apply certain provisions to ships registered outside Malta.
31. Power to detain ship.
32. Sale of ship to enforce payment of fines.
33. Protection from personal liability.
34. Government ships.
35. Exemptions.
36. Saving for other claims, restrictions etc.
37. Repeals.

Schedule

A BILL**entitled**

AN ACT to prevent and control the pollution of the sea and other waters and to give effect to the provisions of international and regional conventions and protocols relating to the protection of the marine environment.

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:—

PART I**Preliminary**

1. (1) This Act may be cited as the Marine Pollution (Prevention and Control) Act, 1976. Short title and commencement.
- (2) This Act shall come into force on such date as the Minister may, by notice in the Gazette, appoint, and different dates may be so appointed for different provisions and different purposes of this Act.
2. (1) In this Act, unless the context otherwise requires or it is otherwise expressly provided — Interpretation.
- “area of Malta” means Malta and the territorial waters thereof;
- “Convention” has the meaning assigned to it by section 29 of this Act, and includes a protocol, agreement or other arrangement;
- “Convention ship” means a ship registered in a Convention State;
- “Convention State”, in relation to any Convention, means a country the Government of which has been declared by an order made under section 29 of this Act to have accepted such Convention and has not been so declared to have denounced it,

and includes any territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend;

“damage” includes loss;

“discharge”, in relation to oil or other pollution or to a mixture containing oil or other pollutant, means any discharge or escape however caused;

“in bulk” means in such quantities as may be prescribed;

“load”, when used in Part VI of this Act, means load for dumping;

“Maltese aircraft” means an aircraft registered in Malta, and includes an aircraft which has been bona fide demised, let or hired out for any period exceeding fourteen days to an individual resident in Malta or a company or other body corporate established under the laws of Malta;

“Maltese marine structure” means a marine structure owned by or leased to an individual resident in Malta or a company or other body corporate established under the laws of Malta;

“Maltese ship” has the same meaning as is assigned to it by section 3 of the Merchant Shipping Act, 1973;

Act No. XI
of 1973

“marine structure” means a platform or other man-made structure at sea;

“master” includes every person, except a pilot, having for the time being command or charge of a ship;

“Minister” means the Minister responsible for shipping and includes any person acting under his authority;

“mixture containing oil” means any mixture of oil with water or with any other substance or with both and any mixture of water or any other substance, or both, with oil;

“mixture containing pollutant” means any mixture of a pollutant with water or with any other substance or with both and any mixture of water or any other substance, or both, with a pollutant;

“oil” means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

“oil residues” includes any residue or waste consisting of, or arising from, oil or a mixture containing oil;

“outside the territorial waters of Malta” means outside the seaward limits of those waters;

“owner”, in relation to a ship, means the person registered as the owner of the ship, or in the absence of registration the person owning the ship;

“owner or operator”, in relation to an offshore facility or an onshore facility, means any person owning or operating such facility, and in the case of an abandoned facility, the person who owned or operated such facility immediately prior to such abandonment;

“place afloat” includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of the territorial waters of Malta, and includes anything resting on the bed or shore of the sea or of the territorial waters of Malta;

“place on land” includes any facility of any kind located, in, on or under any land within Malta, other than submerged land;

“pollutant” means any substance which if introduced into the sea or any other waters is liable to create hazards to human health, or to harm living resources or other marine life, or to damage amenities or to interfere with other legitimate uses of the seas or of the waters aforesaid, and, without limiting the generality of the foregoing, includes any substance, or any substance that is part of a class of substances, that is prescribed by the Minister, for the purposes of this Act, to be a pollutant;

“port” has the same meaning as is assigned to it by section 2 of the Ports Ordinance, 1962;

Ord. No. XIII
of 1962

“prescribed” means prescribed by regulations, rules, orders or instructions under this Act;

“proper officer” means an officer authorised in that behalf by the Minister or other appropriate authority;

“ship” includes every description of vessel used in navigation not propelled by oars and also includes an air-cushioned vehicle and a floating craft which is attached to a ship;

“territorial waters”, in relation to Malta, means the whole of the sea within the seaward limits of the territorial waters of Malta and includes the waters of any port, or harbour and all other internal waters of Malta within those limits;

“trade effluent” means the solid or liquid waste of any trade, business or manufacture;

“transfer”, in relation to oil, means transfer in bulk;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

(2) In relation to any damage resulting from the discharge of any oil from a ship, references in this Act to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge.

(3) Reference in this Act to the area of any country includes the territorial sea of that country.

(4) Any reference in this Act to the measures reasonably taken after the discharge of oil or other pollutant for the purpose of preventing or reducing any damage caused by contamination resulting from such discharge shall include actions taken to remove the oil from the water and foreshores or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to fish, shellfish, wildlife, and public and private property, foreshores and beaches.

PART II

Criminal Liability for Pollution

3. (1) If any oil or other pollutant to which this section applies or any mixture containing such oil or pollutant is discharged from a Maltese ship into any part of the sea outside the territorial waters of Malta, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence.

Discharge of
oils or other
pollutants
into sea
outside
territorial
waters.

(2) This section applies —

- (a) to crude oil, fuel oil and lubricating oil; and
- (b) to heavy diesel oil, as defined by regulations made by the Minister under this section;

and shall also apply to any other description of oil and to any pollutant which may be specified by regulations made by the Minister, having regard to the provisions of any Convention accepted by the Government of Malta in so far as it relates to the prevention of pollution of the sea.

(3) Regulations made by the Minister may make exceptions from the operation of subsection (1) of this section, either generally or with respect to particular classes of ships, particular descriptions of oil or other pollutants or mixtures containing oil or other pollutants or the discharge of oil or other pollutants or mixtures in particular circumstances or into particular areas of the sea, and may do so either absolutely or subject to any specified conditions.

(4) Any person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

Discharge of oil or other pollutant into the territorial waters.

4. (1) If any oil or other pollutant or any mixture containing oil or other pollutant is discharged into the territorial waters of Malta from any vessel or any place afloat, or from any place on land, or from any apparatus used for transferring oil or other pollutant (whether to or from a place on land or afloat), then, subject to the provisions of this Act the following shall be guilty of an offence, that is to say —

- (a) if the discharge is from a vessel, the owner or master of the vessel;
- (b) if the discharge is from an apparatus used for transferring oil or other pollutant from or to a vessel or takes place while oil or other pollutant is being so transferred, the owner or person in charge of the apparatus;
- (c) if the discharge is from any other place, the occupier or other person in charge of such place.

(2) Any person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

Discharge of oil from pipelines or as the result of sea-bed exploration etc. in a designated area.

5. (1) If any oil or any mixture containing oil is discharged into any part of the sea —

- (a) from a pipe-line; or
- (b) as a result of any operations for the exploration of the sea-bed and sub-soil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

(2) In this section "designated area" means an area for the time being designated by an order made under subsection (3) of section 3 of the Continental Shelf Act, 1966.

Act No. XXXV
of 1966

(3) A person guilty of an offence under this section shall be liable on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

6. (1) Where a person is charged with an offence under section 3 of this Act, it shall be a defence to prove that the oil, pollutant or mixture was discharged for the purpose of securing the safety of any vessel or of preventing damage to any vessel or cargo, or of saving life, unless the court is satisfied that the discharge of the oil, pollutant or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

Defence of
master charged
with offence
under section 3.

(2) Where a person is charged as mentioned in subsection (1) of this section, it shall also be a defence to prove —

(a) that the oil, pollutant or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing the escape of oil, pollutant or mixture; or

(b) that the oil, pollutant or mixture escaped by reason of leakage, that neither the leakage nor any delay in discovering it was due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

7. Where a person is charged, in respect of the escape of any oil, pollutant or mixture containing oil or pollutant, with an offence under section 4 or section 5 of this Act —

Defence of
other persons
charged with
offence under
section 4 or 5.

(a) as the occupier of a place on land; or

(b) as a person carrying an operation for the exploration of the sea-bed and sub-soil or the exploitation of their natural resources; or

(c) as the owner of a pipe-line;

it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

PART III

Civil Liability for Pollution

8. (1) Where any oil or other pollutant, or any mixture containing oil or pollutant, is discharged from any vessel (whether carried as part of the cargo of the vessel or otherwise), or from a place afloat or from a place on land —

Liability for
pollution.

(a) the owner of the ship; or

(b) the owner or operator of the place afloat or place on land;

shall, subject to the provisions of this Act, be liable —

(c) for any damage caused in the area of Malta by contamination resulting from the discharge; and

(d) for the costs of any measures reasonably taken after the discharge for the purpose of preventing or reducing any such damage in the area of Malta; and

(e) for any damage caused in the area of Malta by any measures so taken.

(2) Where oil or other pollutant, or any mixture containing oil or pollutant, is discharged from two or more vessels and —

(a) a liability is incurred under this section by the owner of each of them; but

(b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners shall be liable jointly and severally (in solidum) with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(3) For the purposes of this Part of this Act, where more than one discharge results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one; but any measures taken after the first of them shall be deemed to have been taken after the discharge.

(4) Where the owner of a vessel incurs a liability under this section by reason of a discharge, sections 349 and 350 of the Merchant Shipping Act, 1973 shall not apply in relation to that liability.

Exceptions from liability under section 8.

9. The owner or operator of a ship, or of a place afloat or of a place on land from which oil or other pollutant has been discharged shall not incur any liability under section 8 of this Act if he proves that the discharge —

(a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or

(b) was due wholly to anything done or left undone by another person, not being a servant or agent of the owner or operator, with intent to do damage; or

(c) was, in the case of a discharge from a vessel, due wholly to the negligence or wrongful act of the government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Liability for cost of measures where section 8 does not apply.

10. (1) Where —

(a) after a discharge of oil or other pollutant from any vessel, or place afloat, or place on land, measures are reasonably taken for the purpose of preventing or reducing the damage in the area of Malta which may result from the discharge; and

(b) any person incurs, or might but for the measures have incurred, a liability, otherwise than under section 8, for any such damage,

then, whether or not paragraph (d) of subsection (1) of that section applies, such person shall be liable for the cost of the measures taken as aforesaid, whether or not the person taking them does so for the protection of his interests or in the performance of a duty.

11. No action to enforce a claim in respect of a liability incurred under section 8 of this Act shall be entertained by any court in Malta unless the action is commenced not later than three years after the claim arose and not later than six years after the occurrence or first of the occurrences resulting in the discharge by reason of which the liability was incurred.

Extinguishment
of claims.

12. (1) Any vessel to which this section applies shall not enter or leave a port in Malta or arrive at or leave a terminal in the territorial waters of Malta or anchor within the territorial waters of Malta, unless there is in force in respect of the vessel a contract of insurance or other security recognised by the Minister for the purposes of this section.

Insurance
against
liability for
pollution.

(2) The Minister shall recognise a contract of insurance or other security for the purposes of this section if such contract or security satisfies the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage done at Brussels on the 29th November 1969, or such requirements as the Minister may by notice in the Gazette specify:

Provided that, where the Minister is of the opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his obligations thereunder, or whether the insurance or other security will cover the owner's liability under section 8 of this Act in all circumstances, he may refuse to recognise such insurance or security.

(3) Documentary evidence to the effect that the vessel carries the contract of insurance or other security required by subsection (1) of this section shall, on demand, be produced by the master to any officer of customs or to any proper officer.

(4) If any vessel enters or leaves, or attempts to enter or leave a port or arrives at or attempts to arrive at or leave a terminal or anchors within the territorial waters of Malta in contravention of subsection (1) of this section, the master or the owner of the vessel shall be liable, on conviction, to a fine (*multa*) not exceeding £35,000.

(5) If the master of the vessel fails to comply with any demand made under subsection (3) of this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £400.

(6) This section shall apply to any vessel carrying in bulk a cargo of oil of a description prescribed by the Minister.

PART IV

Measures to Prevent and Control Pollution

13. (1) For the purpose of preventing or controlling pollution of the sea, the Minister may make regulations requiring Maltese ships to be fitted with such equipment and to comply with such other requirements as may be specified in the regulations,

Equipment in
ships to
prevent
pollution.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made thereunder require ships to be fitted with equipment of a specified description, the regulations may provide that equipment of that description —

(a) shall not be installed in a ship to which the regulations apply unless it is a type tested and approved in such manner as may be prescribed;

(b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be prescribed, it is submitted for testing and approval in such manner as may be prescribed, and is so tested and approved.

(3) If in the case of any ship, the provisions of any regulations made under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence and, on conviction, shall be liable to a fine (*multa*) not exceeding £1,000.

Records

14. (1) The Minister may make regulations requiring record books to be carried in Maltese ships and requiring the master of any such ship to record in the record book carried by her —

(a) the carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to:

(i) the loading of any cargo of oil or other pollutant; or

(ii) the transfer of any cargo of oil or other pollutant during a voyage; or

(iii) the discharge of any cargo of oil or other pollutant; or

(iv) the ballasting of tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks; or

(v) the separation of oil from water, or from other substances, in any mixture containing oil; or

(vi) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs; or

(vii) the disposal of any other residue of oil or other pollutant;

(b) any occasion on which oil or other pollutant or a mixture containing oil or other pollutant is discharged from the ship for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;

(c) any occasion on which oil or other pollutant or a mixture containing oil or other pollutant is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil or other pollutant to and from vessels while they are within the territorial waters of Malta, and requiring the master of any such vessel, or such other person as may be prescribed, to keep such records.

(3) The requirements of any regulation made under subsection (2) of this section shall be in addition to the requirements of any regulation made under subsection (1) of this section.

(4) Regulations under this section requiring the carrying of record books or the keeping of records may —

(a) prescribe the form of record books or records and the nature of the entries to be made in them;

(b) require the person providing or keeping the books or records to retain them for a prescribed period;

(c) require a person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of books or records after their transmission to such a place or person.

(5) If any ship fails to carry such record book or books as she is required to carry under this section, the owner or master shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

(6) If any person fails to comply with any requirements imposed on him by or under this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

(7) If any person makes an entry in any record book carried or record kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500 or imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(8) In any proceedings under this Act —

(a) any record book carried or record kept in pursuance of regulations made under this section shall, unless the contrary is proved, be sufficient evidence of the facts stated in it;

(b) any copy of an entry in such a record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall, unless the contrary is proved, be sufficient evidence of the facts stated in the entry;

(c) any document purporting to be a record book carried or record kept in pursuance of regulations made under this section, or purporting to be such certified copy as is mentioned in paragraph (b) of this subsection shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

15. (1) If any oil or other pollutant or mixture containing oil or other pollutant —

(a) is discharged from a vessel into the territorial waters of Malta; or

(b) is found to be escaping, or to have escaped, from a vessel into such waters; or

(c) is found to be escaping, or to have escaped, into such waters from a place on land or a place afloat;

the owner or master of the ship, or the occupier of the place on land or of the place afloat, as the case may be, shall forthwith report the

Duty of masters to report discharges into the territorial waters.

occurrence to the Director of Ports indicating under which paragraph of this subsection the occurrence falls and giving such details as may be required by such Director.

(2) If a person fails to make a report as required by subsection (1) of this section he shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) not exceeding £500.

Reporting of
pollution
accidents.

16. (1) The Minister may make regulations requiring masters of Maltese ships or persons in command of Maltese aircraft to report —

(a) all accidents or casualties which are causing or may cause pollution of the sea by oil or other pollutant; and

(b) the presence, characteristics and extent of oil or other pollutant observed on or in the sea,

to any such authority or organization and in such form and manner as may be prescribed.

(2) If a master of a Maltese ship or a person in command of a Maltese aircraft fails to make a report as required by any regulations made under subsection (1) of this section, he shall be liable, on conviction, to a fine (*multa*) not exceeding £500.

PART V

Intervention in Cases of Oil Pollution Casualties

Shipping
casualties.

17. (1) The powers conferred by this section shall be exercisable where —

(a) an accident has occurred to or in a ship; and

(b) in the opinion of the Minister, oil or other pollutant from the ship will or may cause pollution on a large scale in Malta or in the waters in or adjacent to Malta up to the seaward limits of territorial waters; and

(c) in the opinion of the Minister, the use of the powers conferred by this section is urgently needed,
and shall be exercisable subject to the provisions of this Act.

(2) For the purpose of preventing or reducing pollution, the Minister may give directions as respects the ship or its cargo —

(a) to the owner of the ship, or to any person in possession of the ship; or

(b) to the master of the ship; or

(c) to any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation.

(3) Directions under subsection (2) of this section may require the person to whom they are given to take, or refrain from taking, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the directions may require —

(a) that the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality; or

(b) that the ship is not to be moved to a specified place or area, or over a specified route; or

(c) that any oil or other pollutant or other cargo is to be, or is not to be unloaded or discharged; or

(d) that specified salvage measures are to be, or are not to be, taken.

(4) If in the opinion of the Minister, the powers conferred by subsection (2) of this section are, or have proved to be, inadequate for the purpose, the Minister may, for the purpose of preventing or reducing pollution, or the risk of pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the Minister may —

(a) take any such action as he has power to require to be taken by a direction under this section;

(b) undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom he can give directions;

(c) undertake operations which involve the taking over of control of the ship.

(5) The powers of the Minister under subsection (4) of this section shall also be exercisable by such persons as may be authorised in that behalf by the Minister.

(6) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(7) The provisions of this section and of section 20 of this Act are without prejudice to any rights or powers of the Government of Malta exercisable apart from those sections whether under international law or otherwise.

(8) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (4) or (5) of this section does not constitute contempt of court.

(9) In this section, unless the context otherwise requires —

“accident” includes the loss, stranding, abandonment of or damage to a ship; and

“specified” in relation to a direction under this section, means specified by the direction.

18. (1) If any action duly taken by a person in pursuance of a direction given to him under section 17 of this Act, or any action taken under subsection (4) or (5) of that section —

Right to recover in respect of unreasonable loss or damage.

(a) was not reasonably necessary to prevent or reduce pollution, or risk of pollution; or

(b) was such that the good it did or was likely to do was disproportionately less than the expense incurred, or damage suffered, as a result of the action,

a person incurring expense or suffering damage as a result of, or by himself taking, the action shall be entitled to recover compensation from the Minister.

(2) In considering whether subsection (1) of this section applies, account shall be taken of —

- (a) the extent and risk of pollution if the action had not been taken;
- (b) the likelihood of the action being effective; and
- (c) the extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

(4) The Commercial Court shall have jurisdiction to hear and determine any claim arising under this section.

Offences in relation to section 17.

19. (1) If the person to whom a direction is given under section 17 of this Act contravenes, or fails to comply with, any requirement of the direction, he shall be guilty of an offence.

(2) If a person wilfully obstructs any person who is —

- (a) acting on behalf of the Minister in connection with the giving or service of a direction under section 17 of this Act;
- (b) acting in compliance with a direction under that section; or

(c) acting under subsection (4) or (5) of that section, he shall be guilty of an offence.

(3) In proceedings for an offence under subsection (1) of this section, it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction or that he had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person guilty of an offence under this section shall be liable, on conviction, to a fine (*multa*) of not less than £250 and not more than £50,000.

Application of sections 17 to 19 to foreign ships.

20. (1) The Minister may by order in the Gazette provide that sections 17 to 19 of this Act, together with any other provisions of this Part of this Act stated in the order, shall apply to a ship —

- (a) which is not a ship registered in Malta; and
- (b) which is for the time being outside the territorial waters of Malta,

in such cases and circumstances as may be specified in the order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) Except as provided by an order made under subsection (1) of this section, no direction under section 17 of this Act shall apply to a ship which is not registered in Malta and which is for the time being outside the territorial waters of Malta, and no action shall be taken under subsection (4) or (5) of section 17 of this Act as respects any such ship.

PART VI

Dumping at Sea

21. (1) Subject to the provisions of this section, no person shall, except in pursuance of a licence granted under section 22 of this Act and in accordance with the terms of such licence —

Restrictions
on dumping in
the sea.

(a) dump any substance or article in the territorial waters of Malta; or

(b) dump any substance or article in the sea outside the territorial waters of Malta from a Maltese ship, or a Maltese aircraft or a Maltese marine structure; or

(c) load any substance or article on to a vessel, aircraft or marine structure in Malta or in the territorial waters of Malta for dumping in the sea, whether in the territorial waters of Malta or not; or

(d) cause or permit any substance or article to be dumped or loaded as mentioned in paragraph (a), (b) or (c) above.

(2) Subject to subsections (3), (4) and (5) of this section, substances and articles are dumped in the sea for the purposes of this Part of this Act if they are permanently deposited in the sea from a vehicle, vessel, aircraft or marine structure, or from a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.

(3) A discharge incidental to or derived from the normal operation of ship, aircraft, vehicle or marine structure or of its equipment shall not constitute dumping for the purposes of this Part of this Act unless the ship, aircraft, vehicle or marine structure in question is constructed or adapted wholly or mainly for the purpose of the disposal of waste or spoil and the discharge takes place as part of its operation for that purpose.

(4) Subject to subsections (5), (6) and (7) of this section, any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not more than £10,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) It shall be a defence for a person charged with an offence under subsection (4) of this section to prove —

(a) that the substances or articles in question were dumped for the purpose of securing the safety of a vessel, aircraft or marine structure or of saving life; and

(b) that he took steps within a reasonable time to inform the Minister that the dumping had taken place and of the locality and circumstances in which it took place and the nature and quantity of the substances or articles dumped,

unless the court is satisfied that the dumping was not necessary for any of the purposes mentioned above and was not a reasonable step to take in the circumstances.

(6) It shall be a defence for a person charged with an offence under subsection (4) of this section to prove in relation to substances or articles dumped outside the territorial waters of Malta from a Maltese ship or aircraft that they were loaded on to it in a Convention State and that the dumping was authorised by a licence issued by a responsible authority in that State.

Licences.

22. (1) In determining whether or not to grant a licence, the Minister shall have regard to any Convention on dumping in the sea to which Malta is a party and to the need to protect the marine environment and the living resources which it supports from any adverse consequences of dumping the substances or articles to which the licence, if granted, will relate; and the Minister may include such conditions in a licence as appear to him to be necessary or expedient for the protection of that environment and those resources from any such consequences, and for the purpose of having regard to any Convention as aforesaid.

(2) The Minister may vary or revoke a licence if it appears to him that the licence ought to be varied or revoked because of a breach of a condition included in it or of a change of circumstances relating to the marine environment or the living resources which it supports, including a change in scientific knowledge or in order to give effect to any Convention as aforesaid.

(3) The Minister may require an applicant for a licence —

- (a) to pay such fee on applying for it as may be prescribed;
- (b) to supply such information and permit such examination and sampling of the substances or articles which he desires to dump, or of similar substances or articles, and to supply such information about the method of dumping which he desires to use, as the Minister may deem necessary or expedient;
- (c) to pay such amount, in addition to any fee under paragraph (a) of this subsection, as the Minister may determine towards the expense of any tests which in the opinion of the Minister are necessary to enable him to decide whether a licence should be granted and the conditions which any licence that is granted is to contain, and in particular any expense incurred in connection with any monitoring to determine the effect that dumping may have or has had on the marine environment and the living resources which it supports.

(4) A licence —

- (a) shall specify the person to whom it is granted;
- (b) shall state whether it is to remain in force until revoked or is to expire at a time specified in the licence;
- (c) shall specify the quantity and description of substances or articles to which it relates; and
- (d) may make different provisions and conditions as to different descriptions of substances or articles.

(5) The Minister may transfer a licence from the holder to any other person on the application of that person or of the holder, but shall have power to include additional conditions in a licence on transferring it.

(6) Any person who for the purpose of procuring the grant or transfer of a licence, or in purporting to carry out any duty imposed on him as a condition of a licence, knowingly or recklessly makes a false statement or knowingly or recklessly produces, furnishes, signs or otherwise makes use of a document containing a false statement shall be guilty of an offence and liable on conviction to a fine (*multa*) not exceeding £1,000 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

23. (1) The Minister may charge such public officers or other persons as he may deem proper (in this Part of the Act referred to as "enforcement officers") with ensuring compliance with this Part of this Act and with the terms and conditions of any licence granted by him under section 22 of this Act.

Enforcement of provisions relating to dumping.

(2) In the performance of his duty, an enforcement officer —

(a) may at any reasonable time enter any place and board any vehicle, vessel or marine structure, and inspect the same, with or without persons and equipment to assist him in his duties;

(b) may open any container and examine and take samples of any substance or article;

(c) may examine equipment and require any person in charge of it to do anything which appears to the officer to be necessary for facilitating examination;

(d) may require any person to produce any licences, records or other documents which relate to the dumping of substances or articles in the sea and which are in his custody or possession;

(e) may require any person on board a vessel, aircraft or marine structure to produce any records or other documents which relate to it and which are in his custody or possession;

(f) may take copies of any document produced under any of the foregoing paragraphs of this subsection; and

(g) may require the attendance before him of any person he may deem necessary or expedient to examine.

24. The Minister may by order in the Gazette declare —

(a) that any procedure which has been developed for the effective application of a Convention relating to dumping in the sea to which Malta is a party, and which is specified in the order, is an accepted procedure as between Malta and the Government of any Convention State similarly specified; and

Enforcement of Conventions etc. relating to dumping.

(b) that the powers conferred by section 23 of this Act, may be exercised, for the purpose of the enforcement of that procedure outside the territorial waters of Malta:

(i) in relation to a Maltese ship by a person authorised to enforce it by the Government of that State (hereinafter referred to as a "foreign enforcement officer"); and

(ii) in relation to a ship of that State, by an enforcement officer,

and where an order has been made under this section the powers conferred by section 23 of this Act shall be exercisable in accordance with such order.

25. (1) An enforcement officer or a foreign enforcement officer shall not be liable in any civil or criminal proceedings for anything purported to be done in the exercise of the powers conferred on him by this Part of this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Miscellaneous provisions as to enforcement officers.

(2) Any person who —

(a) without reasonable excuse fails to comply with any requirement imposed, or to answer any question asked, by an enforcement officer or a foreign enforcement officer under this Part of this Act;

(b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such questions; or

(c) assaults any such officer while exercising any of the powers conferred on him by or by virtue of this Part of this Act or obstructs any such officer in the exercise of any of those powers,

shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on conviction in the case of a first offence to a fine (*multa*) not exceeding £200, and in the case of a second or subsequent offence to a fine (*multa*) not exceeding £1,000, in respect of each offence.

Evidence.

26. (1) In any civil or criminal proceedings, a written statement purporting to be a report made by an enforcement officer or a foreign enforcement officer on matters ascertained in the course of exercising his powers under this Part of this Act shall be admissible as evidence to the like extent as oral evidence to the like effect by that officer.

(2) Subsection (1) of this section shall be taken to be in addition to and not derogate from the provisions of any other enactment relating to the reception or admissibility of documentary evidence.

PART VII

General Provisions

Power to
make
regulations
etc.

27. (1) Without prejudice to the powers conferred by the foregoing provisions of this Act, the Minister may make such regulations, rules or orders, or give such directions, as appear to him to be necessary or expedient for the purpose of carrying into operation any of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, the Minister may make regulations —

(a) prescribing substances and classes of substances that are, for the purposes of this Act, pollutants;

(b) respecting the construction of ships carrying oil or other pollutants and the fitting, maintenance, testing and use of electronic and other navigational equipment on such ships, in addition to any other equipment required by any provision of the Merchant Shipping Act, 1973 or of any regulations made thereunder;

(c) respecting the supplies and equipment to be carried by and the fittings and installations required on ships carrying oil or other pollutants for handling the oil or other pollutant and dealing with any discharge thereof;

(d) prescribing procedures to be followed when oil or other pollutants are loaded or unloaded from a ship in the territorial waters of Malta or are transferred on board a ship in such waters;

(e) prescribing the supplies and equipment to be maintained by the operators of offshore and onshore facilities for ships for use in any discharge of oil or other pollutant;

(f) prescribing measures for the protection of the marine environment against pollution by garbage and sewage from ships;

(g) requiring persons carrying on any trade, business or manufacture in Malta to install such equipment and to take such other measures as may be prescribed for the purpose of preventing or controlling pollution of the sea by any trade effluent;

(h) prescribing quantities of oil or other pollutants for the purposes of the definition of "in bulk" in this Act;

(i) respecting the method of retention of oil waste or other wastes by ships carrying oil or other pollutants;

(j) prescribing anything that is required or authorised by this Act to be prescribed.

(2) Any power conferred on the Minister by this Act to make regulations, rules or orders, or to give directions, shall include power —

(a) to vary, alter or revoke any such regulation, rule, order or direction, without prejudice to the making of a new regulation, rule or order, or the giving of a new direction;

(b) subject to such limitations or other express provision contained in this Act, to provide for fines (*multa* or *ammenda*) not exceeding £10,000 or imprisonment not exceeding six months, or both, and for such other sanction as the Minister may deem appropriate;

(c) to make such transitional or other incidental or supplementary provision as may appear to the Minister to be appropriate.

(3) Regulations, rules and orders made, and directions given, under any of the provisions of this Act may be made or given in the English language only.

28. (1) The Minister may appoint or designate any person as an inspector to report to him, either generally or for specific purposes or on special occasions, — Powers of inspector.

(a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act have been complied with;

(b) what measures should be or need to be taken to prevent the discharge of oil and other pollutants.

(2) A person appointed or designated under subsection (1) of this section shall have power —

(a) to go on board any vessel and inspect the vessel or any part thereof or any of the machinery, boats, equipment or articles on board or any apparatus for transferring oil or other pollutant, for the purpose of subsection (1) of this section and of ascertaining the circumstances relating to an alleged discharge of oil or other pollutant from the vessel into the waters;

(b) to go on board any vessel which is within the territorial waters of Malta and which he has reasonable grounds to suspect to be bound for a place in Malta, and to conduct such inspections of the vessel as will enable him to determine whether the vessel complies with any of the provisions of this Act or of the regulations made thereunder that are applicable to the vessel;

(c) to go on board any vessel and test any equipment on board with which the vessel is required to be fitted in pursuance of regulations made under this Act;

(d) to require the production of any record book required to be carried and any records required to be kept in pursuance of regulations made under this Act;

(e) to go on board any Convention ship while the ship is within a port or terminal in Malta, and to require production of any record book, document or certificate required to be carried in accordance with the Convention;

(f) to copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry;

(g) to order any ship to proceed out of the territorial waters of Malta by such route and in such manner as he may direct, to remain outside such waters or to proceed to and moor, anchor or remain for a reasonable time specified by him and in a place selected by him that is within the territorial waters of Malta —

(i) if he suspects, on reasonable grounds, that the ship fails to comply with any of the provisions of this Act or of the regulations made thereunder that is or may be applicable to it; or

(ii) if, by reason of weather, visibility, sea conditions, the condition of the ship or any of its equipment, or any deficiency in its complement or the nature and condition of its cargo, he is satisfied that such an order is justified to prevent the discharge of oil or other pollutant;

(h) order any ship that he suspects, on reasonable grounds, to be carrying oil or other pollutant, to proceed through the territorial waters of Malta by a route prescribed by him and at a rate of speed not in excess of a rate stated by him; and

(i) where he is informed that a substantial quantity of a pollutant has been discharged in the territorial waters of Malta or has entered such waters, or where on reasonable grounds he is satisfied that a grave and imminent danger of a substantial discharge of a pollutant exists —

(i) order all ships within a specified area in the territorial waters of Malta to report their position to him; and

(ii) order any ship to take part in the clean up of such oil or other pollutant or in any action to control or contain the pollutant.

(3) An inspector exercising any powers conferred by subsection (2) of this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

(4) Any power conferred by this section to test any equipment on board a ship shall be construed as including a power to require persons on board the ship to carry out such work as may be requisite for the purpose of testing the equipment.

(5) Compensation shall be due and paid to the owner of any ship for services rendered by such a ship in compliance with an order under sub-paragraph (ii) of paragraph (i) of subsection (2) of this section.

(6) If any person hinders or attempts to hinder any inspector from going on board any vessel or otherwise impedes or attempts to impede him in the execution of his duties or functions under this section, or fails without reasonable excuse to comply with any lawful requirement of the inspector, or prevents or attempts to prevent any other person from complying with any such requirement or knowingly makes a false or misleading statement either verbally or in writing, to an inspector, that person shall for each offence be liable to a fine (*multa*) not exceeding £1,000.

29. (1) If the Minister is satisfied —

(a) that the Government of any country has accepted, or has denounced a Convention; or

(b) that a Convention extends, or has ceased to extend, to any territory,

he may, by order in the Gazette, make a declaration to that effect.

(2) In this Act “Convention” means a Convention to which the Government of Malta is a party and which relates, or in so far as it relates, to the prevention of pollution of the sea.

Enforcement of Conventions relating to pollution.

30. (1) The Minister may by order in the Gazette direct that, subject to such exceptions and modifications as may be specified in the order, any provisions of this Act or of any regulations made thereunder, which do not apply to ships registered in countries and territories other than Malta shall apply to such ships at any time when they are in a port in Malta, or are within the territorial waters of Malta while on their way to or from a port in Malta.

Power to apply certain provisions to ships registered outside Malta.

(2) An order under subsection (1) of this section shall not be made so as to impose different requirements in respect of ships of different countries or territories; but if the Minister is satisfied, as respects any country or territory, that ships registered there are required by the law of that country or territory to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the order, the Minister may by order in the Gazette direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with such of those provisions as are applicable thereto under the law of that country or territory.

(3) No provision shall by virtue of an order made under this section apply to any ship as being within a port in Malta, or on her way to or from such a port, if the ship would not have been within the port, or as the case may be, on her way to or from the port, but for stress of weather or any other circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

31. (1) Where the Minister has reasonable cause to believe that any oil or other pollutant or any mixture containing oil or other pollutant has been discharged from any ship and the owner of the ship has incurred a liability under section 8 or under section 10 of this Act, the ship may be detained until the owner or insurers of the ship deposit with the Government a sum of money, or furnish such security, which would in the opinion of the Minister be adequate to meet the owner's liability under those sections.

Power to detain ship.

(2) If a ship attempts to leave a port in Malta or the territorial waters of Malta or a terminal within such waters in contravention of section 22 of this Act the ship may be detained.

(3) Where a ship is to be or may be detained any commissioned officer in the military service of Malta, any police officer not below the rank of inspector, any officer of Customs, or a proper officer, may detain the ship; and if the ship after detention, or after service on the master of a notice of detention, proceeds to sea before it is released by competent authority, the master of the ship, and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the act of sending the ship to sea, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding £50,000.

(4) Any person authorised under this section to detain a ship may, if he thinks it necessary, place a police or other guard on board and take such other measures as would impede the ship from proceeding to sea.

Sale of ship to enforce payment of fines.

32. Where the owner or master of a ship has been convicted of an offence under the provisions of this Act and any fine imposed under this Act is not paid at or within the time ordered by the court, the court shall, in addition to any powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel, and such court shall, for the purposes of this section, have all the powers as are by law conferred on the Commercial Court.

Protection from personal liability.

33. The Minister and any person employed in the administration or enforcement of this Act or acting under the authority or direction of the Minister shall not be personally liable for damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in connection with the administration or enforcement of this Act, unless the same has happened through his neglect of wilful act.

Government ships.

34. The provisions of this Act shall not apply to, or in relation to, any warship or any ship for the time being used by the Government of Malta or by the Government of any foreign State for any purpose other than commercial purposes.

Exemptions.

35. The Minister may exempt any ships or classes of ships from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he may deem appropriate.

Saving for other claims, restrictions, etc.

36. (1) Nothing in this Act shall prejudice any claim, or the enforcement of any claim, a person incurring any liability under this Act may have against another person in respect of that liability.

(2) Nothing in this Act shall affect any restriction imposed by or under any other enactment or shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

Repeals.

37. The enactments mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments and repeals specified in relation thereto in the second column of that Schedule.

SCHEDULE

ENACTMENT	EXTENT OF AMENDMENT OR REPEAL
Code of Police Laws, Cap. 13	Section 210 is repealed.
Continental Shelf Act, 1966 (Act No. XXXV of 1966)	Section 7 is repealed.

Objects and Reasons

The Object of this Bill is to make comprehensive provision for the prevention and control of the pollution of the sea, including in particular the territorial and internal waters of Malta. The Bill would enable the Government to accede to all the major international Conventions relating to the pollution of the sea and the protection of the marine environment.