

MALTA

**ATT Nru I tal-2025**

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

**ATT sabiex jemenda l-Att dwar il-Bastimenti Merkantili, Kap. 234.**

**ACT No. I of 2025**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Merchant Shipping Act, Cap. 234.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

4 ta' Frar, 2025

**ATT Nru I tal-2025**

*ATT sabiex jemenda l-Att dwar il-Bastimenti Merkantili, Kap. 234.*

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Att dwar il-Bastimenti Merkantili, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Bastimenti Merkantili, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehħ. Kap. 234.

(2) Dan l-Att għandu jidhol fis-sehħ fi żmien xahrejn (2) mid-data tal-pubblikazzjoni tiegħu fil-Gazzetta.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu minnufih wara t-tifsira "baħri" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "bareboat charterer" tfisser persuna li tidhol f'kuntratt għan-nolleġġ jew sub-nolleġġ ta' bastiment, għal perjodu ta' żmien stipulat, li matulu tali persuna għandha takkwista l-kontroll sħiħ u pussess komplet tal-bastiment, inkluż id-dritt li taħtar il-kaptan u l-ekwipaġġ tagħha għad-

A 2

durata taç-charter iżda eskluż id-dritt li tbigħ jew tipoteka l-bastiment";

(b) fis-subartikolu (2) tiegħu l-kliem "jekk jintbagħat bil-posta registrata lill-aħħar indirizz tas-sid registrat mar-registratur" għandhom jiġu sostitwiti bil-kliem "jekk jintbagħat bil-posta elettronika".

Emenda tal-artikolu 3 tal-Att prinċipali.

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

(a) is-subartikolu (5) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(5) Għall-finijiet ta' identifikazzjoni, is-sid ta' dak il-bastiment li jkun qiegħed jinbena jew jitgħammar għandu jidentifikah billi jiżbogħ in-numru ufficjali, l-isem u l-port ta' registrazzjoni fuq il-karina, u dawn id-dettalji għandhom jiġu riprodotti fuq ġenb il-bastiment u eventwalment fuq il-poppa, skont kif ikun possibbli minn żmien għal żmien."; u

(b) fis-subartikolu (8) tiegħu l-kliem "hamsa w għoxrin sena" għandhom jiġu sostitwiti bil-kliem "għoxrin sena".

Emenda tal-artikolu 7 tal-Att prinċipali.

**4.** L-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) l-ewwel paragrafu tas-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Id-dritt dovut għall-ewwel registrazzjoni u d-dritt annwali għandhom jithallsu malli l-bastiment jiġi registrat u l-ebda ċertifikat ta' registrazzjoni kif deskritt fl-artikolu 19 ma għandu jinħareg dwar bastiment sakemm id-drittijiet ma jkunux thallsu fir-rigward tal-bastiment:";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Minn hemm 'il quddiem id-dritt annwali għandu jithallas sal-anniversarju tal-ewwel registrazzjoni.";

(c) fil-verżjoni bl-Ingliż biss, il-kelma "initial", kull fejn tokkorri, għandha tiġi sostitwita bil-kelma "first".

Emenda tal-artikolu 12 tal-Att prinċipali.

**5.** Fl-artikolu 12 tal-Att prinċipali l-kliem "lill-Ministru" għandhom jiġu sostitwiti bil-kliem "lir-Registratur-Ġenerali".

6. L-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 13 tal-Att prinċipali.
- (a) fil-paragrafu (a) tas-subartikolu (1) tiegħu l-kliem "trasferit lil min japplika għar-registrazzjoni;" għandhom jiġu sostitwiti bil-kliem "trasferit lil min japplika għar-registrazzjoni:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:
- "Izda r-registratur ma jistax jistharreġ dwar titolu preċedenti jew piżijiet registrati f'każijiet fejn il-bastiment ġie akkwistat mis-sid, hieles minn piżijiet wara ordni jew bl-approvazzjoni ta' qorti kompetenti.";
- (b) il-proviso tal-paragrafu (b) tas-subartikolu (2) tiegħu għandu jiġi sostitwit bil-proviso ġdid li ġej:
- "Izda r-Registratur-Ġenerali jista', bla ħsara għal dawk il-kondizzjonijiet li jista' jidhirlu xierqa, f'każ ta' bastiment li jkun qiegħed taħt kostruzzjoni, jinbena mill-ġdid jew jiġi mgħammar, jeżenta lil dak il-bastiment mir-rekwiziti ta' dan il-paragrafu għal perjodu ta' sena li jista' jiġi estiż għal raġuni valida għal perjodu jew perjodi ulterjuri iżda fl-ebda każ għal perjodu li jeċċedi sentejn kull darba.".
7. L-artikolu 15 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 15 tal-Att prinċipali.
- (a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:
- (i) il-paragrafu (ċ) tas-subartikolu (1) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:
- "(ċ) in-Numru ta' Identifikazzjoni tal-Organizzazzjoni Marittima Internazzjonali (IMO) tiegħu, fejn applikabbli, għandu jkun immarkat skont il-Konvenzjoni dwar il-Ħarsien mill-Periklu; u";
- (ii) minnufih wara l-paragrafu (ċ) tiegħu, kif sostitwit, għandu jiġi miżjud il-paragrafu ġdid li ġej:
- "(d) id-draught tiegħu għandu jkun immarkat skont il-Konvenzjoni dwar is-Sinjal tat-Tagħbija.";
- (b) fis-subartikolu (2) tiegħu l-kliem "Il-Ministru" għandhom jiġu sostitwiti bil-kliem "Ir-Registratur-Ġenerali".
8. Fis-subartikolu (1) tal-artikolu 16 tal-Att prinċipali l-kliem "jew f'xi regolamenti magħmulha tahtu." għandhom jiġu sostitwiti bil-kliem "jew f'xi regolamenti magħmula tahtu:" u minnufih wara Emenda tal-artikolu 16 tal-Att prinċipali.

għandhom jiġu miżjuda l-provisos godda li ġejjin:

"Iżda fir-rigward ta' bastimenti li jkunu qed jinbnew jew jiġu mġhammra u huma reġistrati skont l-artikolu 3(3), ir-Registratur-Ġenerali jista', fuq talba tal-applikant għar-reġistrazzjoni jew ir-rappreżentant awtorizzat tiegħu, jestendi r-reġistrazzjoni proviżorja għal perjodu jew perjodi oħra sat-tlestija tal-bastiment, iżda l-perjodu proviżorju ta' reġistrazzjoni fl-ebda każ ma jista' jiġi estiż għal perjodi li jeċċedu t-tliet snin kull darba:

Iżda wkoll ir-Registratur-Ġenerali jista' jestendi għal perjodi oħra ta' żmien meta jirċievi evidenza sodisfaċenti li l-kostruzzjoni tkun għadha ma tlestietx:

Iżda wkoll ir-Registratur-Ġenerali jista' jitlob dokumentazzjoni relatata mal-istadju tal-kostruzzjoni jew tat-tagħmir tal-bastiment:

Iżda wkoll id-dritt annwali għandu jithallas fl-anniversarju tal-ewwel reġistrazzjoni skont id-dispożizzjonijiet ta' dan l-Att."

Emenda tal-artikolu 18 tal-Att prinċipali.

**9.** Fl-artikolu 18 tal-Att prinċipali minnufih wara l-kliem "dikjarazzjonijiet kollha ta' proprjetà." għandhom jiġu miżjuda l-kliem "Kopji elettronici tad-dokumenti li għandhom jinżammu għandhom ikunu biżżejjed."

Thassir tal-artikolu 25 tal-Att prinċipali.

**10.** L-artikolu 25 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 26 tal-Att prinċipali.

**11.** Is-subartikolu (2) tal-artikolu 26 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 26A tal-Att prinċipali.

**12.** Fl-artikolu 26A tal-Att prinċipali l-kliem "u l-kaptan għandu minnufih jikkonsenja ċ-ċertifikat tar-reġistrazzjoni lir-registratur jew lil xi ufficjal konsulari ta' Malta" għandhom jiġu mħassra.

Sostituzzjoni tal-artikolu 28A tal-Att prinċipali.

**13.** L-artikolu 28A tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"28A. Meta x-xerrej ta' bastiment ma jikkwalifikax li jkun is-sid ta' bastiment Malti skont dan l-Att, malli r-registratur isir jaf jew jingħata avviż dwar dak il-fatt, ir-registratur:

(a) fil-każ ta' bejgħ li jsir wara ordni jew bl-approvazzjoni ta' qorti kompetenti, malli jirċievi kopji tal-proċeduri tal-bejgħ li jkunu ċertifikati għas-sodisfazzjon

tiegħu, għandu jniżżel dan kollu fir-reġistru u r-reġistru tal-bastiment għandu jitqies bħala magħluq, inkluż għal dak li għandu x'jaqsam ma' kwalunkwe ipoteka navali jew piż reġistrat jew strument ta' nollegġ finanzjarju reġistrat fuq dak il-bastiment; jew

(b) fil-każ ta' bejgħ minn kreditur ipotekarju pussessur skont l-artikolu 42(1)(b), malli tiġi ppreżentata kopja tal-att ta' bejgħ li jkun ċertifikat għas-sodisfazzjon tiegħu, għandu jniżżel dan kollu fir-reġistru u r-reġistru tal-bastiment għandu jitqies bħala magħluq għajr għal dak kollu li għandu x'jaqsam ma' kwalunkwe ipoteka navali mhux sodisfatta li tkun reġistrata fih."

**14.** L-artikolu 30 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 30 tal-Att prinċipali.

(a) fil-proviso tas-subartikolu (1) tiegħu l-kliem "jew jekk ma jkunx ġie lillu ċedut xi ċertifikat tar-reġistrazzjoni, sew proviżorju sew xort'oħra" għandhom jiġu mħassra;

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Ir-reġistratur għandu jispeċifika fuq iċ-ċertifikat ta' tħassir ir-raġuni tal-għeluq tar-reġistrazzjoni, u meta r-reġistrazzjoni ta' bastiment, sew proviżorja sew xort'oħra, tkun ingħalqet bla ħsara għal kwalunkwe ipoteka navali, strument ta' nollegġ finanzjarju jew privileġġi navali mhux sodisfatti mnizzla fiha, iċ-ċertifikat ta' tħassir għandu jinkludi wkoll deskrizzjoni sħiħa ta' kwalunkwe ipoteka navali, strument ta' nollegġ finanzjarju jew privileġġ mhux sodisfatti, flimkien ma' dikjarazzjoni li r-reġistrazzjoni tkun ingħalqet bla ħsara għal dawk l-ipoteki navali, strumenti ta' nollegġ finanzjarji jew privileġġi."

**15.** Fil-paragrafu (a) tas-subartikolu (9) tal-artikolu 37 tal-Att prinċipali minnufih wara l-kliem "speċifikati fl-artikolu 42" għandhom jiġu miżjuda l-kliem ", bl-eċċezzjoni tad-dritt ta' kreditur ipotekarju li jitlob l-għeluq ta' reġistru ta' bastiment taħt l-artikolu 42(1)".

Emenda tal-artikolu 37 tal-Att prinċipali.

**16.** L-artikolu 37B tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 37B tal-Att prinċipali.

(a) minnufih wara l-paragrafu (a) tas-subartikolu (2) tiegħu għandu jiġi miżjud il-paragrafu ġdid li ġej:

"(aa) permezz ta' interess ta' nollegġ finanzjarju fuq il-bastiment li huwa infurzabbli *erga omnes*, jew";

(b) minnufih wara s-subartikolu (3) tiegħu għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(4) Ipoteka navali għandha tinkludi wkoll ipoteka navali li tkun ġiet reġistrata f'ġurisdizzjoni barranija iżda rikonoxxuta f'Malta u reġistrata fir-registru Malti."

Emenda tal-artikolu 37C tal-Att prinċipali.

**17.** Minnufih wara s-subartikolu (1) tal-artikolu 37C tal-Att prinċipali għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(1a) Kwalunkwe strument ta' nollegġ finanzjarju li għalih bastiment jista' jkun suġġett ma għandux jiġi affettwat mill-falliment tan-nollegġatur finanzjarju li jseħh wara d-data ta' reġistrazzjoni tal-interess tan-nollegġ finanzjarju, minkejja li n-nollegġatur finanzjarju fil-bidu tal-falliment kellu l-bastiment fil-pussess, fl-ordni jew għad-dispożizzjoni tiegħu, u dak l-interess tan-nollegġ finanzjarju għandu jkollu preferenza fuq l-imsemmi bastiment, fuq id-djun, il-pretensjonijiet jew l-interessi l-oħra kollha ta' kwalunkwe kreditur ieħor tal-fallut jew ta' kull kuratur, trustee jew riċevitur, li jaġixxi fl-isem ta' kwalunkwe kredituri oħra, hlief għal dawk il-pretensjonijiet li għandhom preferenza fuq l-interess ta' nollegġ finanzjarju skont id-dispożizzjonijiet ta' dan l-Att."

Emenda tal-artikolu 37D tal-Att prinċipali.

**18.** L-artikolu 37D tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, ipoteka navali reġistrata u kwalunkwe strument ta' nollegġ finanzjarju għandhom jibqgħu imposti fuq bastiment jew sehem fih li fir-rigward tiegħu jkunu reġistrati sakemm jigu mħallsa:

Iżda meta l-bastiment ikun ġie konfiskat skont dan l-Att, l-interess ta' kull kreditur ipotekarju u, jew sid il-kera taħt strument ta' nollegġ finanzjarju fil-bastiment għandu jintemm jekk il-kreditur ipotekarju jew sid il-kera ta' nollegġ finanzjarju jkun awtorizza, ta l-kunsens tiegħu, jew ikkonfoffa, għall-att, nuqqas, jew ommissjoni li bhala konsegwenza tagħha l-bastiment jiġi konfiskat.";

(b) minnufih wara s-subartikolu (1) tiegħu, kif sostitwit, għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(1a) Meta bastiment ikun ġie mibjugħ wara ordni jew bl-approvazzjoni ta' qorti kompetenti li fil-

gürisdizzjoni tagħha l-bastiment kien fiż-żmien tal-bejgħ, dak il-bejgħ tal-bastiment għandu jitqies li jagħti lix-xerrej titolu li jkun hieles minn kull privileġġ u piż u kwalunkwe ipoteka navali, strument ta' nollegġ finanzjarju jew piż reġistrat fuq dak il-bastiment għandu jitqies li gie imhallas u għandu jitnehha mir-reġistru tal-bastiment:

Iżda l-interess tal-kredituri, jew ta' sid il-kera taħt strument ta' nollegġ finanzjarju kif ukoll dak ta' kwalunkwe kreditur iehor fil-bastiment inkluż il-gradazzjoni rispettiva tagħhom, jekk ikun il-każ, għandu jitqies li jiġi mgħoddi għad-dhul mill-bejgħ tal-bastiment skont il-liġi applikabbli f'dik il-gürisdizzjoni:

Iżda wkoll meta bastiment ikun inbiegħ minn kreditur ipotekarju pussessur skont id-drittijiet tiegħu taħt l-artikolu 42(1)(b) u jiġi dikjarat fl-att tal-bejgħ li l-bastiment ikun qed jinbiegħ hieles minn dak il-piż, id-drittijiet li jitnisslu minn dik l-ipoteka navali reġistrata u kwalunkwe strument ta' nollegġ finanzjarju reġistrat fuq il-bastiment ma għandhomx jibqgħu eżerçitabbli fir-rigward ta' dak il-bastiment."

**19.** L-artikolu 38 tal-Att prinçipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 38 tal-Att prinçipali.

(a) is-subartikolu (5) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(5) Ipoteka navali reġistrata skont dan l-Att tista' tiġi formulata b'mod li tiggarantixxi l-ħlas ta' ammont prinçipali u l-imgħax fuqu, kont kurrenti, kif ukoll it-twettiq ta' kwalunkwe obligazzjoni oħra, inkluż obligazzjoni futura dovuta mid-debitur lill-kreditur:

Iżda ipoteka navali formulata skont dan l-Att għandha tkun valida skont il-liġi anke jekk ma tindikax il-valur monetarju tal-ammont midjun fl-ipoteka navali:

Iżda wkoll sabiex l-obbligazzjonijiet futuri jkunu garantiti bl-ipoteka navali, kull waħda mill-kundizzjonijiet li ġejjin għandha tiġi sodisfatta:

(i) is-somma massima li tikkostitwixxi l-kapital li għalih tkun ingħatat l-ipoteka navali għandha tiġi dikjarata espressament fl-att reġistrat;

(ii) dik is-somma massima għandha tiġi reġistrata fir-reġistru mir-reġistratur; u

(iii) l-ipoteka navali għandha tkun reġistrata favur istituzzjoni ta' kreditu f'għurisidizzjoni approvata jew xi organizzazzjoni oħra li tista' tiġi permessa permezz ta' avviż maħruġ mill-Ministru.";

(b) is-subartikolu (6) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Il-Ministru jista' jagħmel regolamenti sabiex jirregola b'mod ulterjuri l-operat tal-għoti ta' garanzija sabiex jiġu garantiti obbligi futuri."

Emenda tal-artikolu 39 tal-Att prinċipali.

**20.** Fis-subartikolu (1) tal-artikolu 39 tal-Att prinċipali minnufih wara l-kliem "fir-reġistru" għandhom jiġu miżjuda l-kliem "u jassenja numru tal-indiċi ta' reġistrazzjoni ta' tali ipoteka navali."

Żieda ta' artikolu ġdid fl-Att prinċipali.

**21.** Minnufih wara l-artikolu 39 tal-Att prinċipali, kif emendat, għandu jiġi miżjud l-artikolu ġdid ġdid li ġej:

"Validità ta' ipoteka navali jew ċessjoni ta' ipoteka navali.

39A. L-ipoteka navali jew ċessjoni ta' ipoteka navali ta' bastiment reġistrat Malta ma għandhiex tkun valida fir-rigward ta' dak il-bastiment, kontra kwalunkwe persuna għajr id-debitur ipotekarju, is-suċċessuri u jew iċ-ċessjonarji tiegħu u persuni li jkollhom avviż attwali dwarha sakemm l-istrument ta' tranżazzjoni jiġi reġistrat skont l-artikolu 39."

Żieda ta' artikolu ġdid fl-Att prinċipali.

**22.** Minnufih wara l-artikolu 39A tal-Att prinċipali, kif miżjud, għandu jiġi miżjud l-artikolu ġdid li ġej:

"Korrezzjoni ta' żbalji.

39B. Parti f'ipoteka navali reġistrata skont dan l-Att, bil-kunsens tal-parti jew tal-partijiet l-oħra, fi żmien sebat ijiem mir-reġistrazzjoni, tista' tikkoreġi kwalunkwe żball fid-dokument."

Emenda tal-artikolu 42 tal-Att prinċipali.

**23.** L-artikolu 42 tal-Att prinċipali għandu jiġi emendat kif ġej:

"Kap. 12.

(a) fis-subartikolu (1) tiegħu l-kliem "Fil-każ ta' nuqqas" għandhom jiġu sostitwiti bil-kliem "Minkejja d-dispożizzjonijiet tal-artikolu 256(2) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, fil-każ ta' nuqqas";

(b) fil-paragrafu (a) tas-subartikolu (1) tiegħu l-kliem "li ma baqax sidu;" għandhom jiġu sostitwiti bil-kliem "li ma baqax sidu:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Iżda kwalunkwe kreditur ipotekarju jista', permezz ta' rikors, jitlob l-għajnuna tal-Qrati fl-eżerċizzju ta' dan id-dritt. Il-Qorti għandha tagħti l-istruzzjonijiet u l-

ordnijiet kollha, kif jista' jitqies meħtieġ, sabiex minnufih u kemm jista' jkun malajr tingħata dik l-għajnuna lill-kreditur ipotekarju;"

**24.** Minnufih wara l-artikolu 45A tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Emendi ta' dettalji reġistrati ta' ipoteka navali.

45B. Id-dettalji reġistrati li għandhom x'jaqsmu ma' ipoteka navali fil-każ ta' bidla fl-isem jew fl-indirizz tad-debitur ipotekarju jew tal-kreditur ipotekarju jistgħu jiġu emendati. L-emenda għandha tiġi magħmula mir-reġistratur fir-reġistru tal-bastiment ikkonċernat meta tiġi riċevuta talba mill-kreditur ipotekarju flimkien ma' prova għas-sostenn għall-bidliet meħtieġa."

**25.** Minnufih wara l-artikolu 49 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Registrazzjoni ta' ipoteki navali fuq bastimenti li jkunu taħt kostruzzjoni.

49A. (1) Ipoteka navali tista' tiġi reġistrata fuq bastiment li jkun taħt kostruzzjoni u kwalunkwe ipoteka navali għandha topera f'kull aspett bħala ipoteka navali skont dan l-Att u sakemm ma jkunx provdut xort'ohra f'dan l-artikolu, id-dispożizzjonijiet dwar l-ipoteki navali għandhom japplikaw *mutatis mutandis*.

(2) Qabel ir-reġistrazzjoni ta' ipoteka navali fuq bastiment taħt kostruzzjoni, is-sid għandu jipprovdi lir-reġistratur dikjarazzjoni ta' proprjetà li tikkonferma li huwa s-sid tal-bastiment taħt kostruzzjoni:

Iżda r-Registratur jista' jeħtieġ prova dokumentata tal-proprjetà.

(3) F'każijiet fejn il-proprjetà tal-bastiment taħt kostruzzjoni tkun vestita f'aktar minn sid wieħed, id-dikjarazzjoni ta' proprjetà għandha ssir mis-sidien flimkien:

Iżda s-sidien għandhom ikollhom l-għażla li flimkien jindikaw il-proporzjonijiet rispettivi tagħhom ta' ishma fil-vapur taħt kostruzzjoni. Kull meta jkun hemm bidla fil-proporzjonijiet tal-ishma fil-vapur, is-sidien jistgħu jiddikjaraw b'mod kongunt il-proporzjon rispettiv ġdid tal-ishma tagħhom.

Kap. 16. (4) Dikjarazzjoni ta' proprjeta' magħmula fir-rigward ta' bastiment taħt kostruzzjoni ma għandhiex tkun limitata għall-imsemmi bastiment fl-istadju tal-kostruzzjoni li fih ikun il-bastiment fiż-żmien li ssir id-dikjarazzjoni iżda għandha testendi wkoll għall-istadji tal-kostruzzjoni jew l-armar tal-bastiment li jsegwu, u l-artikolu 566 tal-Kodiċi Ċivili għandu japplika għalihom.

Kap. 16. (5) Ipoteka navali registrata fuq bastiment taħt kostruzzjoni ma għandhiex tkun limitata għall-bastiment fl-istadju tal-kostruzzjoni li l-bastiment ikun fih fiż-żmien meta tiġi registrata l-ipoteka navali iżda għandha testendi u tkun marbuta mal-istadji tal-kostruzzjoni li ġejjin, u l-artikolu 566 tal-Kodiċi Ċivili għandu japplika għalihom.

(6) Għall-finijiet ta' dan l-artikolu:

"bastiment taħt kostruzzjoni" tfisser bastiment li jkun fil-proċess li jinbena."

Żieda ta' artikolu ġdid fl-Att prinċipali.

**26.** Minnufih wara l-artikolu 49A tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Strument ta' nollegġ finanzjarju.

49B. (1) Id-drittijiet li joriġinaw favur sid il-kera ta' bastiment f' nollegġ finanzjarju jistgħu jiġu żgurati permezz tar-registrazzjoni fir-registru ta' dak il-bastiment ta' strument ta' nollegġ finanzjarju esegwit min-nollegġatur tal-finanzi favur sid il-kera li għandu jirrikonoxxi l-istess bil-miktub, fil-preżenza ta' u attestat minn xhud jew xhieda.

(2) Mal-produzzjoni ta' strument ta' nollegġ finanzjarju għar-registrazzjoni, ir-registratur għandu jirregistrah fir-registru tal-bastiment ikkonċernat.

(3) Jista' jithejja strument ta' nollegġ finanzjarju sabiex jiżgura l-eżekuzzjoni ta' kwalunkwe obbligu tan-nollegġatur finanzjarju favur sid il-kera taħt u skont nollegġ finanzjarju, inkluż il-ħlas ta' kirja, is-somma prinċipali u l-imgħax, kont kurrenti, kif ukoll it-twertiq ta' kwalunkwe obbligu ieħor.

(4) Il-kunsens bil-miktub ta' kwalunkwe kreditur ipotekarju registrat għandu jkun meħtieġ għar-registrazzjoni ta' strument ta' nollegġ finanzjarju.

(5) Ir-reġistrazzjoni ta' kwalunkwe strument ta' nollegġ finanzjarju ma għandha taffettwa l-ebda ipoteka navali reġistrata fuq dak il-bastiment jew sehem fih, irrISPETTIVAMENT minn jekk tali reġistrazzjoni tal-ipoteka navali hijiex affettwata qabel jew wara r-reġistrazzjoni tal-istrument ta' nollegġ finanzjarju u kwalunkwe dritt tad-detentur tal-ipoteka navali ma għandu bl-ebda mod ikun preġudikat mir-reġistrazzjoni ta' strument tan-nollegġ finanzjarju:

Iżda r-reġistrazzjoni ta' kwalunkwe strument ta' nollegġ finanzjarju għandha tkun mingħajr preġudizzju għad-disposizzjonijiet tal-artikolu 37Ċ.

(6) Ir-reġistrazzjoni ta' strument ta' nollegġ finanzjarju fuq bastiment ma għandhiex tipprojbixxi r-reġistrazzjoni, l-emenda jew il-ħlas ta' kwalunkwe ipoteka navali fuq dak il-bastiment.

(7) It-trasferiment tal-bastiment jew ta' kwalunkwe sehem fih imsemmi fl-istrument ta' nollegġ finanzjarju ma għandux ikun ipprojbit u r-reġistratur għandu jirreġistra kwalunkwe trasferiment, sakemm f'dawk il-każijiet sid il-kera għandu jew ineħhi l-istrument ta' nollegġ finanzjarju qabel it-trasferiment tal-bastiment jew jittrasferixxi l-istrument tan-nollegġ finanzjarju lill-persuna li lilha qed isir it-trasferiment flimkien mal-bastiment.

(8) Strument ta' nollegġ finanzjarju reġistrat għandu jitqies bħala charge fuq bastiment li għandu jkun eżegwibbli *erga omnes*:

Iżda għall-finijiet tal-artikolu 54A, id-dejn garantit bi strument ta' nollegġ finanzjarju għandu jikklassifika wara kwalunkwe dejn garantit b'ipoteka navali reġistrata taħt id-dispożizzjonijiet ta' dan l-Att jew garantit b'ipoteka navali barranija rikonoxxuta skont dan l-Att u wara d-djun speċifikati fl-artikolu 54 u fl-artikolu 50 (ċ), (d), (e), (f), (g), (h), (i), (j) u (k) iżda qabel id-djun speċifikati fl-artikolu 50(l), (m), (n), (o) u (p) u bi preferenza għal pretensjonijiet oħra ipotekarji u privileġġjati:

Iżda wkoll id-drittijiet mogħtija lis-sid il-kera skont dan is-subartikolu għandhom ikunu limitati għall-bastiment indikat fl-istrument tan-nollegġ finanzjarju u ma għandhom japplikaw għall-ebda djun, obbligi, azzjonijiet u pretensjonijiet relatati mal-bastiment li nħolqu qabel ir-reġistrazzjoni tal-istrument tan-nollegġ finanzjarju.

(9) Fil-każ tan-nuqqas ta' kwalunkwe terminu jew kundizzjoni fl-istrument registrat ta' nollegġ finanzjarju jew ta' kwalunkwe dokument jew ftehim imsemmi fih, sid il-kera għandu, meta jagħti avviż bil-miktub lin-nollegġatur tal-finanzi jkun intitolat li jieħu pussess tal-bastiment li fir-rigward tiegħu l-istrument ta' nollegġ finanzjarju jkun registrat.

(10) Għall-finijiet ta' kwalunkwe proċeduri ġudizzjarji istitwiti minn sid il-kera b'rabta ma' nollegġ finanzjarju, l-intimat għandu jitqies li jkun ġie nnotifikat kif dovut jekk ir-rikors jew att ieħor jiġi nnotifikat lill-kaptan tal-bastiment, jew jekk ikun assenti minn Malta, lill-aġent lokali, maħtur għall-bastiment, jew fin-nuqqas ta' dak l-aġent lokali lill-kuraturi maħtura mill-qorti sabiex jirrappreżentaw lin-nollegġatur tal-finanzi u l-bastiment.

(11) Id-disposizzjonijiet tal-artikoli 38(4), 38(7), 44, 44A, 45, 46, 47 u 48 ta' dan l-Att għandhom japplikaw *mutatis mutandis* fir-rigward ta' strument ta' nollegġ finanzjarju.

(12) Dan l-artikolu għandu jkun mingħajr preġudizzju għad-disposizzjonijiet li jinsabu fl-artikoli 19A u 19B:

Iżda għandu jkun permissbli li strument ta' nollegġ finanzjarju jiġi registrat fuq bastiment minkejja li l-imsemmija dispożizzjonijiet ma jkunux intużaw.

(13) Għall-finijiet ta' dan l-artikolu:

(a) it-terminu "nollegġ finanzjarju" għandu jirreferi għan-nollegġ jew kiri ta' bastiment skont termini fejn il-pussess, it-tħaddim jew il-kontroll ta' dak il-bastiment jingħata lil bareboat charterer jew lill-kerrej, inkluż permezz ta' demise jew bareboat charter jew ftehim simili, li l-għan u l-intenzjoni prinċipali tiegħu huwa li jiffinanzja l-akkwist, it-tħaddim, l-amministrazzjoni, jew il-ġestjoni ta' dak il-bastiment;

(b) it-terminu "strument ta' nollegġ finanzjarju" għandu jirreferi għar-registrazzjoni ta' nollegġ finanzjarju kif provdut f'dan l-artikolu;

(ċ) it-terminu "nollegġatur tal-finanzi" għandu jirreferi għall-persuna identifikata bħala l-bareboat charterer jew il-kerrej fin-nollegġ finanzjarju;

(d) it-terminu "sid il-kera" għandu jirreferi għas-sid ta' bastiment li huwa s-sugġett ta' jew huwa xort' oħra indirizzat f' nolleġġ finanzjarju."

27. Minnufih wara l-artikolu 49B tal-Att prinċipali, kif miżjud, għandu jiġi miżjud l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid fl-Att prinċipali.

"Emenda ta' strument ta' nolleġġ finanzjarju.

49Ċ (1) Meta strument ta' nolleġġ finanzjarju registrat jiġi emendat, ir-registratur għandu mal-produzzjoni tal-istrument ta' nolleġġ finanzjarju esegwit skont id-dispożizzjonijiet tal-artikolu 49B li jkun fih tali emenda, flimkien mar-rikonoxximent bil-miktub fuq l-imsemmi strument minn sid il-kera, jagħmel nota tiegħu fir-registru bl-effett li l-istrument ta' nolleġġ finanzjarju ġie emendat, u kwalunkwe tali emenda għandha tiffirma parti integrali mill-istrument ta' nolleġġ finanzjarju registrat u dak l-istrument, kif emendat, għandu jkompli jkollu l-istess prijorità li kellu qabel ma ġiet innutata l-emenda.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, emenda ta' strument ta' nolleġġ finanzjarju tista' ssir għal kwalunkwe għan.

(3) Mingħajr preġudizzju għall-generalità ta' dak li hawn fuq stabbilit, u bla ħsara għad-dispożizzjonijiet tas-subartikoli (4) u (5), emenda ta' strument ta' nolleġġ finanzjarju għandha ssir għal kwalunkwe wieħed jew aktar mill-għanijiet li ġejjin:

(a) sabiex jiżdied l-ammont ta' kapital garantit b'tali strument ta' nolleġġ finanzjarju. Ftehim sabiex jemenda u jvarja r-rati tal-imgħax pagabbli, il-modalitajiet għall-kalkolu tal-imgħax inkluż kwalunkwe indiċi, margini, jew mekkaniżmu tas-suq, l-iskeda tal-ħlas lura jew il-munita li fiha għandu jsir il-ħlas ma jitqiesx bħala zieda għall-għanijiet ta' dan l-artikolu; u

(b) sabiex jestendi dak l-istrument ta' nolleġġ finanzjarju sabiex jiżgura kwalunkwe obbligu ieħor tan-nolleġġatur finanzjarju favur sid il-kera taht u skont it-termini tan-nolleġġ finanzjarju.

(4) Emenda ta' strument ta' nolleġġ finanzjarju ma tistax issir wara li l-obbligu garantit bl-istrument ta' nolleġġ finanzjarju registrat ikun ġie sodisfatt.

(5) Ir-rikonoxximent għal emenda ta' strument ta' nolleġġ finanzjarju għandu jkun indikat permezz ta' dikjarazzjoni esegwita minn sid il-kera fil-preżenza ta', u attestata minn xhud."

Emenda tal-artikolu 50 tal-Att prinċipali.

**28.** L-artikolu 50 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tiegħu minnufih wara l-kelma "tunnellaġġ" għandhom jiġu miżjuda l-kliem "inklużi drittijiet ta' ankraġġ u ta' rmiġġ";

(b) fil-proviso tal-paragrafu (j) tiegħu minnufih wara l-kliem "magħmul direttament minn sid il-bastiment" għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer," u minnufih wara l-kliem "jew minn mandatarju tas-sid" għandhom jiġu miżjuda l-kliem "jew tal-bareboat charterer";

(ċ) fil-proviso tal-paragrafu (m) tiegħu minnufih wara l-kliem "direttament minn sid il-bastiment" għandhom jiġu miżjuda l-kliem "u jew mill-bareboat charterer," u minnufih wara l-kliem "minn mandatarju tas-sid" għandhom jiġu miżjuda l-kliem "jew tal-bareboat charterer".

Emenda tal-artikolu 52 tal-Att prinċipali.

**29.** Is-subartikolu (2) tal-artikolu 52 tal-Att prinċipali għandu jiġi sositwit bis-subartikolu ġdid li ġej:

"(2) Privileġġ għandu jkun effettiv biss fir-rigward ta' kwalunkwe bastiment ieħor jekk il-kreditu jkun debitament reġistrat f'registru pubbliku fil-pajjiż li għalih il-bastiment jappartjeni u skont il-liġijiet ta' dak il-pajjiż."

Emenda tal-artikolu 55 tal-Att prinċipali.

**30.** L-artikolu 55 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu l-kliem "mill-Ministru" għandhom jiġu sostitwiti bil-kliem "mir-Registratur-Ġenerali";

(b) fis-subartikolu (3) tiegħu l-kliem "tliet xhur" għandhom jiġu sostitwiti bil-kliem "tnax-il xahar".

Emenda tal-artikolu 56 tal-Att prinċipali.

**31.** L-artikolu 56 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (4) tiegħu minnufih wara l-kliem "tar-reġistrazzjoni tal-bastiment" għandhom jiġu miżjuda l-kliem ", fi kwalunkwe ċertifikat ieħor maħruġ mir-registratur li jkollu l-isem tal-bastiment";

(b) fis-subartikolu (5) tiegħu minnufih wara l-kliem "fi-ċertifikat ta' reġistrazzjoni tal-bastiment" għandhom jiġu jizjuda l-kliem ", fi kwalunkwe ċertifikat ieħor maħruġ mir-registratur li

jkollu l-isem tal-bastiment".

**32.** L-artikolu 58 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 58 tal-Att prinċipali.

"58. Għall-finijiet tar-reġistru ta' tibdil f'bastiment, ir-reġistratur għandu jniżżel id-dettalji tat-tibdil fir-reġistru u għandu joħroġ ċertifikat ta' reġistru ġdid."

**33.** Fis-subartikolu (1) tal-artikolu 61 tal-Att prinċipali l-kliem "u meta jingħatalu ċ-ċertifikat tar-reġistrazzjoni eżistenti," għandhom jiġu mħassra.

Emenda tal-artikolu 61 tal-Att prinċipali.

**34.** Fis-subartikolu (2) tal-artikolu 65 tal-Att prinċipali l-kliem "awtorizzat kif imiss." għandhom jiġu sostitwiti bil-kliem "awtorizzat kif imiss:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

Emenda tal-artikolu 65 tal-Att prinċipali.

"Iżda r-reġistratur jista' jaċċetta dikjarazzjonijiet elettronici li jkunu ffirmati b'mod elettroniku sigur."

**35.** L-artikolu 67 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 67 tal-Att prinċipali.

"67. Bla ħsara għal kwalunkwe dispożizzjoni ta' dan l-Att, persuna tista', mal-ħlas ta' dak id-dritt li jista' jiġi preskritt, tispezzjona kwalunkwe reġistru, billi tipprovdni l-isem tal-bastiment u tikseb traskrizzjoni jew estratt tar-reġistru."

**36.** L-artikolu 69 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 69 tal-Att prinċipali.

**37.** Fl-artikolu 70 tal-Att prinċipali minnufih wara l-kliem "jew ċertifikat ta' ipoteka navali" għandhom jiġu miżjudi l-kliem "jew kull ċertifikat ieħor maħruġ mir-reġistratur".

Emenda tal-artikolu 70 tal-Att prinċipali.

**38.** Fis-subartikolu (1) tal-artikolu 79 tal-Att prinċipali l-kliem "tal-Ministru", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "tar-Reġistratur-Ġenerali" u l-kliem "il-Ministru" għandhom jiġu sostitwiti bil-kliem "ir-Reġistratur-Ġenerali".

Emenda tal-artikolu 79 tal-Att prinċipali.

**39.** Fil-paragrafu (ċ) tas-subartikolu (2) tal-artikolu 81 tal-Att prinċipali minnufih wara l-kelma "s-sid" għandhom jiġu miżjudi l-kliem "jew il-bareboat charterer".

Emenda tal-artikolu 81 tal-Att prinċipali.

**40.** L-artikolu 95 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 95 tal-Att prinċipali.

**41.** L-artikolu 97 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 97 tal-Att prinċipali.

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Emenda tal-artikolu 98 tal-Att prinċipali.

**42.** Fil-paragrafu sussegwenti għall-paragrafu (d) tal-artikolu 98 tal-Att prinċipali minnufih wara l-kliem "prigunerija u multa flimkien." għandhom jiġu miżjuda l-kliem "Barra minn hekk, ir-Registatur-Ġenerali jista' jipprojbixxi lil dik il-persuna milli tiġi ingaġġata fuq bastiment registrat f'Malta, għal perjodu definit jew indefinit."

Emenda tal-artikolu 100 tal-Att prinċipali.

**43.** Is-subartikolu (4) tal-artikolu 100 tal-Att prinċipali għandu jiġi mħassar.

Thassir tal-artikolu 101 tal-Att prinċipali.

**44.** L-artikolu 101 tal-Att prinċipali għandu jiġi mħassar.

Sostituzzjoni tal-artikolu 102 tal-Att prinċipali.

**45.** L-artikolu 102 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"102. Il-kaptan ta' kull bastiment għandu jzomm abbord iċ-ċertifikati rilevanti kollha tal-bastiment u l-ekwipaġġ tiegħu, kif meħtieġ skont dan l-Att u skont l-istrumenti internazzjonali li Malta hija parti għalihom."

Emenda tal-artikolu 114 tal-Att prinċipali.

**46.** Fis-subartikolu (1) tal-artikolu 114 tal-Att prinċipali l-kliem "mill-Ministru" għandhom jiġu sostitwiti bil-kliem "mir-Registatur-Ġenerali".

Emenda tal-artikolu 122B tal-Att prinċipali.

**47.** Fis-subartikolu (2) tal-artikolu 122B tal-Att prinċipali l-kliem "il-kaptan jew is-sid" għandhom jiġu sostitwiti bil-kliem "il-kaptan, is-sid jew il-bareboat charterer".

Emenda tal-artikolu 122C tal-Att prinċipali.

**48.** Fil-paragrafu (1) tas-subartikolu (2) tal-artikolu 122C tal-Att prinċipali l-kliem "tmintax il-sena:" għandhom jiġu sostitwiti bil-kliem "tmintax-il sena." u l-proviso li jinsab minnufih wara għandu jiġi mħassar.

Sostituzzjoni tal-artikolu 128 tal-Att prinċipali.

**49.** L-artikolu 128 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Ċertifikat ta' temm falz jew falsifikat.

128. Jekk kwalunkwe persuna:

(a) tiffalsifika jew b'mod frodulent i tiddel kwalunkwe ċertifikat ta' temm; jew

(b) tassisti fit-twettiq, jew tipprokura t-twettiq ta' kwalunkwe mir-reati msemmija qabel; jew

(c) b'mod frodulent tuża kwalunkwe ċertifikat ta' temm li jkun falz jew mibdul jew li ma jappartjenix lilha,

għandha għal kull reat, tehel meta tintsab hatja priġunerija għal żmien ta' mhux iżjed minn sentejn jew multa ta' mhux iżjed minn ħames mitt unit jew kemm dik il-priġunerija u l-multa flimkien."

**50.** Fis-subartikolu (5) tal-artikolu 129A tal-Att prinċipali minnufih wara l-kliem "Dan l-artikolu għandu" għandha tiġi miżjuda l-kelma "wkoll".

Emenda tal-artikolu 129A tal-Att prinċipali.

**51.** L-artikolu 131 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 131 tal-Att prinċipali.

(a) minnufih wara l-kliem "il-paga tal-baħri tibqa' għaddejja" għandhom jiġu miżjuda l-kliem ", għall-perjodu li l-baħri jibqa' abbord il-bastiment,";

(b) il-kliem "sakemm tinqata' għal kollox il-kwistjoni." għandhom jiġu sostitwiti bil-kliem "sakemm tinqata' għal kollox il-kwistjoni:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

"Izda jekk il-bastiment ikkonċernat ikun soġġett għal bejgħ bil-qorti, il-pagi dovuti lill-baħrin abbord għandhom jibqgħu jakkumulaw favur il-baħrin li jkomplu jaqdu dmirijethom abbord u għandhom ikomplu jakkumulaw jew sakemm il-baħrin jitolqu minn fuq il-bastiment jew sakemm il-bastiment jinbiegħ, skont liema jiġi l-ewwel. Wara bejgħ bil-qorti, il-pagi ma għandhomx jibqgħu jakkumulaw favur baħri sakemm il-baħri ma jiġix ingaġġat mis-sid il-ġdid tal-bastiment."

**52.** L-artikoli 133, 135, 136, 137 u 137A tal-Att prinċipali għandhom jiġu mħassra.

Thassir tal-artikoli 133, 135, 136, 137 u 137A tal-Att prinċipali.

**53.** L-artikolu 147 tal-Att prinċipali għandu jiġi emendat b' dan li ġej:

Emenda tal-artikolu 147 tal-Att prinċipali.

(a) fil-verżjoni bl-Ingliż biss, il-kliem "a proceeding is" għandhom jiġu sostitwiti bil-kliem "proceedings are";

(b) minnufih wara l-kliem "bejn sid" u "bejn is-sid", kull fejn jokkorru, għandhom jiġu miżjuda l-kliem "jew bareboat charterer" u "jew il-bareboat charterer".

**54.** L-artikolu 148 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 148 tal-Att prinċipali.

(a) fis-subartikolu (4) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer,";

(b) fis-subartikolu (5) tiegħu l-kliem "Konvenzjoni (Riveduta) tal-1949 dwar l-Ekwipaġġi (Nru 92) u tal-Konvenzjoni (Provvedimenti Supplimentari) tal-1970 dwar l-Akkomodazzjoni tal-Ekwipaġġi (Nru 133), it-tnejn tal-Organizzazzjoni Internazzjonali tax-Xogħol (ILO), inkluża kull reviżjoni tagħhom" għandhom jiġu sostitwiti bil-kliem "Konvenzjoni tal-2006 dwar ix-Xogħol Marittimu tal-Organizzazzjoni Internazzjonali tax-Xogħol, inkluża kwalunkwe reviżjoni tagħhom."

Emenda tal-artikolu 149 tal-Att prinċipali.

**55.** Fis-subartikolu (3) tal-artikolu 149 tal-Att prinċipali l-kliem "il-kaptan jew is-sid" għandhom jiġu sostitwiti bil-kliem "il-kaptan, jew is-sid jew il-bareboat charterer".

Thassir tal-artikolu 151 tal-Att prinċipali.

**56.** L-artikolu 151 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 152 tal-Att prinċipali.

**57.** L-artikolu 152 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer,";

(b) fis-subartikolu (3) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", lill-bareboat charterer";

(ċ) fil-proviso tas-subartikolu (3) tiegħu l-kliem "il-kaptan, jew is-sid", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "il-kaptan, jew is-sid jew il-bareboat charterer".

Emenda tal-artikolu 158 tal-Att prinċipali.

**58.** L-artikolu 158 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "l-ispejjeż (jekk ikun hemm) għad-difna tiegħu" għandhom jiġu sostitwiti bil-kliem "l-ispejjeż, jekk ikun hemm, għar-ripatrijazzjoni tal-mejjet u għad-difna tiegħu,";

(b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) minnufih wara l-kliem "kull spejjeż raġonevoli li jkunu saru kif imiss mis-sid" għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer";

(ii) il-kliem "mis-sid dwar id-dfin" għandhom jiġu sostitwiti bil-kliem "mis-sid jew mill-bareboat charterer fir-rigward tar-ripatrijazzjoni tal-mejjet u għad-difna tiegħu".

- 59.** L-artikolu 159 tal-Att prinċipali għandu jiġi emandat kif ġej: Emenda tal-artikolu 159 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "mis-sid", kull fejn jokkorru, għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer";
- (b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:
- "(2) Sakemm l-artikolu 37D(3) ma jipprovdi xort'oħra, jekk l-ispejjeż ma jiġi jithallsux lura, l-ammont tagħhom għandu bl-ispejjeż jikkostitwixxi piż fuq il-bastiment u jkun jista' jiġi rkuprat mingħand il-kaptan, is-sid jew il-bareboat charterer tal-bastiment fiż-żmien li titressaq l-azzjoni jew, fejn il-bastiment ikun intilef, is-sid tal-bastiment fiż-żmien tat-telf, jew, meta l-bastiment ikun ġie trasferit, jew mis-sid tal-bastiment fiż-żmien meta titressaq l-azzjoni jew mingħand il-persuna li kienet is-sid tal-bastiment fiż-żmien tat-trasferiment, fuq istanza tal-persuna li thallas l-ispejjeż jew bhala dejn li għandu jiġi thallas lill-Gvern ta' Malta."
- 60.** Fil-paragrafu (a) tal-artikolu 162 tal-Att prinċipali minnufih wara l-kliem "mis-sid" għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer". Emenda tal-artikolu 162 tal-Att prinċipali.
- 61.** Fl-artikolu 163 tal-Att prinċipali l-kliem "(f' dan l-Att imsejha "regolamenti dwar baħrin fi bżonn)" għandhom jiġu mħassra. Emenda tal-artikolu 163 tal-Att prinċipali.
- 62.** L-artikolu 164 tal-Att prinċipali għandu jiġi emandat kif ġej: Emenda tal-artikolu 164 tal-Att prinċipali.
- (a) il-kliem "dwar baħrin fi bżonn" għandhom jiġu mħassra.
- (b) il-kliem "għall-ispejjeż tad-difna" għandhom jiġu sostitwiti bil-kliem "għar-ripatrijazzjoni tal-mejjet u għad-difna tiegħu".
- 63.** Is-subartikolu (1) tal-artikolu 165 tal-Att prinċipali għandu jiġi emandat kif ġej: Emenda tal-artikolu 165 tal-Att prinċipali.
- (a) il-kliem "għad-difna tiegħu" għandhom jiġu sostitwiti bil-kliem "għar-ripatrijazzjoni tal-mejjet u għad-difna tiegħu";
- (b) minnufih wara l-kliem "lill-Gvern ta' Malta mill-kaptan tal-bastiment jew minn dak li fiż-żmien ikun sid il-bastiment" għandhom jiġu miżjuda l-kliem "jew bareboat

charterer".

Emenda tal-artikolu 168 tal-Att prinċipali.

**64.** Fis-subartikolu (1) tal-artikolu 168 tal-Att prinċipali l-kliem "ir-regolamenti dwar il-bahrin fi bżonn." għandhom jiġu sostitwiti bil-kliem "ir-regolamenti."

Emenda tal-artikolu 171 tal-Att prinċipali.

**65.** Fil-paragrafu (a) tal-artikolu 171 tal-Att prinċipali minnufih wara l-kliem "mis-sid" għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer".

Emenda tal-artikolu 173 tal-Att prinċipali.

**66.** L-artikolu 173 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "lill-kaptan jew lis-sid" għandhom jiġu sostitwiti bil-kliem "lill-kaptan, jew lis-sid jew lill-bareboat charterer";

(ii) il-kliem "dak il-kaptan jew lis-sid" għandhom jiġu sostitwiti bil-kliem "dak il-kaptan, jew lis-sid jew lill-bareboat charterer"; u

(b) fis-subartikolu (3) tiegħu l-kliem "sid jew kaptan", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "sid, jew kaptan jew bareboat charterer".

Emenda tal-artikolu 179 tal-Att prinċipali.

**67.** L-artikolu 179 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu minnufih wara l-kliem "l-aġent tiegħu," għandhom jiġu miżjuda l-kliem "jew bareboat charterer"; u

(b) fis-subartikolu (4) tiegħu l-kliem "tal-kaptan jew tas-sid" għandhom jiġu sostitwiti bil-kliem "tal-kaptan, tas-sid jew tal-bareboat charterer".

Emenda tal-artikolu 184 tal-Att prinċipali.

**68.** Fl-artikolu 184 tal-Att prinċipali minnufih wara l-kliem "tas-sid" għandhom jiġu miżjuda l-kliem ", tal-bareboat charterer".

Emenda tal-artikolu 190 tal-Att prinċipali.

**69.** L-artikolu 190 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "mill-Ministru" għandhom jiġu sostitwiti bil-kliem "mir-Registratur-Ġenerali";

(b) fis-subartikolu (2) tiegħu l-kliem "il-Ministru" għandu jiġi sostitwit bil-kliem "ir-Registratur-Ġenerali";

(ċ) fis-subartikolu (3) tiegħu l-kliem "tal-kaptan jew tas-sid" għandhom jiġu sostitwiti bil-kliem "tal-kaptan, jew tas-sid

jew tal-bareboat charterer".

- 70.** L-artikoli 193 u 194 tal-Att prinċipali għandhom jiġu mhassra. Thassir tal-artikoli 193 u 194 tal-Att prinċipali.
- 71.** Is-subartikoli (1) u (2) tal-artikolu 195 tal-Att prinċipali għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin: Emenda tal-artikolu 195 tal-Att prinċipali.
- "195. (1) Għandu jinħareġ lil kull baħri Malti, fuq applikazzjoni, dokument tal-identità li jkun magħruf, u f'dan l-Att qed issirli referenza bħala karta tal-identità ta' baħri Malti, fil-forma stabbilita mir-Reġistratur-Ġenerali.
- (2) Applikazzjoni għall-karta tal-identità ta' baħri Malti għandha ssir lir-Reġistratur-Ġenerali u l-applikant għandu jipproduċi dawk id-dokumenti u jagħti dik l-informazzjon li r-Reġistratur-Ġenerali jista' jirrikjedi."
- 72.** Is-subartikolu (3) tal-artikolu 197 tal-Att prinċipali għandu jiġi mhassar. Emenda tal-artikolu 197 tal-Att prinċipali.
- 73.** Fl-artikolu 204 tal-Att prinċipali minnufih wara l-kelma "sidien," għandhom jiġu miżjuda l-kliem "bareboat charterers,". Emenda tal-artikolu 204 tal-Att prinċipali.
- 74.** L-artikolu 206 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 206 tal-Att prinċipali.
- (a) fil-paragrafu (b) tas-subartikolu (2) tiegħu minnufih wara l-kliem "mis-sid" għandhom jiġu miżjuda l-kliem "jew mill-bareboat charterer";
- (b) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:
- (i) fil-paragrafu (a) tiegħu minnufih wara l-kliem "u s-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer";
- (ii) fil-paragrafu (b) tiegħu minnufih wara l-kliem "lis-sid", kull fejn jokkorru, għandhom jiġu miżjuda l-kliem "jew lill-bareboat charterer";
- (iii) fil-paragrafu (d) tiegħu minnufih wara l-kelma "is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer";
- (c) fis-subartikolu (5) tiegħu l-kelma "steam" għandha tiġi mhassra;
- (d) fis-subartikolu (6) tiegħu l-kliem "dan l-artikolu"

għandhom jiġu sostitwiti bil-kliem "din it-Taqsima tal-Att".

Emenda tal-artikolu 215 tal-Att prinċipali.

**75.** Fis-subartikolu (1) tal-artikolu 215 tal-Att prinċipali l-kliem "lill-Ministru" għandhom jiġu sostitwiti bil-kliem "lir-Regjistratur-Ġenerali".

Thassir tal-artikoli 229 u 230 tal-Att prinċipali.

**76.** L-artikoli 229 u 230 tal-Att prinċipali għandhom jiġu mħassra.

Emenda tal-artikolu 235 tal-Att prinċipali.

**77.** Fis-subartikolu (2) tal-artikolu 235 tal-Att prinċipali l-kliem "il-kaptan jew is-sid tal-bastiment" għandhom jiġu sostitwiti bil-kliem "il-kaptan, jew is-sid jew il-bareboat charterer tal-bastiment".

Emenda tal-artikolu 259 tal-Att prinċipali.

**78.** L-artikolu 259 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer";

(b) fis-subartikolu (3) tiegħu l-kliem "is-sid jew il-kaptan" għandhom jiġu sostitwiti bil-kliem "is-sid, jew il-kaptan, jew il-bareboat charterer".

Emenda tal-artikolu 280 tal-Att prinċipali.

**79.** L-artikolu 280 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) F'kull kuntratt ta' servizz, espress jew mifhum, bejn is-sid jew il-bareboat charterer ta' bastiment u l-kaptan jew kwalunkwe baħri tiegħu, u f'kull strument ta' apprendistat li bih kwalunkwe persuna għandha sservi bhala apprendist abbord kwalunkwe bastiment, għandu jiġi mifhum, minkejja kwalunkwe ftehim kuntrarju, obbligu fuq is-sid jew il-bareboat charterer tal-bastiment li daww it-tali persuni, kif applikabbli u l-kaptan u kull persuna inkarigata mit-tagħbija tal-bastiment, jew mit-tnejn tal-bastiment għall-baħar, jew mit-trażmissjoni tal-bastiment għall-baħar, għandhom jużaw il-mezzi raġonevoli kollha sabiex jiżguraw li l-bastiment ikun tajjeb għall-baħar għall-vjaġġ fil-hin meta jibda l-vjaġġ, u sabiex iżommuh f'kundizzjoni tajba għall-baħar għall-vjaġġ, matul il-vjaġġ.";

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem "is-sid ta' bastiment" għandhom jiżdiedu l-kliem "jew lill-bareboat charterer tal-bastiment".

- 80.** L-artikolu 282 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 282 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu l-kliem "il-kaptan jew is-sid" għandhom jiġu sostitwiti bil-kliem "il-kaptan jew is-sid jew il-bareboat charterer";
- (b) fis-subartikolu (2) tiegħu l-kliem "mill-kaptan jew mis-sid tal-bastiment" għandhom jiġu sostitwiti bil-kliem "mill-kaptan, jew mis-sid jew mill-bareboat charterer tal-bastiment".
- 81.** Fis-subartikolu (1) tal-artikolu 286 tal-Att prinċipali l-kliem "il-kaptan jew is-sid" għandhom jiġu sostitwiti bil-kliem "il-kaptan, jew is-sid jew il-bareboat charterer" u l-kliem "lill-kaptan jew lis-sid" għandhom jiġu sostitwiti bil-kliem "lill-kaptan, jew lis-sid jew lill-bareboat charterer". Emenda tal-artikolu 286 tal-Att prinċipali.
- 82.** L-artikolu 288 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 288 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu l-kliem "il-kaptan jew is-sid" għandhom jiġu sostitwiti bil-kliem "il-kaptan jew is-sid jew il-bareboat charterer";
- (b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:
- (i) il-kliem "tal-kaptan jew tas-sid", kull fejn jokkorru, għandhom jiġu sostitwiti bil-kliem "tal-kaptan, jew tas-sid jew tal-bareboat charterer";
- (ii) il-kliem "la l-kaptan u lanqas is-sid tal-bastiment" għandhom jiġu sostitwiti bil-kliem "la l-kaptan, la s-sid u lanqas il-bareboat charterer tal-bastiment".
- 83.** L-artikolu 290 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 290 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer" u minnufih wara l-kliem "tas-sid" għandhom jiġu miżjuda l-kliem "jew tal-bareboat charterer";
- (b) fis-subartikolu (2) tiegħu minnufih wara l-kelma "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer".
- 84.** L-artikolu 293 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 293 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "Is-sidien" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterers";
- (b) fis-subartikolu (2) tiegħu minnufih wara l-kliem "tas-

sid" għandhom jiġu miżjuda l-kliem "jew tal-bareboat charterer" u minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer";

(ċ) fis-subartikolu (4) tiegħu minnufih wara l-kliem "tas-sid" għandhom jiġu miżjuda l-kliem "jew tal-bareboat charterer u tal-kaptan";

(d) minnufih wara s-subartikolu (4) tiegħu, kif emendat, għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(5) Kwalunkwe persuna li tikkawża ksur tar-regolamenti dwar kollizjoni tista' tiġi pprojbata mir-Registatur-Ġenerali milli tiġi ingaġġata fuq bastiment registrat f'Malta, għal perjodu definit jew indefinit."

Emenda tal-artikolu 294 tal-Att prinċipali.

**85.** L-artikolu 294 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu l-kliem "lill-kaptan jew lis-sid" għandhom jiġu sostitwiti bil-kliem "lill-kaptan, jew lis-sid, jew lill-bareboat charterer";

(b) fis-subartikolu (3) tiegħu l-kliem "is-sid jew il-kaptan" għandhom jiġu sostitwiti bil-kliem "is-sid, il-kaptan jew il-bareboat charterer";

(ċ) fis-subartikolu (6) tiegħu l-kliem "is-sid jew il-kaptan" għandhom jiġu sostitwiti bil-kliem "is-sid, jew il-kaptan jew il-bareboat charterer" u l-kliem "mis-sid jew mill-kaptan" għandhom jiġu sostitwiti bil-kliem "mis-sid, jew mill-kaptan jew mill-bareboat charterer".

Emenda tal-artikolu 296 tal-Att prinċipali.

**86.** Fil-verżjoni bl-Ingliż biss, fis-subartikolu (1) tal-artikolu 296 tal-Att prinċipali l-kliem "the master or every ship shall" għandhom jiġu sostitwiti bil-kliem "the master of every ship shall".

Emenda tal-artikolu 298 tal-Att prinċipali.

**87.** Fis-subartikolu (3) tal-artikolu 298 tal-Att prinċipali l-kliem "is-sid jew il-kaptan" għandhom jiġu sostitwiti bil-kliem "is-sid, jew il-kaptan jew il-bareboat charterer".

Emenda tal-artikolu 300 tal-Att prinċipali.

**88.** Is-subartikoli (3) and (4) tal-artikolu 300 tal-Att prinċipali għandhom jiġu mħassra.

Emenda tal-artikolu 302 tal-Att prinċipali.

**89.** Fl-artikolu 302 tal-Att prinċipali minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer".

Thassir tal-artikolu 304 tal-Att prinċipali.

**90.** L-artikolu 304 tal-Att prinċipali għandu jiġi mħassar.

- 91.** L-artikolu 307 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 307 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer" u minnufih wara l-kliem "mis-sid" għandhom jiġu miżjuda l-kliem ", jew mill-bareboat charterer";
- (b) fis-subartikolu (2) tiegħu l-kliem "is-sid jew il-kaptan" għandhom jiġu sostitwiti bil-kliem "is-sid, jew il-kaptan jew il-bareboat charterer".
- 92.** It-Taqsima VI tal-Att prinċipali għandha tiġi mħassra. Thassir tat-Taqsima VI tal-Att prinċipali.
- 93.** L-artikolu 320 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 320 tal-Att prinċipali.
- (a) fis-subartikolu (2) tiegħu minnufih wara l-kelma "sid" għandhom jiġu miżjuda l-kliem "jew bareboat charterer";
- (b) is-subartikolu (3) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:
- "(3) Il-qorti tista' tinnomina kaptan ġdid minflok dak imneħhi, iżda meta s-sid, il-bareboat charterer, l-aġent jew il-kunsinnatarju tal-bastiment ikun f'Malta, dik innomina ma għandhiex issir mingħajr il-kunsens ta' dak is-sid, jew ta' dak il-bareboat charterer, l-aġent jew il-kunsinnatarju."
- 94.** Fis-subartikolu (5) tal-artikolu 327 tal-Att prinċipali minnufih wara l-kliem "Is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer" u minnufih wara l-kliem "mis-sid" għandhom jiġu miżjuda l-kliem ", jew mill-bareboat charterer". Emenda tal-artikolu 327 tal-Att prinċipali.
- 95.** Fl-artikolu 347 tal-Att prinċipali minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer". Emenda tal-artikolu 347 tal-Att prinċipali.
- 96.** L-artikolu 371 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 371 tal-Att prinċipali.
- (a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:
- (i) minnufih wara l-kliem "tal-bastiment, kif ukoll is-sid" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer";
- (ii) minnufih wara l-kliem "bastiment biex ibahhar, jekk dak is-sid jew" għandhom jiġu miżjuda l-kliem "jew il-bareboat charterer".

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem "is-sid" għandhom jiġu miżjuda l-kliem ", jew il-bareboat charterer".

Emenda tal-artikolu 373 tal-Att prinċipali.

**97.** Fl-artikolu 373 tal-Att prinċipali minnufih wara l-kelma "sidien" għandhom jiġu miżjuda l-kliem "jew għall-bareboat charterers".

Emenda tal-artikolu 374 tal-Att prinċipali.

**98.** Is-subartikolu (4) tal-artikolu 374 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) Il-Ministru jista' jagħmel regolamenti sabiex jemenda, jissostitwixxi jew iħassar id-dispożizzjonijiet kollha, jew kwalunkwe minnhom, tas-subartikoli (4) sa (8) tal-artikolu 3, tal-artikoli 7, 10 sa 35, 37A sa 49Ċ, tal-artikoli 84A sa 84Y, u tal-artikolu 168A ta' dan l-Att."

Emenda tal-artikolu 375 tal-Att prinċipali.

**99.** Is-subartikolu (2) tal-artikolu 375 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) It-trattati u konvenzjonijiet li għalihom jirreferi s-subartikolu (1) huma dawn li ġejjin:

(a) Konvenzjoni Internazzjonali dwar is-Salvatagg, iffirmata f'Londra fit-28 ta' April, 1989;

(b) Konvenzjoni Internazzjonali dwar ir-Responsabbiltà u l-Kumpens għall-Ħsara li għandha x'taqsam mal-Ġarr ta' Sustanzi Perikolużi u Noċivi bil-Baħar iffirmata f'Londra fit-3 ta' Mejju 1996;

(ċ) Konvenzjoni Internazzjonali għal Containers Siguri ffirmata f'Ġinevra fit-2 ta' Dicembru 1972;

(d) Protokoll ta' Torremolinos tal-1993 dwar il-Konvenzjoni Internazzjonali ta' Torremolinos tal-1977 għas-Sigurtà ta' Bċejjeċ tas-Sajd iffirmit f'Torremolinos fit-2 ta' April 1993;

(e) Konvenzjoni Internazzjonali dwar il-Garanziji Marittimi u l-Ipoteki Navali, iffirmata f'Ġinevra fis-6 ta' Mejju 1993;

(f) Konvenzjoni Internazzjonali tal-1999 fuq l-Arrest ta' Bastimenti, iffirmata f'Ġinevra fit-12 ta' Marzu 1999;

(g) Konvenzjoni Internazzjonali tal-1952 għall-Unifikazzjoni ta' Ċerti Regoli li għandhom x'jaqsmu mal-

Arrest ta' Bastimenti li Jbaħħru bejn Sema u Ilma ffirmata fi Brussell fl-10 ta' Mejju 1952;

(h) Protokoll tal-2003 mal-Konvenzjoni Internazzjonali tal-1992 dwar it-twaqqif ta' Fond Internazzjonali għall-Kumpens, għall-Ħsara mit-Tniġġis biz-Żejt, iffirmata f' Londra fis-16 ta' Mejju 2003;

(i) Protokoll tal-2005 għall-Konvenzjoni Internazzjonali tal-1988 għas-Soppressjoni ta' Attijiet Illegittimi Kontra s-Sigurtà tan-Navigazzjoni Marittima ffirmat f' Londra fl-14 ta' Ottubru 2005;

(j) Protokoll tal-2005 għall-Protokoll tal-1988 għas-Soppressjoni ta' Attijiet Illegittimi Kontra s-Sigurtà ta' Pjattaformi Fissi li Jinsabu fuq il-Blata Kontinentali, ffirmat f' Londra fl-14 ta' Ottubru 2005;

(k) Protokoll tal-2010 għall-Konvenzjoni Internazzjonali tal-1996 dwar ir-Responsabbiltà u l-Kumpens għall-Ħsara li għandha x'taqsam mal-Ġarr bil-Baħar ta' Sustanzi Perikolużi u Noċivi, iffirmat f' Londra fit-30 ta' April 2010;

(l) Konvenzjoni Internazzjonali dwar Standards ta' Taħrig, Ċertifikazzjoni u Għassa għall-Baħħara fuq Bċejjeċ tas-Sajd iffirmata f' Londra fis-7 ta' Lulju 1995;

(m) Ftehim dwar ir-Rekwiziti Specifici ta' Stabbiltà għal Bastimenti ro-ro li Jwettqu Vjaġġi Internazzjonali Skedati regolarmet bejn u lejn Portijiet magħżula fil-Majjistral tal-Ewropa u l-Baħar Baltiku ffirmat fi Stokkolma fis-27-28 ta' Frar 1996;

(n) Protokoll tal-1996 għall-Konvenzjoni tal-1972 dwar il-Prevenzjoni ta' Tniġġis Marittimu permezz ta' Rimi ta' Skart u Materja Oħra, iffirmat f' Londra fis-7 ta' Novembru 1996;

(o) Ftehim ta' Cape Town tal-2012 dwar l-implimentazzjoni tad-dispożizzjonijiet tal-Protokoll ta' Torremolinos tal-1993 dwar il-Konvenzjoni Internazzjonali ta' Torremolinos tal-1977 għas-Sigurtà ta' Bċejjeċ tas-Sajd iffirmata f' Cape Town fil-11 ta' Ottubru 2012;

(p) Konvenzjoni tan-Nazzjonijiet Uniti dwar l-Effetti Internazzjonali tal-Bejgħ bil-Qorti ta' Vapuri;

(q) Konvenzjoni Internazzjonali tal-1969 dwar l-Intervent fl-Ibħra Internazzjonali f'Każijiet ta' Diżgrazzji mit-Tniġġis taż-Żejt, iffirmata fi Brussell fid-29 ta' Novembru 1969;

(r) Protokoll tal-1973 dwar Intervent fl-Ibħra Internazzjonali f'Każijiet ta' Tniġġis tal-Baħar minn Sustanzi minbarra Żejt, iffirmit f'Londra fit-2 ta' Novembru 1973;

(s) Konvenzjoni (Riveduta) tal-2003 (Nru 185) dwar id-Dokumenti ta' Identità għall-Baħħara, iffirmata f'Ġinevra fid-19 ta' Ġunju 2003."

Thassir tat-Tieni  
Skeda li tinsab  
mal-Att  
prinċipali.

**100.** It-Tieni Skeda li tinsab mal-Att prinċipali għandha tigi mħassra.

Thassir tar-  
Raba' Skeda li  
tinsab mal-Att  
prinċipali.

**101.** Ir-Raba' Skeda li tinsab mal-Att prinċipali għandha tigi imħassra.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 305 tad-29 ta' Jannar, 2025.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MYRIAM SPITERI DEBONO**  
**President**

4th February, 2025

**ACT No. I of 2025**

*AN ACT to amend the Merchant Shipping Act, Cap. 234.*

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

1. (1) The short title of this Act is the Merchant Shipping (Amendment) Act, 2025 and this Act shall be read and construed as one with the Merchant Shipping Act, hereinafter referred to as "the principal Act".

Short title and commencement.  
Cap. 234.

(2) This Act shall come into force within two (2) months from the date of its publication in the Gazette.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) in sub-article (1) thereof immediately after the definition "Authority" there shall be added the following new definition:

"bareboat charterer" means a person who leases or sub-leases a ship, by means of a contract for a stipulated period of time, during which period such person shall acquire full control and complete possession of the ship,

including the right to appoint her master and crew for the duration of the charter but excluding the right to sell or mortgage the ship;"

(b) in sub-article (2) thereof the words "if sent by registered post to the last address of the owner registered with the registrar" shall be substituted by the words "if sent by electronic mail".

Amendment of article 3 of the principal Act.

**3.** Article 3 of the principal Act shall be amended as follows:

(a) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) For the purposes of identification the owner of such ship that is being built or equipped shall identify it by painting the official number, name and port of registry on the keel, and such details are to be reproduced on the ship's side and eventually on the stern, as may be possible from time to time."; and

(b) in sub-article (8) thereof the words "twenty-five years" shall be substituted by the words "twenty years".

Amendment of article 7 of the principal Act.

**4.** Article 7 of the principal Act shall be amended as follows:

(a) the first paragraph of sub-article (1) thereof shall be substituted by the following new paragraph:

"(1) The fee due on first registration and the annual fee shall be paid upon registration of the ship and no certificate of registry as described in article 19 shall be issued in respect of a ship unless the fees have been paid in respect of the ship";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Thereafter the annual fee shall be payable by the anniversary of the first registration.";

(c) the word "initial", wherever it occurs, shall be substituted by the word "first".

Amendment of article 12 of the principal Act.

**5.** In article 12 of the principal Act the word "Minister" shall be substituted by the words "Registrar-General".

6. Article 13 of the principal Act shall be amended as follows: Amendment of article 13 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof the words "transferred to the applicant for registry;" shall be substituted by the words "transferred to the applicant for registry:" and immediately thereafter there shall be added the following new proviso:

"Provided that the registrar may not enquire into prior title or registered encumbrances in cases where the vessel was acquired by the owner free from encumbrances pursuant to an order or with the approval of a competent court.";

(b) the proviso to paragraph (b) of sub-article (2) thereof shall be substituted by the following new proviso:

"Provided that the Registrar-General may, subject to such conditions as he may deem proper, in case of a ship which is being built, rebuilt or equipped, exempt such ship from the requirements of this paragraph for a period of one year extendable for a valid reason for a further period or periods but in no case for a period exceeding two years at a time."

7. Article 15 of the principal Act shall be amended as follows: Amendment of article 15 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) paragraph (c) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(c) her International Maritime Organization (IMO) Identification Number, where applicable, shall be marked in accordance to the Safety Convention; and";

(ii) immediately after paragraph (c), as substituted, there shall be added the following new paragraph:

"(d) her draught shall be marked in accordance to the Load Line Convention.";

(b) in sub-article (2) thereof the word "Minister" shall be substituted by the words "Registrar-General".

8. In sub-article (1) of article 16 of the principal Act the words "or in any regulations made thereunder." shall be substituted by the words "or in any regulations made thereunder:" and immediately Amendment of article 16 of the principal Act.

thereafter there shall be added the following new provisos:

"Provided that with regard to ships that are being built or equipped and are registered in accordance with article 3(3), at the request of the applicant for registry or his authorised representative, the Registrar-General may extend the provisional registration for a further period or periods until the completion of the ship, but in no case may the provisional registration period be extended for periods exceeding three years at a time:

Provided further that the Registrar-General may extend for other periods of time upon receipt of satisfactory evidence that the construction has not yet been completed:

Provided further that the Registrar-General may request documentation related to the stage of construction or equipping of the vessel:

Provided further that the annual fee shall be payable on the anniversary of the first registration in accordance with the provisions of this Act."

Amendment of article 18 of the principal Act.

**9.** In article 18 of the principal Act immediately after the words "all declarations of ownership." there shall be added the words "Electronic copies of documents to be retained shall suffice."

Deletion of article 25 of the principal Act.

**10.** Article 25 of the principal Act shall be deleted.

Amendment of article 26 of the principal Act.

**11.** Sub-article (2) of article 26 of the principal Act shall be deleted.

Amendment of article 26A of the principal Act.

**12.** In article 26A of the principal Act the words "and the master shall forthwith deliver up the certificate of registry to the registrar or a Maltese consular officer" shall be deleted.

Substitution of article 28A of the principal Act.

**13.** Article 28A of the principal Act shall be substituted by the following new article:

"28A. Where the purchaser of a ship is not a person who is qualified to own a Maltese ship in accordance with this Act, the registrar upon obtaining knowledge or on being given notice of such a fact, the registrar shall:

(a) in the case of a sale pursuant to an order or with the approval of a competent court, upon receiving copies of the proceedings of the sale certified to his satisfaction, make an entry thereof in the register and the register of the

ship shall be considered as closed, including in so far as relates to any mortgage or encumbrance or finance charter instrument registered over that ship; or

(b) in the case of a sale by a mortgagee in possession pursuant to article 42(1)(b), upon the production of a copy of the bill of sale certified to his satisfaction, make an entry thereof in the register and the register of the ship shall be considered as closed except in so far as relates to any unsatisfied mortgages entered therein."

**14.** Article 30 of the principal Act shall be amended as follows:

Amendment of article 30 of the principal Act.

(a) in the proviso to sub-article (1) thereof the words "or if any certificate of registry, whether provisional or otherwise, has not been surrendered to him" shall be deleted;

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

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

**15.** In paragraph (a) of sub-article (9) of article 37 of the principal Act, immediately after the words "specified in article 42" there shall be added the words ", with the exception of the mortgagee's right to demand the closure of a ship's register in accordance with article 42(1)".

Amendment of article 37 of the principal Act.

**16.** Article 37B of the principal Act shall be amended as follows:

Amendment of article 37B of the principal Act.

(a) immediately after paragraph (a) of sub-article (2) thereof there shall be added the following new paragraph:

"(aa) by means of a finance charter interest which is a charge over a vessel which is enforceable *erga omnes*, or";

(b) immediately after sub-article (3) thereof there shall be added the following new sub-article:

"(4) A mortgage shall also include a mortgage that has been registered in a foreign jurisdiction but is recognized in Malta and registered in the Maltese registry."

Amendment of article 37C of the principal Act.

**17.** Immediately after sub-article (1) of article 37C of the principal Act there shall be added the following new sub-article:

"(1a) Any finance charter instrument to which a vessel may be subject shall not be affected by the bankruptcy of the finance charterer occurring after the registration date of the finance charter interest, notwithstanding that the finance charterer at the commencement of the bankruptcy had the ship in his possession, order or disposition, and such finance charter interest shall have preference on the said vessel, over all other debts, claims or interests of any other creditor of the bankrupt or of any curator, trustee or receiver, acting on behalf of any other creditors, save for those claims which would rank in preference of a finance charter interest in accordance with the provisions of this Act."

Amendment of article 37D of the principal Act.

**18.** Article 37D of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) Subject to the provisions of this article, a registered mortgage and any finance charter instrument shall attach to the ship or share therein in respect of which it is registered until it is discharged:

Provided that where the ship has been forfeited in accordance with this Act, the interest of the mortgagee and, or of any lessor under a finance charter instrument in the ship shall terminate if the mortgagee or the lessor under a finance charter instrument has authorised, consented to, or conspired, to the act, failure or omission in consequence of which the ship is forfeited.";

(b) immediately after sub-article (1) thereof, as substituted, there shall be added the following new sub-article:

"(1a) Where a ship has been sold pursuant to an order or with the approval of a competent court within whose jurisdiction the ship was at the time of the sale, such sale of the ship shall be considered to give the purchaser a title which is free from all privileges and encumbrances and any mortgage, finance charter instrument or encumbrance

registered over that ship shall be deemed to be discharged and shall be removed from the ship's register:

Provided that the interest of the mortgagees, or of the lessor under a finance charter instrument as well as of any other creditor in the ship including their respective ranking, if any, shall be passed on to the proceeds of the sale of the ship in accordance with the applicable law in that jurisdiction:

Provided further that where a ship has been sold by a mortgagee in possession pursuant to his rights in accordance with article 42(1)(b) and it is stated in the bill of sale that the ship is being sold free from such encumbrance, then the rights arising from such registered mortgage and any finance charter instrument registered on the ship shall no longer be exercisable in relation to that ship."

**19.** Article 38 of the principal Act shall be amended as follows:

Amendment of article 38 of the principal Act.

(a) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) A mortgage registered in accordance with this Act may be drawn up to secure the payment of a principal sum and interest, a current account, as well as the performance of any other obligation, including a future obligation due by the debtor to the creditor:

Provided that a mortgage drawn up in accordance with this Act shall be valid at law even if it does not indicate the monetary value of the indebtedness in the mortgage:

Provided further that in order for future obligations to be secured by the mortgage, each of the following conditions shall be met:

(i) a maximum sum by way of principal for which the mortgage is granted shall be expressly stated in the registered instrument;

(ii) such maximum sum shall be recorded in the register by the registrar; and

(iii) the mortgage shall be registered in favour of a credit institution in an approved jurisdiction or such other organisation as may be permitted by

means of a notice issued by the Minister.";

(b) sub-article (6) thereof shall be substituted by the following new sub-article:

"(6) The Minister may make regulations to further regulate the operation of security granted to secure future obligations."

Amendment of article 39 of the principal Act.

**20.** In sub-article (1) of article 39 of the principal Act immediately after the words "the register" there shall be added the words "and assign an index number of registration to such mortgage."

Addition of new article to the principal Act.

**21.** Immediately after article 39 of the principal Act, as amended, there shall be added the following new article:

"Validity of a mortgage or assignment of a mortgage.

39A. The mortgage or assignment of a mortgage of a Malta registered ship shall not be valid in respect of such ship, against any person other than the mortgagor, his successors and, or assignees and persons having actual notice thereof until the instrument evidencing such transaction is registered in accordance with article 39."

Addition of new article to the principal Act.

**22.** Immediately after article 39A of the principal Act, as added, there shall be added the following new article:

"Correction of errors.

39B. A party to a mortgage registered in accordance with this Act, with the consent of the other party or parties, may within seven days of the registration correct any error on the document."

Amendment of article 42 of the principal Act.

**23.** Article 42 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "In the event of default" shall be substituted by the words "Notwithstanding the provisions of article 256(2) of the Code of Organisation and Civil Procedure, in the event of default";

(b) in paragraph (a) of sub-article (1) thereof the words "ceased to be the owner thereof;" shall be substituted by the words "ceased to be the owner thereof:" and immediately thereafter there shall be added the following new proviso:

"Provided that any mortgagee may, by means of an application, seek the assistance of the Courts in the exercise of this right. The Court shall give all the orders and directions, as may be deemed necessary, to immediately and as expeditiously as possible grant such assistance to the mortgagee;"

24. Immediately after article 45A of the principal Act there shall be added the following new article: Addition of new article to the principal Act.

"Amendment of registered mortgage details.

45B. The registered details relating to a mortgage in the event of a change in the name or address of the mortgagor or of the mortgagee may be amended. The amendment shall be affected by the registrar in the registry of the ship concerned upon receipt of a request from the mortgagee together with evidence in support of the required changes."

25. Immediately after article 49 of the principal Act there shall be added the following new article: Addition of new article to the principal Act.

"Registration of mortgages over ships under construction.

49A. (1) A mortgage may be registered over a ship that is under construction and any such mortgage shall operate in all respects as a mortgage in accordance with this Act and unless otherwise provided in this article, the provisions on mortgages shall apply *mutatis mutandis*.

(2) Prior to the registration of a mortgage over a ship under construction, the owner shall be required by the registrar to provide him with a declaration of ownership confirming his ownership of the ship under construction:

Provided that the Registrar may require documentary proof of ownership.

(3) In cases where the ownership of the ship under construction vests in more than one owner, the declaration of ownership shall be drawn up jointly by the owners:

Provided that the owners shall have the option to jointly indicate their respective proportions of shares in the ship under construction. Whenever there is a change in the proportions of shares in the ship, the owners may jointly declare their new respective proportion of shares.

(4) A declaration of ownership made in regard to a ship under construction shall not be limited to the said ship at the stage of construction that the ship is in at the time the declaration is made but shall also extend to the stages of construction or equipping of the ship that follow, and article 566 of the Civil Code shall apply thereto.

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Cap. 16. (5) A mortgage registered over a ship that is under construction shall not be limited to the ship at the stage of construction that the ship is in at the time the mortgage is registered but shall extend and attach to the stages of construction that follow, and article 566 of the Civil Code shall apply thereto.

(6) For the purposes of this article:

"ship under construction" means a ship which is in the process of being built."

Addition of new article to the principal Act.

**26.** Immediately after article 49A of the principal Act there shall be added the following new article:

"Finance charter instrument.

49B. (1) The rights arising in favour of the lessor of a ship in a finance charter may be secured through the registration in that ship's register of a finance charter instrument executed by the finance charterer in favour of the lessor who shall acknowledge same in writing, in the presence of, and attested by a witness or witnesses.

(2) On the production of a finance charter instrument for registration, the registrar shall record it in the register of the ship concerned.

(3) A finance charter instrument may be drawn up to secure the performance of any obligation of the finance charterer in favour of the lessor under and in terms of a finance charter, including the payment of hire, a principal sum and interest, an account current, as well as the performance of any other obligation.

(4) The consent in writing of any registered mortgagee shall be required for the registration of a finance charter instrument.

(5) The registration of any finance charter instrument shall not affect any mortgage registered over that ship or share therein irrespective of whether such mortgage registration is affected prior or after the registration of a finance charter instrument and any rights of the mortgagee shall in no way be prejudiced by the registration of a finance charter instrument:

Provided that the registration of any finance charter instrument shall be without prejudice to the provisions of article 37C.

(6) The registration of a finance charter instrument over a ship shall not prohibit the registration, amendment or discharge of any mortgage over that ship.

(7) The transfer of the ship or any share therein referred to in the finance charter instrument shall not be prohibited and the registrar shall record any such transfer provided that in such instances the lessor shall either discharge the finance charter instrument prior to the transfer of the ship or transfer the finance charter instrument to the transferee together with the ship.

(8) A registered finance charter instrument shall be considered as a charge over a ship which shall be enforceable *erga omnes*:

Provided that for the purposes of article 54A, the debt secured by a finance charter instrument shall rank after any debt secured by a mortgage registered under the provisions of this Act or secured by a foreign mortgage recognised in accordance with this Act and after the debts specified in article 54 and in article 50 (c), (d), (e), (f), (g), (h), (i), (j) and (k) but before the debts specified in article 50(1), (m), (n), (o) and (p) and in preference to other hypothecary and privileged claims:

Provided further that the rights awarded to the lessor under this sub-article shall be limited to the ship indicated in the finance charter instrument and shall not apply to any debts, obligations, actions and claims relating to the ship which arose prior to the registration of the finance charter instrument.

(9) In the event of default of any term or condition of a registered finance charter instrument or of any document or agreement referred to therein, the lessor shall, upon giving notice in writing to the finance charterer, be entitled to take possession of the ship in respect of which the finance charter instrument is registered.

(10) For the purposes of any judicial proceedings instituted by the lessor in connection with a finance charter, the respondent shall be deemed to be duly served if the application or other act is served on the master of the ship, or if he is absent from Malta, on the local agent appointed for the ship, or in the absence of such local agent on curators appointed by the court to represent the finance charterer and the ship.

(11) The provisions of articles 38(4), 38(7), 44, 44A, 45, 46, 47 and 48 of this Act shall *mutatis mutandis* apply in respect of a finance charter instrument.

(12) This article shall be without prejudice to the provisions contained in articles 19A and 19B:

Provided that it shall be permissible for a finance charter instrument to be registered over a ship notwithstanding that the said provisions are not availed of.

(13) For the purposes of this article:

(a) the term "finance charter" shall refer to the chartering or lease of a ship under terms where the possession, operation or control of that ship is given to a bareboat charterer or to a lessee including through a demise or bareboat charter or a similar agreement, the principal purpose and intention of which is to finance the acquisition, operation, administration or management of that ship;

(b) the term "finance charter instrument" shall refer to the registration of a finance charter as provided for in this article;

(c) the term "finance charterer" shall refer to the person identified as the bareboat charterer or the lessee in the finance charter;

(d) the term "lessor" shall refer to the owner of a ship which is the subject of or is otherwise addressed in a finance charter."

Addition of new article to the principal Act.

**27.** Immediately after article 49B of the principal Act, as added, there shall be added the following new article:

"Amendment of a finance charter instrument.

49C. (1) Where a registered finance charter instrument is amended, the registrar shall on the production of the instrument of the finance charter executed in accordance with the provisions of article 49B containing such amendment, together with the written acknowledgment by the lessor on the said instrument make a note thereof in the register to the effect that the finance charter instrument has been amended, and any such amendment shall form an integral part of the registered finance charter instrument and such finance charter instrument, as amended, shall continue to have the same priority as it had before the amendment was noted.

(2) Subject to the provisions of this article, an amendment of a finance charter instrument may be effected for any purpose.

(3) Without prejudice to the generality of the foregoing, and subject to the provisions of sub-articles (4) and (5), an amendment of a finance charter instrument shall be effected for any one or more of the following purposes:

(a) to increase the amount of capital secured by such finance charter instrument. An agreement to amend and vary the rates of interest payable, the modalities for the calculation of interest including any indices, margin, or market mechanism, the repayment schedule or the currency in which payment is to be made is not considered as an increase for the purposes of this article; and

(b) to extend such finance charter instrument to secure any other obligation of the finance charterer in favour of the lessor under and in accordance with the terms of a finance charter.

(4) An amendment of a finance charter instrument may not be effected after the obligation secured by the registered finance charter instrument has been satisfied.

(5) The acknowledgment to an amendment to a finance charter instrument shall be signified by means of a declaration executed by the lessor in the presence of and attested by a witness."

**28.** Article 50 of the principal Act shall be amended as follows:

Amendment of article 50 of the principal Act.

(a) in paragraph (c) thereof immediately after the word "dues" there shall be added the words "including anchorage and berthing dues";

(b) in the proviso to paragraph (j) thereof immediately after the words "contracted directly by the owner of the ship" there shall be added the words "or by the bareboat charterer" and immediately after the words "by an authorised agent of the owner" there shall be added the words "or of the bareboat charterer".

(c) in the proviso to paragraph (m) thereof immediately after the words "directly by the owner of the ship" there shall be added the words "or by the bareboat charterer" and immediately after the words "or by an authorised agent of the owner" there shall be added the words "or of the bareboat charterer".

**29.** Sub-article (2) of article 52 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 52 of the principal Act.

"(2) A privilege shall only be effectual with regard to any other vessel if the claim is duly registered in a public registry in the country to which the vessel belongs and in accordance with the laws of that country."

Amendment of article 55 of the principal Act.

**30.** Article 55 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof the word "Minister" shall be substituted by the word "Registrar-General";

(b) in sub-article (3) thereof the words "three months" shall be substituted by the words "twelve months".

Amendment of article 56 of the principal Act.

**31.** Article 56 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof immediately after the words "certificate of registry" there shall be added the words ", in any other certificate issued by the registrar bearing the name of the ship";

(b) in sub-article (5) thereof immediately after the words "certificate of registry" there shall be added the words ", in any other certificate issued by the registrar bearing the name of the ship".

Substitution of article 58 of the principal Act.

**32.** Article 58 of the principal Act shall be substituted by the following new article:

"58. For the purposes of the registry of an alteration in a ship, the registrar shall enter the particulars of the alteration in the register and shall issue a new certificate of registry."

Amendment of article 61 of the principal Act.

**33.** In sub-article (1) to article 61 of the principal Act the words "and on delivery up to him of the existing certificate of registry," shall be deleted.

Amendment of article 65 of the principal Act.

**34.** In sub-article (2) of article 65 of the principal Act the words "duly authorised representative." shall be substituted by the words "duly authorised representative:" and immediately thereafter there shall be added the following new proviso:

"Provided that the registrar may accept electronic declarations that are signed in an electronically secure manner."

Substitution of article 67 of the principal Act.

**35.** Article 67 of the principal Act shall be substituted by the following new article:

"67. Saving any other provisions of this Act, a person may, on payment of such fee as may be prescribed, inspect any

register by providing the name of the ship and obtain a transcript or extract of the register."

- 36.** Article 69 of the principal Act shall be deleted. Deletion of article 69 of the principal Act.
- 37.** In article 70 of the principal Act immediately after the words "certificate of mortgage or sale" there shall be added the words "or any other certificate issued by the registrar". Amendment of article 70 of the principal Act.
- 38.** In sub-article (1) of article 79 of the principal Act the word "Minister", wherever it occurs, shall be substituted by the words "Registrar-General". Amendment of article 79 of the principal Act.
- 39.** In paragraph (c) of sub-article (2) of article 81 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer". Amendment of article 81 of the principal Act.
- 40.** Article 95 of the principal Act shall be deleted. Deletion of article 95 of the principal Act.
- 41.** Article 97 of the principal Act shall be deleted. Deletion of article 97 of the principal Act.
- 42.** In the paragraph subsequent to paragraph (d) of article 98 of the principal Act immediately after the words "imprisonment and fine." there shall be added the words "Furthermore, the Registrar-General may prohibit that person from being engaged on a Malta registered ship, for a definite or indefinite period.". Amendment of article 98 of the principal Act.
- 43.** Sub-article (4) of article 100 of the principal Act shall be deleted. Amendment of article 100 of the principal Act.
- 44.** Article 101 of the principal Act shall be deleted. Deletion of article 101 of the principal Act.
- 45.** Article 102 of the principal Act shall be substituted by the following new article: Substitution of article 102 of the principal Act.
- "102. The master of every ship shall keep on board all the relevant certificates of the ship and its crew, as required in terms of this Act and in accordance with international instruments to which Malta is a party."
- 46.** In sub-article (1) of article 114 of the principal Act the word "Minister" shall be substituted by the word "Registrar-General". Amendment of article 114 of the principal Act.

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Amendment of article 122B of the principal Act.

**47.** In sub-article (2) of article 122B of the principal Act the words "the master or owner" shall be substituted by the words "the master, the owner or the bareboat charterer".

Amendment of article 122C of the principal Act.

**48.** In paragraph (1) of sub-article (2) of article 122C of the principal Act the words "eighteen years:" shall be substituted by the words "eighteen years." and the proviso found immediately thereafter shall be deleted.

Substitution of article 128 of the principal Act.

**49.** Article 128 of the principal Act shall be substituted by the following new article:

"False or forged certificate of discharge.

128. If any person:

(a) forges or fraudulently alters any certificate of discharge; or

(b) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(c) fraudulently uses any certificate of discharge which is false or altered or does not belong to him,

he shall for each offence, on conviction be liable to imprisonment for a term not exceeding two years or to a fine (*multa*) not exceeding five hundred units or to both such imprisonment and fine."

Amendment of article 129A of the principal Act.

**50.** In sub-article (5) of article 129A of the principal Act immediately after the words "This article shall" there shall be added the word "also".

Amendment of article 131 of the principal Act.

**51.** Article 131 of the principal Act shall be amended as follows:

(a) immediately after the words "the seaman's wages shall" there shall be added the words ", for the period the seaman remains on board the vessel,";

(b) the words "of the final settlement thereof." shall be substituted by the words "of the final settlement thereof:" and immediately thereafter there shall be added the following new proviso:

"Provided that should the ship concerned be subject to a judicial sale, the wages due to the seamen on board shall continue to accrue in favour of the seamen who continue to carry out their duties on board and shall continue to accrue either until the seamen leave the ship or until the ship is sold, whichever is the earlier. Following a judicial sale, wages shall not continue to accrue in favour of a seaman unless he is engaged by the new

owner of the ship."

- 52.** Articles 133, 135, 136, 137 and 137A of the principal Act shall be deleted. Deletion of articles 133, 135, 136, 137 and 137A of the principal Act.
- 53.** Article 147 of the principal Act shall be amended as follows: Amendment of article 147 of the principal Act.
- (a) the words "a proceeding is" shall be substituted by the words "proceedings are";
- (b) immediately after the word "owner", wherever it occurs, there shall be added the words ", or bareboat charterer,".
- 54.** Article 148 of the principal Act shall be amended as follows: Amendment of article 148 of the principal Act.
- (a) in sub-article (4) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer,".
- (b) in sub-article (5) thereof the words "Accommodation of Crews Convention (Revised), 1949 (No.92) and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) both of the International Labour Organisation (ILO), including any revisions thereof." shall be substituted by the words "Maritime Labour Convention, 2006 of the International Labour Organisation, including any revisions thereof.".
- 55.** In sub-article (3) of article 149 of the principal Act the words "the master or owner" shall be substituted by the words "master, or owner or bareboat charterer". Amendment of article 149 of the principal Act.
- 56.** Article 151 of the principal Act shall be deleted. Deletion of article 151 of the principal Act.
- 57.** Article 152 of the principal Act shall be amended as follows: Amendment of article 152 of the principal Act.
- (a) in sub-article (2) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer";
- (b) in sub-article (3) thereof immediately after the word "owner" there shall be added the word ", bareboat charterer,";
- (c) in the proviso to sub-article (3) thereof the words "master or owner", wherever they occur, shall be substituted by the words "master, or owner or bareboat charterer".

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Amendment of  
article 158 of  
the principal  
Act.

**58.** Article 158 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "the expenses (if any) of his burial" shall be substituted by the words "the expenses, if any, of the repatriation of the deceased and his burial,";

(b) sub-article (4) thereof shall be amended as follows:

(i) immediately after the words "cases any reasonable expenses duly incurred by the owner" there shall be added the words "or bareboat charterer";

(ii) the words "by the owner in respect of the burial" shall be substituted by the words "by the owner or bareboat charterer in respect of the repatriation of the deceased and of the burial".

Amendment of  
article 159 of  
the principal  
Act.

**59.** Article 159 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof immediately after the word "owner", wherever it occurs, there shall be added the words "or bareboat charterer";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Save as otherwise provided for in article 37D (3), if the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship and be recoverable from the master, the owner or the bareboat charterer of the ship at the time the action is brought or, where the ship has been lost, the owner of the ship at the time of the loss, or, where the ship has been transferred, either from the owner of the ship at the time the action is brought or from the person who was the owner of the ship at the time of the transfer, at the suit of the person defraying the expenses or as a debt due to the Government of Malta."

Amendment of  
article 162 of  
the principal  
Act.

**60.** In paragraph (a) of article 162 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer".

Amendment of  
article 163 of  
the principal  
Act.

**61.** In article 163 of the principal Act the words "(in this Act referred to as the "distressed seamen regulations")" shall be deleted.

- 62.** Article 164 of the principal Act shall be amended as follows: Amendment of article 164 of the principal Act.
- (a) the words "distressed seamen" shall be deleted;
  - (b) the words "for burial expenses" shall be substituted by the words "for the repatriation of the deceased and for his burial expenses".
- 63.** Sub-article (1) of article 165 of the principal Act shall be amended as follows: Amendment of article 165 of the principal Act.
- (a) the words "for his burial" shall be substituted by the words "for the repatriation of the deceased and his burial";
  - (b) immediately after the words "the Government of Malta from the master of the ship or from the owner of the ship for the time being" there shall be added the words "or the bareboat charterer".
- 64.** In sub-article (1) of article 168 of the principal Act the words "distressed seamen regulations." shall be substituted by the words "the regulations." Amendment of article 168 of the principal Act.
- 65.** In paragraph (a) of article 171 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer". Amendment of article 171 of the principal Act.
- 66.** Article 173 of the principal Act shall be amended as follows: Amendment of article 173 of the principal Act.
- (a) sub-article (2) thereof shall be amended as follows:
    - (i) the words "to the master or owner" shall be substituted by the words "to the master, or owner or bareboat charterer";
    - (ii) the words "that master or owner" shall be substituted by the words "that master, or owner or bareboat charterer"; and
  - (b) in sub-article (3) thereof, the words "owner or master", wherever they occur, shall be substituted by the words "owner, or master, or bareboat charterer".
- 67.** Article 179 of the principal Act shall be amended as follows: Amendment of article 179 of the principal Act.
- (a) in sub-article (3) thereof immediately after the word "agent," there shall be added the words "or bareboat charterer"; and

(b) in sub-article (4) thereof the words "master or owner" shall be substituted by the words "master, or owner or bareboat charterer".

Amendment of article 184 of the principal Act.

**68.** In article 184 of the principal Act immediately after the word "owner", there shall be added the words ", the bareboat charterer".

Amendment of article 190 of the principal Act.

**69.** Article 190 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the word "Minister" shall be substituted by the words "Registrar-General";

(b) in sub-article (2) thereof the word "Minister" shall be substituted by the words "Registrar-General";

(c) in sub-article (3) thereof the words "master or owner" shall be substituted by the words "master, or owner or bareboat charterer".

Deletion of articles 193 and 194 of the principal Act.

**70.** Articles 193 and 194 of the principal Act shall be deleted.

Amendment of article 195 of the principal Act.

**71.** Sub-articles (1) and (2) of article 195 of the principal Act shall be substituted by the following new sub-articles:

"195. (1) There shall be issued to every Maltese seaman, on application, an identity document to be known, and in this Act being referred to, as a Maltese seaman's card, in the form determined by the Registrar-General.

(2) An application for a Maltese seaman's card shall be made to the Registrar-General and the applicant shall produce such documents and furnish such information as the Registrar-General may require."

Amendment of article 197 of the principal Act.

**72.** Sub-article (3) of article 197 of the principal Act shall be deleted.

Amendment of article 204 of the principal Act.

**73.** In article 204 of the principal Act immediately after the word "owners," there shall be added the words "bareboat charterers,".

Amendment article 206 of the principal Act.

**74.** Article 206 of the principal Act shall be amended as follows:

(a) in paragraph (b) of sub-article (2) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer";

(b) sub-article (4) thereof shall be amended as follows:

(i) in paragraph (a) thereof immediately after the words "and the owner" there shall be added the words "or bareboat charterer";

(ii) in paragraph (b) thereof immediately after the word "owner", wherever it occurs, there shall be added the words "or bareboat charterer";

(iii) in paragraph (d) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer";

(c) in sub-article (5) thereof the word "steam" shall be deleted;

(d) in sub-article (6) thereof the word "article" shall be substituted by the words "Part of the Act".

**75.** In sub-article (1) of article 215 of the principal Act the word "Minister" shall be substituted by the words "Registrar-General". Amendment of article 215 of the principal Act.

**76.** Articles 229 and 230 of the principal Act shall be deleted. Deletion of articles 229 and 230 of the principal Act.

**77.** In sub-article (2) of article 235 of the principal Act the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer". Amendment of article 235 of the principal Act.

**78.** Article 259 of the principal Act shall be amended as follows: Amendment of article 259 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer";

(b) in sub-article (3) thereof the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer".

**79.** Article 280 of the principal Act shall be amended as follows: Amendment of article 280 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) In every contract of service, express or implied, between the owner or bareboat charterer of a ship and the master or any seaman thereof, and in every instrument of

apprenticeship whereby any person is to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner or bareboat charterer of the ship that such persons, as applicable and the master and every person charged with the loading of the ship, or the preparing of the ship for sea, or of the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep her in a seaworthy condition for the voyage during the voyage.";

(b) in sub-article (2) thereof immediately after the words "owner of a ship" there shall be added the words "or bareboat charterer".

Amendment of article 282 of the principal Act.

**80.** Article 282 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) in sub-article (2) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer".

Amendment of article 286 of the principal Act.

**81.** In sub-article (1) of article 286 of the principal Act, the words "master or owner", wherever they occur, shall be substituted by the words "master, or the owner, or the bareboat charterer".

Amendment of article 288 of the principal Act.

**82.** Article 288 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) sub-article (2) thereof shall be amended as follows:

(i) the words "master or owner", wherever they occur, shall be substituted by the words "master, or the owner, or the bareboat charterer";

(ii) the words "master nor the owner" shall be substituted by the words "master, nor the owner nor the bareboat charterer".

Amendment of article 290 of the principal Act.

**83.** Article 290 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof immediately after the word

"owner", wherever it occurs, there shall be added the words ", or bareboat charterer";

(b) in sub-article (2) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer,".

**84.** Article 293 of the principal Act shall be amended as follows: Amendment of article 293 of the principal Act.

(a) in sub-article (1) thereof immediately after the word "owners" there shall be added the words "or bareboat charterers";

(b) in sub-article (2) thereof the words "master or owner", wherever they occur, shall be substituted by the words "master, or owner, or bareboat charterer";

(c) in sub-article (4) thereof immediately after the word "owner" there shall be added the words "or bareboat charterer and the master";

(d) immediately after sub-article (4) thereof, as amended, there shall be added the following new sub-article:

"(5) Any person who causes an infringement of the collision regulations may be prohibited by the Registrar-General from being engaged on a Malta registered ship, for a definite or indefinite period."

**85.** Article 294 of the principal Act shall be amended as follows: Amendment of article 294 of the principal Act.

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) in sub-article (3) thereof the words "owner or master" shall be substituted by the words "owner, master, or bareboat charterer";

(c) in sub-article (6) thereof the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer".

**86.** In sub-article (1) of article 296 of the principal Act the words "the master or every ship shall" shall be substituted by the words "the master of every ship shall". Amendment of article 296 of the principal Act.

**87.** In sub-article (3) of article 298 of the principal Act the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer". Amendment of article 298 of the principal Act.

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Amendment of article 300 of the principal Act.

**88.** Sub-articles (3) and (4) of article 300 of the principal Act shall be deleted.

Amendment of article 302 of the principal Act.

**89.** In article 302 of the principal Act immediately after the word "owner" there shall be added the words ", or bareboat charterer".

Deletion of article 304 of the principal Act.

**90.** Article 304 of the principal Act shall be deleted.

Amendment of article 307 of the principal Act.

**91.** Article 307 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer";

(b) in sub-article (2) thereof the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer".

Deletion of Part VI of the principal Act.

**92.** Part VI of the principal Act shall be deleted.

Amendment article 320 of the principal Act.

**93.** Article 320 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof immediately after the word "owner" there shall be added the words "or bareboat charterer";

(b) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) The court may appoint a new master instead of the one removed, but where the owner, bareboat charterer, agent or consignee of the ship is in Malta, such appointment shall not be made without the consent of that owner or that bareboat charterer, agent or consignee."

Amendment of article 327 of the principal Act.

**94.** In sub-article (5) of article 327 of the principal Act the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer".

Amendment of article 347 of the principal Act.

**95.** In article 347 of the principal Act immediately after the word "owner" there shall be added the words "or the bareboat charterer".

Amendment of article 371 of the principal Act.

**96.** Article 371 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) immediately after the words "ship, and also the owner" there shall be added the words "or the bareboat charterer";

(ii) immediately after the words "the ship to sea, if that owner" there shall be added the words ", or bareboat charterer".

(b) in sub-article (2) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer".

**97.** In article 373 of the principal Act immediately after the word "owners" there shall be added the words ", or bareboat charterers". Amendment of article 373 of the principal Act.

**98.** Sub-article (4) of article 374 of the principal Act shall be substituted by the following new sub-article: Amendment of article 374 of the principal Act.

"(4) The Minister may make regulations to amend, substitute or delete all or any of the provisions of sub-articles (4) to (8) of article 3, of articles 7, 10 to 35, 37A to 49C, of articles 84A to 84Y, and of article 168A of this Act."

**99.** Sub-article (2) of article 375 of the principal Act shall be substituted by the following new sub-article: Amendment of article 375 of the principal Act.

"(2) The treaties and conventions to which sub-article (1) refers are the following:

(a) International Convention on Salvage signed in London on the 28th April 1989;

(b) International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea signed in London on the 3rd May 1996;

(c) International Convention for Safe Containers signed in Geneva on the 2nd December 1972;

(d) Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Torremolinos on the 2nd April 1993;

(e) International Convention on Maritime Liens and Mortgages signed in Geneva on the 6th May 1993;

(f) International Convention on Arrest of Ships, 1999 signed in Geneva on the 12th March 1999;

(g) International Convention for the Unification of Certain Rules Relating to the Arrest of Sea-Going Ships, 1952 signed in Brussels on 10 May 1952;

(h) Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 signed in London on 16 May 2003;

(i) Protocol of 2005 to the International Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 signed in London on 14 October 2005;

(j) Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, 1988 signed in London on 14 October 2005;

(k) Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 signed in London on 30 April 2010;

(l) International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel signed in London on 7 July 1995;

(m) Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea signed in Stockholm on 27-28 February 1996;

(n) 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 signed in London on 7 November 1996;

(o) Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Cape Town on 11 October 2012;

(p) United Nations Convention on the International Effects of Judicial Sales of Ships;

(q) International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 signed in Brussels on 29 November 1969;

(r) the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973 signed in London on 2nd November, 1973;

(s) Seafarers' Identity Documents Convention (Revised), 2003 (No.185) signed in Geneva on 19 June, 2003."

**100.** The Second Schedule to the principal Act shall be deleted.

Deletion of the Second Schedule to the principal Act.

**101.** The Fourth Schedule to the principal Act shall be deleted.

Deletion of the Fourth Schedule to the principal Act.

Passed by the House of Representatives at Sitting No. 305 of the 29th January, 2025.

ANĠLU FARRUGIA  
*Speaker*

ELEANOR SCERRI  
*Clerk of the House of Representatives*

# VERŻJONI ELETTRONIKA