

Nru. 122

27. 11. 79

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Brincat, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament, f'isem l-Onor. W. Abela, M.P., Ministru ta' l-Iżvilupp, Energija, Port u Telekomunikazzjonijiet, u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Novembru, 1979.

A BILL introduced by the Honourable Joseph Brincat, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, on behalf of the Hon. W. Abela, M.P., Minister of Development, Energy, Port and Telecommunications, and read the First time at the Sitting of the 26th November, 1979.

ATT biex jirregola l-garr ta' merkanzija bil-Baħar għal u minn Malta.

AN ACT to regulate the carriage of goods by Sea to and from Malta.

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

C. MIFSUD
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jirregola l-garr ta' merkanzija bil-Baħar għal u minn Malta.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li Jirregola l-Garr ta' Merkanzija bil-Baħar.

Tifsir.

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

“linja ta' bastimenti” tinkludi *liner conference*.

“merkanzija” tinkludi merkanzija ta' kull deskrizzjoni;

“Ministru” tfisser il-Ministru responsabbli għall-portijiet u sal-limitu ta' l-awtorità mogħtija, tinkludi kull persuna awtorizzata mill-imsemmi Ministru għal hekk;

“port” tfisser kull post fejn il-merkanzija titgħabba fuq bastiment jew tinħatt minnu.

Il-garr ta' merkanzija għal u minn Malta hu regolat.

3. (1) Meta dwar il-garr ta' merkanzija bil-baħar għal jew minn Malta minn jew għal port f'xi pajjiż ieħor il-Ministru, ikun b'ordni fil-Gazzetta, ipprova li ebda garr bħal dak li ntqal qabel ma jista' jsir ħlief bil-permess tiegħu, ebda merkanzija li tingarr jew li hi maħsuba li tingarr bil-baħar minn jew għal Malta minn jew għal port f'xi pajjiż ieħor li għalih japplika ordni kif intqal qabel ma għandha titgħabba jew tinħatt f'Malta kemm-il darba dik it-tagħbija jew dak il-ħatt ma jkunx permess mill-Ministru u ħlief skond il-permess tal-Ministru u kull kondizzjonijiet jew disposizzjonijiet oħra li jkunu jinsabu fih.

(2) Meta dwar il-garr ta' merkanzija bil-baħar għal jew minn Malta minn jew għal port f'xi pajjiż ieħor ikun hemm fis-seħħ ftehim sabiex jinqasam il-garr ta' dik il-merkanzija bejn linji ta' bastimenti, u dak il-ftehim ikun ġie approvat mill-Ministru għall-finijiet

ta' dan l-Att, dik l-approvazzjoni, u kull kondizzjoni jew disposizzjoni oħra tagħha għandu jkollhom l-effett ta' permess mogħti taħt is-subartikolu (1) ta' dan l-artikolu u, bla ħsara għal kull kondizzjoni jew disposizzjoni oħra li jkun hemm fl-approvazzjoni tal-Ministru, id-disposizzjonijiet tal-ftehim ikollhom l-istess effett daqsliekeku kienu disposizzjonijiet tal-permess tal-Ministru.

(3) Il-permess jew l-approvazzjoni tal-Ministru taħt wiehed mis-subartikoli ta' qabel ta' dan l-artikolu jistgħu jingħataw b'dak il-mezz u b'dak il-mod jew forma li l-Ministru jidhirlu xierqa, u jistgħu jkunu ġenerali, speċifiċi jew applikabbli għal klassi jew klassijiet ta' każijiet.

4. Meta l-Ministru jkun ta permess taħt is-subartikolu (1) ta' l-artikolu 3 ta' dan l-Att jew ikun approva ftehim taħt is-subartikolu (2) ta' dak l-artikolu, il-Ministru għandu, b'avviż fil-Gazzetta, jew fl-ordni jew regolament li jkun fih dak il-permess jew l-approvazzjoni jew li jipprovdi għalihom, jagħti dak it-tagħrif dwar il-permess jew il-ftehim, magħduda l-pajjiżi, il-bastimenti u l-linji ta' bastimenti mil-quota bih, kif ikun xieraq fiċ-ċirkostanzi.

Il-permess jew l-approvazzjoni tal-Ministru jkunu pubblikati.

5. Stqarrija ffirmata mill-Ministru li tgħid li merkanzija tista' jew ma tistax titgħabba fuq jew tinħatt minn bastiment speċifikat, jew bastiment ta' linja ta' bastimenti speċifikata, tkun prova konkluziva ta' dak li jkun fiha.

Stqarrija mill-Ministru tkun prova konkluziva.

6. Id-Direttur tal-Portijiet ikollu s-setgħa li jirrifjuta d-dħul f'kull port f'Malta jew il-ħruġ minnu jekk ikollu raġuni tajba li jaħseb li disposizzjoni ta' dan l-Att tkun giet miksura jew x'aktarx tinkiser dwar dak il-bastiment jew il-merkanzija tiegħu.

Setgħa tad-Direttur tal-Portijiet.

7. Il-Ministru jista' jagħmel regolamenti sabiex jagħti effett lid-disposizzjonijiet ta' dan l-Att u, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, sabiex —

Regolamenti.

(a) jeżenta merkanzija mid-disposizzjonijiet ta' dan l-Att,

(b) jipprovdi għal dak li hi inċidentalment jew supplimentari għad-disposizzjonijiet ta' dan l-Att.

8. Persuna li tikser xi waħda mid-disposizzjonijiet ta' l-artikolu 3 ta' dan l-Att jew xi ordni jew regolament magħmul taħt dan l-Att tkun ħatja ta' reat u tehel għal kull reat meta tinsab ħatja multa ta' mhux inqas minn ħamsin lira u mhux iżjed minn ħamest elef lira; u kull merkanzija li titgħabba jew tinħatt bi ksur ta' xi waħda minn dawk id-disposizzjonijiet tiġi konfiskata favur il-Gvern.

Reati u pjeni.

Għanijiet u Raġunijiet

L-Għan ewlieni ta' dan l-Abbozz huwa li jiżgura tqassim iktar xieraq tal-merkanzija li tingarr bil-baħar għal jew minn Malta bejn il-linji tal-bastimenti tal-pajjiżi li jesportaw u jimportaw dik il-merkanzija.



A BILL
entitled

AN ACT to regulate the carriage of goods by Sea to and from Malta.

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:—

Short title.

1. This Act may be cited as the Carriage of Goods by Sea (Regulation) Act, 1979.

Interpretation.

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

“goods” includes goods of any description;

“Minister” means the Minister responsible for ports and, to the extent of the authority given, includes any person authorised by the said Minister in that behalf;

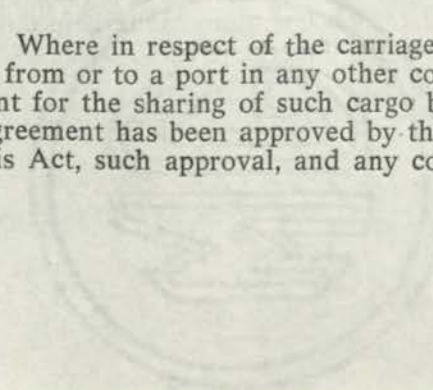
“port” means any place where goods are loaded or unloaded on or from a ship;

“shipping line” includes a liner conference.

Regulation of carriage of goods to and from Malta.

3. (1) Where in respect of the carriage of goods by sea to or from Malta from or to a port in any other country the Minister has, by order in the Gazette, provided that no such carriage of goods as aforesaid shall take place except with his permission, no goods carried or intended to be carried by sea to or from Malta from or to a port in any country to which an order as aforesaid applies shall be loaded or unloaded in Malta unless such loading or unloading is permitted by the Minister and except in accordance with the Minister's permission and any conditions or other provisions contained therein.

(2) Where in respect of the carriage of goods by sea to or from Malta from or to a port in any other country there is in force an agreement for the sharing of such cargo between shipping lines, and such agreement has been approved by the Minister for the purposes of this Act, such approval, and any conditions or other pro-



visions thereof shall have the effect of a permission granted under subsection (1) of this section and, subject to any conditions or other provisions of the Minister's approval, the provisions of the agreement shall have the same effect as if they were provisions of the Minister's permission.

(3) The Minister's permission or approval under either of the foregoing subsections of this section may be given by such means and in such manner or form as the Minister may deem appropriate, and may be general, specific or applicable to a class or classes of cases.

4. Where the Minister has given a permission under subsection (1) of section 3 of this Act or has approved an agreement under subsection (2) of that section, he shall, by notice in the Gazette, or in the order or regulation containing that permission or approval or providing therefor, give such information about the permission or the agreement, including the countries, ships and shipping lines affected thereby, as may be appropriate in the circumstances.

Publicity to be given to Minister's permission or approval.

5. A declaration under the hand of the Minister stating that goods may or may not be loaded or unloaded in Malta on or from a specified ship, or a ship of a specified shipping line, shall be conclusive evidence of its contents.

Declaration by Minister to be conclusive evidence.

6. The Director of Ports shall have power to refuse entry into or departure from any port in Malta if he has reasonable ground to believe that a provision of this Act has been or is likely to be contravened in respect of that ship or its cargo.

Power of Director of Ports.

7. The Minister may make regulations for carrying into effect the provisions of this Act and, without prejudice to the generality of the foregoing, for —

Regulations.

(a) exempting any goods from any of the provisions of this Act,

(b) providing for any matter incidental or supplementary to the provisions of this Act.

8. A person who contravenes any of the provisions of section 3 of this Act or of any order or regulation made under this Act shall be guilty of an offence and shall for each offence be liable on conviction to a fine (*multa*) of not less than fifty pounds and not exceeding five thousand pounds; and any goods loaded or unloaded in contravention of any of those provisions shall be forfeited to the Government.

Offences and penalties.

Objects and Reasons

The main purpose of the Bill is to ensure a fair share of the cargo carried by sea to and from Malta to the shipping lines of the countries' exporting and importing those goods.