CHAPTER 283

CARRIAGE OF GOODS BY SEA (REGULATION) ACT

To regulate the carriage of goods by sea to and from Malta.

(29th January, 1980)*

ACT II of 1980, as amended by Acts XIII of 1983 and XVII of 1991; Legal Notice 423 of 2007; and Act XV of 2009.

Short title.

1. The short title of this Act is the Carriage of Goods by Sea (Regulation) Act.

Interpretation.

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

"goods" includes goods of any description;

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

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

"shipping line" includes a liner conference.

Regulation of carriage of goods to and from Malta.

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

(2) Where in respect of the carriage of goods by sea to or from Malta from or to a port in any other country there is in force an agreement for the sharing of such cargo between shipping lines, and such agreement has been approved by the Minister for the purposes of this Act, such approval, and any conditions or other provisions thereof shall have the effect of a permission granted under subarticle (1) and, subject to any conditions or other provisions of the Minister's approval, the provisions of the agreement shall have the same effect as if they were provisions of the Minister's permission.

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

**See* Government Notice No. 106 of 29th January, 1980.

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

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

Declaration by Minister to be conclusive evidence.

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

Power of Authority for Transport in Malta.
Amended by: XVII. 1991.81; XV. 2009.49.

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

Regulations.

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

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

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

Offences and penalties.
Amended by: XIII. 1983.5; L.N. 423 of 2007.

8. A person who contravenes any of the provisions of article 3 or of any order or regulation made under this Act shall be guilty of an offence and shall for each offence be liable on conviction to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) and not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87); and any goods loaded or unloaded in contravention of any of those provisions shall be forfeited to the Government.