

SUBSIDIARY LEGISLATION 171.02

PORT WORKERS REGULATIONS

1st January, 1993

LEGAL NOTICE 90 of 1993, as amended by Legal Notices 141 of 1994, 79 of 1997, 187 and 215 of 1998, 90 of 2001, 318 of 2002, 70 of 2003, 239 and 390 of 2004, 274 of 2005, 145 of 2006, 226, 410 and 437 of 2007, and 223 of 2009; Act XV of 2009; and Legal Notices 67 of 2010, 254 of 2012, and 135 of 2017, Act XXXIII of 2024 and Legal Notice 175 of 2026.

1. The title of these regulations is the Port Workers Regulations. Title.

2. In these regulations unless the context otherwise requires -
 "accompanied commercial vehicle" means a motor vehicle accompanied by a person traveling to or from Malta and which is capable of carrying cargo; Interpretation.
*Amended by:
 L.N. 318 of 2002;
 L.N. 226 of 2007;
 XV. 2009.49, 52;
 L.N. 67 of 2010.*

"accompanied motor vehicle" means a motor vehicle accompanied by a person traveling to or from Malta, including private cars, caravans, tourist coaches, trailers on tow of accompanied vehicles, and shall include any items carried on such vehicles or towed by such vehicles;

"actuary" means an independent person who holds appropriate practical experience as an actuary and is a fellow of an institute of actuaries, or a fellow of a faculty of actuaries, or holds actuarial qualifications of a similar standing with an institute of repute recognised for such purposes by the Malta Financial Services Authority established under the Malta Financial Services Authority Act; Cap. 330.

"Authority" means the Authority for Transport in Malta established under the Authority for Transport in Malta Act; Cap. 499.

"auxiliary port workers" means those persons eligible to work at a port as an auxiliary port worker in accordance with the provisions of regulation 15A;

"Board" means the Port Workers Board established under article 10 of the Ordinance;

"Committee" means the committee established under the provisions of regulation 32;

"contractor" has the same meaning as that assigned to it by article 2 of the Ports and Shipping Act; Cap. 352.

"employer of port workers" shall have the same meaning as that assigned to it by the Ordinance;

"metric ton" means a ton of one thousand kilograms;

"Minister" means the Minister responsible for ports, and includes any person acting under this authority;

"minor son" and "minor daughter" mean any person who is the eldest or elder son or daughter -

(a) of a registered port worker who dies while so

registered or who retires from port work on reaching retirement age, and

- (b) who is under eighteen years of age at the time of his or her father's death or retirement, as the case may be;

Cap. 171.

"Ordinance" means the Port Workers Ordinance;

"port worker" has the same meaning as that assigned to "port worker" by article 2 of the Ordinance; and "port work" shall be construed according to "port work" in the said Ordinance;

"Port Workers Register" means the register required to be kept by the Authority under article 3(1) of the Ordinance;

"prospective port workers" means those persons whose names appear in the Prospective Port Workers Register in accordance with regulation 9;

"registered port workers" means those port workers who are registered as port workers in accordance with article 3 of the Ordinance;

"retiring age" means the age prescribed in terms of article 14 of the Ordinance;

"unitised cargo" and "unit load" have the same meaning assigned to them by the Ordinance;

"week" for the purposes of regulation 44 means a period of seven consecutive days.

Exemption from
port work.
Amended by:
L.N. 90 of 2001;
L.N. 318 of 2002;
L.N. 226 of 2007.

3. For the purposes of article 20 of the Ordinance, it is hereby prescribed that the Ordinance shall not apply to the handling of -

- (a) cargo transported between the Islands of Malta and Gozo and Comino;
- (b) coke or coal in bulk other than bagged coke or coal;
- (c) oils or wines in bulk;
- (d) cattle, horses or other animals;
- (e) fish from fishing vessels;
- (f) bitumen in bulk;
- (g) accompanied motor vehicles;
- (h) accompanied commercial vehicles of a cargo capacity of 10 tons or less.

Authority to have
overall control.
Amended by:
XV. 2009.49.

4. The Authority shall have overall control of all port work, including the supply of port workers for port work.

Port workers not
required to handle
certain goods. .

5. Port workers shall not be required to handle manually the goods specified hereunder:

- (a) cement the temperature of which at any time exceeds 51.7°C;
- (b) caustic soda in bags of any type in loose form;
- (c) any package the weight of which exceeds 55 kilograms.

6. (1) The Authority may, in its discretion and subject to the provisions of the Ordinance, issue a licence to any person to act as foreman of port workers.

Foremen.
Amended by:
L.N. 437 of 2007;
L.N. 410 of 2007;
XV. 2009.49.

(2) The Authority shall not issue a licence under this regulation unless it is satisfied that the person applying for a licence -

- (a) is over the age of twenty-five years;
- (b) has had adequate experience of cargo handling operations;
- (c) is a fit and proper person to be licensed;
- (d) is below the statutory pension age; and in the case of a person who did not hold a licence on the 30th December 2007 is in possession of a valid certificate of competence in the provision of foremen duties issued by a training institution approved by the Authority.

(3) The fee payable by a foreman in respect of a licence to act as foreman shall be eleven euros and sixty-five cents (11.65) *per annum* payable on the issue and on each renewal of the licence.

(4) The complement of foremen shall be as established from time to time by the Authority taking into consideration the requirements of employers of port workers.

(5) In this regulation "statutory pension age" means that age at which a person becomes eligible to receive a mandatory social security retirement pension in terms of the Social Security Act.

Cap. 318.

7. (1) The foremen and the employers of port workers shall enter into a Service Level Agreement which may, amongst other matters include, the following:

Service Level
Agreement.
Substituted by:
L.N. 437 of 2007.
Amended by:
L.N. 223 of 2009;
XV. 2009.49.

- (a) a description of the services to be provided, including the resources to be made available and the service performance levels to be met by the parties to the agreement;
- (b) the services that are required to be provided by foremen;
- (c) the mechanisms for dispute resolution in case of disagreement between the parties;
- (d) the hours of work, including shift systems allocation;
- (e) the ordering procedure;
- (f) the disciplinary procedures that may be taken including, but not limited to, the non-attainment of agreed minimum service performance:

Provided that disciplinary measures provided for in a Service Level Agreement shall be limited in scope to minor offences involving breaches of administrative measures:

Provided further that notwithstanding the other provisions of this regulation, disciplinary measures

that may lead to the suspension or cancellation of a licence shall be regulated by the Authority in terms of the Ordinance.

(2) The employers of port workers shall provide appropriate insurance cover to hold the foremen harmless for damages to property and to third parties provided that such damages are not a result of gross negligence on the part of the foremen.

Port workers to work with tools provided by employer.
Amended by:
L.N. 223 of 2009.

8. (1) Port workers shall work with the tools and equipment provided by their employer.

(2) Port workers who fail to comply with the requirements of sub-regulation (1) shall be reported by the Authority to the Port Workers Board for any action the Board may deem proper to take.

Prospective Port Workers Register.
Amended by:
L.N. 239 of 2004;
L.N. 226 of 2007;
XV. 2009.49.

9. (1) There shall be established a Prospective Port Workers Register.

(2) The Board shall register on the Prospective Port Workers Register any person who requests to be so registered and who satisfies the requirements of these regulations with regard to his eligibility to be so registered.

(3) The Authority shall also maintain a register of those persons who are eligible to become prospective port workers in terms of these regulations. Persons registered on the said register have to renew their registration, in person, during January of every year in such order or manner as the Authority may direct.

Port Workers Register.
Substituted by:
L.N. 226 of 2007.

10. There shall be established a Port Workers Register in which all port workers shall be registered in accordance with article 3 of the Ordinance. The register shall also contain a section clearly indicating the names of persons, other than prospective port workers, eligible to become port workers in terms of these regulations..

Recruitment of port workers.
Amended by:
L.N. 318 of 2002;
L.N. 226 of 2007;
XV. 2009.49.

11. (1) Vacancies in the complement of port workers established under regulation 12(2) occurring through the death or retirement of a port worker shall be filled by the recruitment of port workers from the Prospective Port Workers Register and, subject to the provisions of regulation 15(1)(b), if no prospective port workers are available in the said register, existing vacancies shall then be filled in accordance with regulation 15(2).

(2) The vacancies which shall be filled shall be those determined from time to time by the Authority in order to maintain at all times the full complement of port workers in accordance with the provisions of these regulations.

(3) No person shall be eligible to be registered as a port worker unless he or she -

- (a) is over the age of eighteen and under the age of forty-five years;
- (b) is examined by a medical board appointed by the Minister and is found to be physically fit for port work;
- (c) satisfies the Board that he or she is in possession of the

qualifications, skills and abilities, as may be determined by the Authority from time to time, to be able to carry out the duties of a port worker;

- (d) satisfies the Board that he or she is a fit and proper person to be a port worker; and
- (e) has never been convicted, or has never been declared guilty, of theft or fraud or a criminal offence which, in the opinion of the Authority, is deemed to be detrimental to the provision of port work.

12. (1) All port workers appearing on the Port Workers Register shall form one homogeneous section and shall perform such duties consisting of all work from hold to truck, stacking ground or warehouse or vice-versa.

Complement of
port workers.
Amended by:
L.N. 226 of 2007.

(2) The complement of port workers shall, for the period starting from 31st May 2007, be that as established by the Port Workers Board by notice published in the Gazette. The complement of port workers as published in the Gazette shall remain fixed until the Board carries out a review after two years from last publication in the Gazette. Where, following the review, there is a change in the required number of port workers, the new complement shall be published in the Gazette:

Provided that where at any time in the intervening period of two years between one revision and another it results that the number of port workers required by employers of port workers is insufficient, the Board shall review the complement to ensure that the number is adequate to meet the requirements of all employers of port workers.

(3) In its determination of the required complement, the Board shall take into consideration the volume of port work, the availability of cargo handling equipment and the introduction of new port operations systems.

13. (1) Eligibility to fill vacancies from the Prospective Port Workers Register shall be limited to the son or daughter, or to the elder from among the sons or daughters, of a port worker who was registered as such as on the 17th September, 1990, and who retires or who is medically boarded out under the provisions of these regulations or who dies:

Eligibility to fill
vacancies from the
Prospective Port
Workers Register.
Amended by:
L.N. 318 of 2002;
L.N. 226 of 2007;
XV. 2009.49.

Provided that such son or daughter satisfies the Board that -

- (a) he or she is a person eligible to fill a vacancy as provided for in regulation 11(3);
- (b) if he or she is an adopted son or daughter, was not over the age of six years when adopted;
- (c) he or she has applied to the Authority for port work prior to the date on which the vacancy occurs and has renewed in person such registration at the Authority during the month of January of each successive year:

Provided further that in the absence of a son or daughter of a retired or deceased port worker who was a port worker in the

general cargo stevedores or port labourers section as on the 10th June, 1975, eligibility to fill a vacancy shall be limited to the brother or sister or to the elder from among the brothers or sisters of such port worker, provided such brother or sister satisfies the Board that he or she is a person eligible to fill a vacancy as provided for in regulation 11(3) and in paragraph (c).

(2) Where a vacancy occurs among port workers, the Authority shall enter in the Prospective Port Workers Register established under regulation 9, and which it shall keep for the purpose, the name of the person who, in accordance with the provisions of sub-regulation (1), is eligible to fill that vacancy and who applies to be so registered.

(3) Saving the provisions of sub-regulation (2), the son or daughter of a port worker who retires or who is medically boarded out or who dies, or the brother or sister of a port worker who retires or who dies, shall be registered in the Prospective Port Workers Register on the day of such retirement or medical boarding out or death, as the case may be.

(4) The order in which vacancies shall be filled shall be determined by the chronological order of the retirement or medical boarding out or death, but any person being the son or daughter or brother or sister of a port worker who was so registered as on 10th June, 1975, and who is registered in the Prospective Port Workers Register and who is still so registered on the day immediately prior to his or her forty-fifth birthday shall, subject to the provisions of these regulations, on that day be registered in the Port Workers Register, without affecting the rights of other persons registered in the Prospective Port Workers Register:

Provided that when more than one person retires or is medically boarded out or dies on the same day, the order of preference shall be established by the date of birth of the prospective port worker, starting from the eldest.

(5) Registration in the Prospective Port Workers Register shall lapse if it is not renewed in person at the Authority in the month of January of each year.

(6) Notwithstanding the provisions of subregulations (2) and (3), the Authority may register in the Prospective Port Workers Register the minor son or daughter of a registered port worker who dies while so registered or who retires from port work on reaching retirement age:

Provided that -

- (a) if such son or daughter is over the age of sixteen and under the age of eighteen years, such son or daughter applies for registration within one month from the death or retirement of his or her father, as the case may be, and thereafter renews such registration as provided for in this regulation;
- (b) if such son or daughter is under the age of sixteen years on the death or retirement of his or her father, as the case may be, such son or daughter applies for

registration within one month of attaining the age of sixteen years, and thereafter renews such registration as provided for in this regulation.

- (c) the registration of such son or daughter in the Prospective Port Workers Register shall not entitle him or her to compete for the filling of vacancies until such time as he or she reaches eighteen years of age and, notwithstanding the provisions of sub-regulation (4) he or she shall, for the purpose of the order in which vacancies are filled, be placed after the person then appearing last on that Register.

(8) *Deleted by Legal Notice 318 of 2002.*

(9) A minor son or daughter who qualifies for registration in the Prospective Port Workers Register in terms of this regulation shall not eventually be registered as a port worker if he or she is not a person eligible to be so registered as provided for in regulation 11(3).

14. No port worker who is registered in the Port Workers Register shall, on death or retirement or on being medically boarded out, be replaced by a son or daughter or brother or sister as the case may be:

Requirements.
Substituted by:
L.N. 318 of 2002.
Amended by:
L.N.135 of 2017.

Provided that this regulation shall not apply to those port workers who died or die through a fatal accident on the place of work during the performance of their duties. Such port workers shall be replaced by a son or daughter subject to the provisions of these regulations:

Provided further that port workers who prior to the 10th day of June, 1975 were licensed to work in the general cargo stevedores or in the lightermen or in the port labourers section, shall continue to be replaced by a son or daughter or brother or sister, subject to the provisions of these regulations:

Provided further that port workers who were so licensed as on the 23rd day of October, 1992, or during the period between October 2004 and October 2017, shall be replaced by a son or daughter subject to the provisions of these regulations, unless this eligibility has already been availed of.

15. (1) When the Authority determines that a vacancy shall be filled the Board shall, upon the production of such documents and certificates as it may require, register as a port worker in the Port Workers Register a person -

Filling of
vacancies.
Amended by:
L.N. 318 of 2002;
L.N. 226 of 2007;
XV. 2009.49.

- (a) who is registered on the Prospective Port Workers Register; and
- (b) who satisfies the requirements of these regulations with regard to his or her eligibility to be so registered:

Provided that if no prospective port workers are available to fill the existing vacancies from the list of persons whose names appear in the Prospective Port Workers Register, the Authority shall refer to the Board the person whose name appears on the register of persons eligible to become a prospective port worker

upon the retirement or death of the eldest registered port worker and the date of registration of such person as a port worker shall be anticipated accordingly:

Provided further that such person satisfies the requirements of these regulations with regard to his or her eligibility to be so registered.

(2) If no prospective port workers or no persons whose names appear on the register of persons eligible to become prospective port workers in terms of subregulation (1)(b) are available to fill the existing vacancies, the Authority shall, on the recommendation of the Port Workers Board, issue a public call for applications to fill vacancies. The Board shall fill the vacancies from the applicants to the call provided that such persons fulfill the requirements of the provisions of regulation 11(3) and subject to the other requirements as to the eligibility of the individuals applying to work as port workers under these regulations being also satisfied.

(3) Vacancies in the complement of workers, as established from time to time in accordance with regulation 12, shall be filled within thirty days of the occurrence of such vacancies.

Employment of
prospective port
workers and
auxiliary port
workers.
Added by:
L.N. 226 of 2007.

15A. (1) For the purposes of article 20 of the Ordinance it is hereby prescribed that article 3(4) of the Ordinance shall not apply to port work when the complement of registered port workers in terms of these regulations is insufficient to meet the requirements of employers of port workers. In such an event, employers of port workers may employ persons for the provision of services of a temporary nature involving transport of cargoes within a port area from the list of prospective port workers and the list of persons eligible to become prospective port workers. In the event that the number of prospective port workers and persons eligible to become prospective port workers is insufficient for the provision of such services, employers of port workers may employ auxiliary port workers, provided that an agreement to that effect exists in the Service Level Agreement entered between the representatives of port workers and any respective employer of port workers as provided for in regulation 21A.

(2) Auxiliary port workers so employed are required to be in possession of a pertinent training qualification in the provision of port work in accordance with regulation 15B.

(3) Payments due to persons employed in terms of subregulation (1) shall be borne by the registered port workers and shall not be over and above the official tariffs established by these regulations and the tariffs agreed in the Service Level Agreement.

(4) Persons so engaged in the provision of services as described in subregulation (1) shall not be entitled to any of the benefits or entitlements, or be subject to conditions of work, of registered port workers under these regulations other than the benefits and entitlements, or conditions of work, if any, as specified for such purposes in the Service Level Agreement entered into between the representatives of port workers and any respective employer of port workers:

Provided further that an auxiliary port worker under this regulation shall not be granted, for being so engaged, any special rights over other applicants when applying to fill a vacancy under the provisions of regulation 15(2).

15B. (1) Without prejudice to the provisions of regulation 15A(2), any person, not being a registered port worker or a prospective port worker or a person eligible to be a prospective port worker, shall not be eligible to fill the vacancy of a port worker or to work as an auxiliary port worker, as the case may be, unless he has first obtained a training qualification in the provision of port work, as approved by the Authority, from a training institution recognized by the Authority.

Training in a
recognized training
institution.
Added by:
L.N. 226 of 2007.

(2) The Authority shall keep a specific register of persons in possession of a training qualification under subregulation (1) and such register shall contain such details as are considered necessary by the Authority to identify the holder, including, but not limited to, details as to his or her qualifications, and other particulars not of a personal nature.

16. Notwithstanding the provisions of regulation 11(2), a son or daughter -

- (a) of a port worker who dies as a result of injuries sustained while performing port work; or
- (b) of a port worker who, being over forty-five but under fifty-five years of age on his last birthday, is certified to be medically unfit for port work by a medical board appointed by the Minister and whose licence is cancelled for this reason,

Registration of son
or daughter of port
worker who dies
following accident
on port work.
Substituted by:
L.N. 318 of 2002.

shall be registered in the Port Workers Register, provided such son or daughter is a person eligible to be so registered in accordance with regulations 11(3) and 13(3):

Provided that the son or daughter of a port worker certified to be medically unfit for port work in accordance with the provisions of paragraph (b) shall not be registered in the Port Workers Register before the lapse of a period of three months from the date of the cancellation of his or her father's licence..

17. A port worker, who is over fifty years of age, may apply to the Board to have his registration cancelled in favour of his son or daughter, and if such port worker was so licensed as on the 10th day of June, 1975, in favour of his son or daughter or brother or sister:

Voluntary
retirement.
Substituted by:
L.N. 318 of 2002.

Provided -

- (a) that such port worker on having his registration cancelled shall forfeit all rights to a pension or gratuity; and
- (b) the son or daughter is a person eligible to be a port worker in accordance with the provisions of regulation 11.

Certificate of registration and identity card.

Amended by:
L.N. 318 of 2002;
L.N. 410 of 2007;
XV. 2009.49.

18. (1) On registration in the Port Workers Register, the Authority shall issue to a port worker -

- (a) a certificate of registration valid up to the 31st December of the current year in such form as the Authority may establish; and
- (b) an identity card.

(2) Such identity card shall remain the property of the Authority and shall be returned to the Authority by any port worker or his widows or her widowers and heirs, as the case may be, when he or she ceases to be registered.

(3) A port worker shall not transfer his or her identity card to any person.

(4) Unless exempted by the Authority a port worker shall wear his or her identity card whenever he or she is employed in port work and shall produce it on demand to the Authority or to his or her employer.

(5) Where the Authority is satisfied that an identity card has been lost or damaged, he may issue a duplicate card to a port worker on payment of a fee of two euros and thirty-three cents (2.33).

Renewal of registration.

Amended by:
L.N. 318 of 2002;
L.N. 410 of 2007;
XV. 2009.49.

19. (1) Every registered port worker shall apply in person at the Authority or at such other place as the Authority may determine, in the month of January of each year as required by the Authority to renew his or her registration.

(2) The fee payable by a port worker in respect of a licence to act as a port worker shall be eleven euros and sixty-five cents (11.65) *per annum* payable on the issue and on each renewal of the licence.

(3) Any registered port worker who is unable to renew his or her registration in accordance with sub-regulation (1) owing to incapacity for work, shall do so on the working day immediately following the end of the period of incapacity and shall produce to the Authority a medical certificate in respect of the whole period of incapacity, and if he or she satisfies the Authority that he or she was unable to apply in person to renew his or her registration owing to such incapacity, the Authority may renew such registration.

(4) Where the registration of a port worker is not renewed as provided for in subregulations (1) and (3), an application for the renewal of such registration shall be referred for decision by the Board.

Duties of Authority.

Amended by:
XV. 2009.49.

20. (1) When the Authority becomes aware that -

- (a) any unregistered person is working or attempting to obtain work as a port worker in a port, or
- (b) any person is making use of an identity card to which he is not entitled, or
- (c) any person who is working in the port has failed to produce his identity card on demand,

it may take such steps as it may deem proper in the circumstances and may also for the purpose of further investigation impound any card which in its opinion is being improperly used.

(2) Where any employer disputes any bill for port work or fails to pay any such bill, the Authority shall, unless the matter is settled, refrain from supplying port workers to an employer failing to pay any bill for port work if, after giving the employer an opportunity of making representations, it so instructs.

21. For the purposes of the definition of port worker in article 2 of the Ordinance, it is hereby prescribed that the cargo referred to in that definition in relation to the handling thereof from transit shed or stack on open quay to vehicle shall be -

Cargo for purposes of definition of port workers.

- (a) cereals, canary seed, sugar, seed potatoes, salt, in bags;
- (b) frozen meat;
- (c) timber;
- (d) liquid gas cylinders;
- (e) bitumen and asphalt in drums;
- (f) any substances in bags or in drums for use in the oil industry;
- (g) in an enclosed port area -
 - (i) the packing and unpacking of containers; and
 - (ii) the consolidation of unit loads for loading on board a ship.

21A. (1) The representatives of registered port workers and employers of port workers shall enter into a Service Level Agreement between them in connection with the provision of services by port workers.

Service Level Agreements.
Added by:
L.N. 226 of 2007.

(2) Workers allocated to employers of port workers under a Service Level Agreement have to be fit and able to perform the work to which they are assigned.

(3) A Service Level Agreement under these regulations may include, amongst other provisions, the following:

- (a) a description of the services to be provided, including the resources to be made available, the number of workers and the service levels/targets to be met by the parties to the agreement;
- (b) the services that are required to be provided by the port workers;
- (c) dispute resolution;
- (d) hours of work, including shift systems allocation;
- (e) ordering procedure when filing requests for the provision of port workers;
- (f) disciplinary procedure including, but not limited to, the non-attainment of agreed minimum service levels:

Provided that disciplinary measures in a Service Level Agreement shall be limited only to administrative

measures and minor offences:

Provided further that disciplinary measures relating to the withdrawal of a port worker's registration shall be regulated by the Authority through the Port Workers Board.

(4) The boards established for disciplinary proceedings and dispute resolution under a Service Level Agreement shall, as far as possible, be common to all employers of port workers.

(5) Applicable tariffs involving the provision of port work services as contemplated in these regulations in a Service Level Agreement shall in respect of imports and exports cargoes and related services not exceed the maximum tariffs established under these regulations and under any other law that the Authority is entitled to enforce. Applicable tariffs relating to transshipment operations and related services shall be negotiated between the employer of port workers and the representatives of port workers.

(6) For the purposes of these regulations, and in order to ensure consistency between the various Service Level Agreements especially with regard to disciplinary procedure and dispute resolution, a Service Level Agreement under these regulations shall be copied to the Authority by the parties to the Agreement and the Authority may query any of the provisions of the Agreement relating to disciplinary procedures and dispute resolution if, in its opinion, any of these, or both, contain matters that are not common to other Service Level Agreements in accordance with sub-regulation (4) and it shall be incumbent upon the parties to the Agreement to provide an explanation to the Authority within reasonable time or by a date as indicated by the Authority.

(7) The terminal operators and other employers of port workers shall provide appropriate insurance cover to hold the port workers harmless for damages to property and third parties provided that such damage is not a result of gross negligence on the part of the port workers.

Disruption of
rosters.
Amended by:
L.N. 410 of 2007.

22. (1) The Authority shall immediately report to the Port Disputes Board any case involving the disruption of a roster in which port workers may at the time be organized.

(2) The Port Disputes Board shall investigate such report and if it finds to its satisfaction that a roster was wilfully or negligently disrupted by an employer of port workers, or by a person acting on behalf of such employer, it shall award compensation, not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69), against such employer in favour of the port workers prejudiced by such disruption.

(3) When two or more employers of port workers are found by the Port Disputes Board to have wilfully or negligently concurrently disrupted a roster, the Port Disputes Board may determine the proportion of the amount of compensation to be paid by each of such employers, but in determining such proportions, the said Board shall take into account the extent to which each of such employers has been in default.

(4) In any case involving the disruption of a roster, the Authority shall operate such roster in accordance with the order of allocations obtaining at the time the disruption was discovered.

23. (*Deleted by L.N. 226 of 2007.*)

Administrative
surcharge.
Amended by:
L.N. 90 of 2001.

24. Foremen shall be paid in accordance with the tariffs of fees and the rates thereto set in the First Schedule:

Tariffs: foremen.
Substituted by:
L.N. 437 of 2007.

Provided that fees and rates for transshipment cargo may be as negotiated between foremen and employers of port workers. In the case of a dispute between the foremen and the employers of port workers about the fees payable to foremen, the Authority shall determine fair and reasonable transshipment fees and rates which shall be binding on both parties.

25. (1) Employers of port workers shall effect payment for port work to the Authority in accordance with the tariffs of fees and rates set out in the Second Schedule, and in accordance with the contribution set out in the Seventh Schedule.

Tariffs: by
employers of port
workers to
Authority.
Substituted by:
L.N. 226 of 2007.

(2) The tariff of the handling of transshipment cargo and related services shall be established following negotiations between the employers of port workers and port workers. The agreement reached shall be communicated to the Authority:

Provided that when both parties fail to reach an agreement, either of the parties may refer the dispute to the Authority which shall determine the tariff based on:

- (a) the service to be provided;
- (b) the latest tariff negotiated between the parties;
- (c) any published tariff;
- (d) the cost of labour; and
- (e) the volume of cargo and nature of services involved:

Provided further that either party may appeal the decision taken by the Authority, in respect of the establishment of a transshipment tariff, to the Port Work Appeals Board established under the Ordinance.

26. The Authority shall, on receipt of payment of bills by employers of port workers, deposit in a port workers' wages account the moneys due to port workers in accordance with the tariffs of fees and notes set out in the Second Schedule.

Port workers'
tariffs.
Amended by:
L.N. 226 of 2007.

27. The fees specified in the tariffs of fees contained in the Second Schedule shall be calculated in accordance with the methods set out in the Third Schedule.

Methods of
calculating the
tariffs.
Amended by:
L.N. 226 of 2007.

28. The method of payment to port workers shall be in accordance with the provisions of the Fourth Schedule.

Method of
payment to port
workers.
Amended by:
L.N. 226 of 2007.

Regular working
hours and public
holidays.
Amended by:
L.N. 226 of 2007.

29. The hours of work, leave and public holidays shall, in respect of port workers, be in accordance with the provisions of the Fifth Schedule.

Ordering of labour
- cancellation of
orders.
Amended by:
L.N. 226 of 2007.

30. The organisation, duties and supply of labour and the cancellation or amendment of such orders shall, in respect of port workers, be in accordance with the provisions of the Sixth Schedule.

Pension and
Contingency Fund.

31. There shall be established a fund to be known as the Pension and Contingency Fund, hereinafter referred to as "the Fund".

Fund Committee.
Substituted by:
L.N. 226 of 2007.

32. The Fund shall be administered by a Committee appointed by the Minister. The Committee shall be composed of the following:

- (a) a Chairman;
- (b) two representatives of the Authority;
- (c) two representatives of port workers; and
- (d) a secretary who shall have no vote.

Administration of
the Fund.
Amended by:
L.N. 318 of 2002;
L.N. 390 of 2004;
L.N. 410 of 2007.

33. (1) The Committee shall be responsible to the Minister for the good and proper administration of the Fund.

(2) The Committee may incur expenditure not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69) as may be approved by the said Committee at any one of its sittings without the prior authority of the Minister:

Provided that the aggregate amount thus approved by the Committee shall not exceed twenty-three thousand and two hundred and ninety-three euros and seventy-three cents (23,293.73) in any calendar year:

Provided further that this regulation does not limit payment of benefits made to port workers, or to persons who have served as port workers, or their widows or widowers and heirs as laid down in these regulations.

(3) Furthermore the Committee shall effect such payments out of the Fund as may from time to time be authorised by the Minister.

(4) Payments out of the Fund shall be made by the Authority, who shall -

- (a) keep proper books of accounts approved by the Committee; and
- (b) submit to the Committee monthly statements of accounts in such form as the Committee may deem fit.

(5) Every three months the Committee shall refer to the Minister a statement of accounts showing the state of the Fund.

Annual reports and
information.

34. (1) The Committee shall submit to the Minister not later than the 31st day of May of each year, a report in respect of the transactions made and benefits paid during the year ending on the 31st day of March of that same year.

(2) The report mentioned in sub-regulation (1) shall include all the reports made by the auditor of the Committee during the year in respect of which such report is made.

(3) Such auditor shall be nominated by the Committee and appointed by the Minister.

35. The Committee shall adopt an investment strategy for the Fund based on appropriate due diligence and professional advice from duly regulated entities in terms of the local legal framework. The Committee may make recommendations to the Minister for his approval to invest money remitted to the Fund in line with such investment strategy.

Investment of moneys remitted to the Fund.
Substituted by:
L.N. 226 of 2007;
L.N. 67 of 2010.

36. (1) The books of the Fund shall be examined at least once every three months by the auditor nominated and appointed in accordance with the provisions contained in regulation 34(3).

Auditing.

(2) The Committee shall make available to the auditor such books of accounts and such other documents, and shall provide him with such information as may enable him to carry out proper examinations.

(3) The auditor shall, every three months, compile reports on the examinations made and shall submit such reports to the Minister and to the Committee.

36A. Every five years a review of the Fund shall be carried out by an independent actuary appointed by the Committee in order to determine whether the contributions to the Fund are adequate to meet future obligations over the ensuing ten year period and should the review conclude that the contributions are insufficient to meet such needs, the Authority shall take the necessary steps to increase the level of contributions to ensure adequacy of the Fund:

Review of the Fund by independent actuary.
Added by:
L.N. 226 of 2007.
Amended by:
L.N. 67 of 2010.

Provided that the Government shall at all times guarantee that the Fund is maintained at a level which will enable it to meet its present and future obligations and outflow commitments as determined by the actuary from time to time.

37. Subject to the provisions of these regulations the Committee may regulate its own procedures.

Committee to regulate procedure.

38. The Authority shall remit to the Fund:

- (a) the contribution specified in the Seventh Schedule;
- (b) any moneys which may be passed to it for the remittance to the Fund.

Financing the Fund.
Substituted by:
L.N. 226 of 2007.
Amended by:
XV. 2009.49.

39. (1) Port workers who on or after the fourth day of April, 1973, but not later than the fourth day of January, 1980, had attained the retiring age and who had their registration cancelled by the Authority, shall continue to receive a pension or a gratuity under the conditions and at the rates specified in regulation 42 and in the Eighth Schedule.

Pension.
Amended by:
L.N. 226 of 2007;
XV. 2009.49.

(2) Port workers who on or after the fifth day of January 1980, have attained the retiring age shall have their registration cancelled by the Authority but retaining their pension rights under the Social

Cap. 318.

Security Act.

Pension to widows,
widowers and
heirs.
Substituted by:
L.N. 318 of 2002.

40. The balance of a pension due to a port worker who dies before the lapse of five years from the date of cancellation of his or her registration on being medically boarded out prior to reaching retirement age, under the provisions of these regulations, shall be paid to the widows, or widowers, and heirs of such port worker:

Provided that the pension paid to a port worker before his or her death and the balance payable to his widow, or to her widower, and heirs shall in total not exceed the amount that would have been paid to such port worker during a maximum period of five years from the date of being medically boarded out..

Retirement on
medical grounds.
Amended by:
L.N. 318 of 2002.

41. (1) A port worker, who, being forty-five years of age or over on his last birthday, has his registration cancelled on being certified to be medically unfit for port work by a medical board appointed by the Minister shall, if he has a son eligible to replace him in accordance with these regulations, receive a pension as follows:

- (a) during such time as such son is not registered in the Port Workers Register - full pension;
- (b) from the date on which such son is registered in the Port Workers Register until the port worker reaches retiring age - such part of the full pension as the Minister may, on the advice of the Committee, from time to time determine; and
- (c) on reaching retiring age - full pension.

(2) A port worker who, being forty-five years of age or over on his last birthday, has his registration cancelled on being certified to be medically unfit by a medical board appointed by the Minister shall, if he or she has no son or daughter or brother or sister to replace him or her in accordance with these regulations, receive a pension as follows:

- (a) until he or she reaches retiring age - such part of the full pension as the Minister responsible for ports may, on the advice of the Committee, from time to time determine; and
- (b) on reaching retiring age - full pension.

(3) The provisions of sub-regulation (1)(c) and of sub-regulation (2)(b) shall not apply to port workers who after the twenty-second day of January, 1979, have their licence cancelled under the provisions of this regulation, if they reach the retiring age on or after the fifth day of January, 1980, saving their pension rights under the Social Security Act.

Cap. 318.

(4) Saving the provisions of sub-regulation (3), a person who is registered as a port worker after the thirtieth day of May, 1978 shall not be eligible to receive a pension as specified in subregulations (1) and (2) if he or she does not satisfy the requirements laid down in regulation 42.

42. (1) A person who is registered as a port worker after the 30th day of May, 1978, shall qualify for a pension on completing ten years continuous service as a registered port worker.

Service to qualify for pension.
Amended by:
L.N. 318 of 2002.

(2) Notwithstanding the provision of sub-regulation (1), a son or daughter or brother or sister of a port worker whose licence is cancelled at his own request in accordance with the provisions of regulation 17 shall, on being registered in the Port Workers Register, qualify for a pension on completing fifteen years continuous service as a registered port worker.

43.(1)(a) A port worker who is a registered port worker on the date of the coming into force of these regulations*, or subsequently, shall receive a gratuity in respect of each year of service, or part thereof, to be reckoned as from the 4th April 1973.

Gratuity on retirement.
Substituted by:
L.N. 187 of 1998.
Amended by:
L.N. 215 of 1998.
Substituted by:
L.N. 70 of 2003;
L.N. 226 of 2007.
Amended by:
XV. 2009.49;
L.N. 67 of 2010.

(b) The payment of the gratuity at paragraph (a) shall be made by the Committee in any one of the following circumstances:

- (i) to a port worker who reaches retirement age; or
- (ii) to a port worker whose registration is cancelled by the Authority after a port worker is certified to be medically unfit for further port work by a medical board appointed by the Minister; or
- (iii) to the heirs of a port worker who dies whilst being so registered.

(c) The Minister, after consultation with the Committee, may for the purpose of this subregulation, authorize that initial and yearly amounts be invested with a reputable assurance company for the purpose of the provision of such gratuities to port workers.

(2) A port worker who is so registered for the first time after 1st June 2007, and has been so registered for more than ten years, shall on reaching retirement age, or whose registration is cancelled after being certified to be medically unfit for further port work by a medical board appointed by the Minister, receive a gratuity of thirty four thousand nine hundred and forty euro sixty cents (€34,940.60).

(3) The heirs of a registered port worker who dies after the 1st June, 2007 shall receive a gratuity equivalent to three years of earnings. The earnings that have to be considered for the purpose of the computation of this gratuity shall be the average earnings of all the registered port workers for the year preceding the death of the registered port worker. The difference between the amount due in respect of the gratuity and all insurance proceeds shall be paid from the Fund.

44. (1) Port workers shall be provided with a Personal Accident and Sickness Insurance Policy on a basis of twenty-four hours, which will provide benefits to them and their dependents

Insurance policy.
Amended by:
L.N. 79 of 1997;
L.N. 410 of 2007.

*1st July, 2007.

covering accidental death, permanent disablement and temporary total disablement due to accident and/or sickness.

(2) The compensation contemplated in such insurance policy shall as a minimum include:

- (a) in The Event Of Accidental Death: €23,293.73 per capita;
- (b) in the event of permanent disablement: up to €23,293.73 per capita; and
- (c) in the event of temporary total disablement following accident and/or sickness: €260.89 per week for a period of six weeks.

(3) The premium for the insurance policy referred to in sub-regulation (1) shall be defrayed from the Fund.

Power of the committee to investigate claims.

45. In examining any claim made by a person under these regulations, the Committee may make any investigation and may require the production of any evidence, including documentary evidence, it may deem necessary.

Recovery of gratuity in respect of injury caused by wilful act or negligence.
Amended by:
L.N. 318 of 2002.
XXXIII.2024.
First Schedule.

46. (1) The Committee shall have the right to claim by civil action the amount of any gratuity paid or payable under these regulations -

- (a) from any person, other than the port worker entitled to such gratuity, where an injury in respect of which the gratuity is paid or payable was caused by the wilful act or the negligence of such person or of any other person for whom, under the provisions of the Civil Code, the first mentioned person is responsible;
- (b) without prejudice to the generality of paragraph (a), where the injury was caused on account of or through the non-compliance by himself or herself, or by any other person for whom such employer is responsible under the Civil Code, with with any obligation imposed by the Health and Safety at Work Act or by any regulations made thereunder.

Cap. 16.

Cap. 16.

Cap. 646.

(2) Nothing in this regulation shall prejudicially affect any right to claim and obtain compensation or damages which the injured person, or those claiming under him or her, may have under the provisions of the Civil Code against the person through whose wilful act or negligence the injury was caused; but in assessing the amount of such compensation or damages, the Court shall take into account the gratuity recovered or recoverable by the Committee as provided in subregulation (1).

(3) Any amount recovered by the Committee under this regulation shall be carried to the credit of the Fund.

Increase in wages of port workers.
Amended by:
L.N. 318 of 2002;
L.N. 226 of 2007.

47. (1) The Minister may authorize the payment out of the Fund of a cost of living increase or bonus or of any other increase in the wages of port workers at such rates and under such conditions as he may from time to time prescribe.

(2) The provisions of subregulation (1) shall be deemed to

have come into force on the 4th day of April, 1973.

(3) To qualify for the receipt of any payment authorised under subregulation (1) in respect of any one day, a port worker may be required to prove to the satisfaction of the Authority that he or she was available for work on that day.

48. (1) The earnings of port workers shall be guaranteed at the level of the average earnings realized during the five year period ending on the 31st day of December of the year immediately preceding the year in respect of which this guarantee applies. Guaranteed earnings.

(2) For the purposes of this regulation the earnings of port workers shall be deemed to be the global earnings of port workers taking into account the number of port workers as on the 31st day of December of each year.

(3) Payments to bring such earnings to the guaranteed level shall be made out of the Fund.

(4) There shall be published in the Gazette, in respect of each calendar year ending on the 31st day of December, the global earnings of port workers, taking into account the number of port workers as on the 31st day of December of that year.

Substituted by:
L.N. 141 of 1994;
Amended by:
L.N. 318 of 2002.
Substituted by:
L.N. 410 of 2007;
L.N. 223 of 2009;
L.N. 254 of 2012.

FIRST SCHEDULE
(Regulation 24)
Fees payable to Foremen

1. Foremen of Port Workers engaged in the supervision of the handling of cargo shall be paid the following fees:

Item	Description	Fee €
1.0	To foremen engaged in the supervision of the handling of unitised cargo:	
1.1	Loading of unitised cargo:	
1.1.1	Locally manufactured goods, per ton	0.29,9
1.1.2	Other unitised cargo, per ton	0.32,9
1.2	Unloading of unitised cargo, per ton	0.36,9
1.3	Loading and unloading of empty containers and trailers, per unit	2.00,0
2.0	To foremen engaged in the supervision of the handling of general cargo, per ton	0.39,9
3.0	To foremen engaged in the supervision of the handling of the following bulk cargo:	
3.1	Wheat, per ton	0.12,0
3.2	Barley, maize and corn, per ton	0.16,0
3.3	Soya and alpha, per ton	0.35,0
3.4	Pellets and seeds, per ton	0.35,0
3.5	Cement, per ton	0.23,9
3.6	Other bulk cargo, per ton	0.39,9
4.0	Handling of accompanied commercial vehicles with a cargo capacity of more than 10 tons:	
4.1	Chassis cab trucks or trailers of 20ft, per unit	5.80,5
4.2	Articulated trucks or trailers of 40ft, per unit	11.57,5
4.3	Articulated trucks or trailers of over 40ft, per unit	17.03,0
4.4	Empty accompanied commercial vehicles, per unit	2.00,0
5.0	Shifting of cargo:	
5.1	Shifting of cargo, per ton	0.15,0
5.2	Shifting and restowing of cargo, per ton	0.30,0
2.	An order for foremen to start work may be placed at any time of the day: Provided that:	
	(a) for night shift, an order in writing shall be placed by noon of the previous day; and	

- (b) for Saturday or national or public holiday work, an order in writing shall be placed by 1700 hours on the previous evening, while for Sunday work it shall be placed by noon of the previous Saturday:

Provided further that:

- (i) when work is required on a Saturday which follows a national or public holiday, the order shall be placed by noon of the said national or public holiday; and
- (ii) when work is required on a national or public holiday which follows a Sunday or another national or public holiday, the order shall be placed by noon of the Sunday or of the said other national or public holiday, as the case may be.

3. The cancellation of orders shall be governed by the following rules:

- (a) an order for night shift on a ship not yet in port may be cancelled up to noon of the previous day;
- (b) an order for work on a Saturday, a Sunday or a national or public holiday may be cancelled up to the time limit specified in paragraph 2 of this Schedule for the making of the relative order;
- (c) if an order for night shift or for Saturday, Sunday or national or public holiday work is cancelled after the time limits set out in sub-paragraph (a) or (b), the employer of port workers in question shall pay a fee of €4.66 per foreman allocated to a ship or operation together with any night shift, Sunday or national or public holiday allowances, where applicable; and
- (d) for the purposes of this paragraph an order is cancelled when the employer notifies the foreman of his definite intention not to employ the foremen ordered.

4. The following fees shall be paid in addition to the fees specified in paragraph 1 of this Schedule to each foreman actually employed during night shift or Sundays or national or public holidays:

- (a) On night shift from Monday to Saturday €11.65 per
foreman
- (b) On Sundays and national or public
holidays €23.29 per
foreman.

Amended by:
L.N. 141 of 1994.
Substituted by:
L.N. 226 of 2007;
L.N. 407 of 2007.
Amended by:
L.N. 223 of 2009.;
L.N. 175 of 2026.

SECOND SCHEDULE
(Regulations 25 and 26)
Tariff of Fees Payable to Port Workers

PART I

General Cargo

Port workers employed to handle the cargo specified in Column 1 of this Tariff shall be paid the fees shown in Column 2, such fees being the total amount of the fees due for the whole cargo operation:

COLUMN 1 <i>Nature of cargo</i>	COLUMN 2 <i>Total tariffs payable by employers of port workers in respect of whole operation</i>
a. Cement - in big bags or on pallets per ton.....	€4.05
Cement - in 50 kg bags per ton.....	€7.41
b. Soda, Sulphur and Coal - in bags per ton.....	€4.20
c. Onions, carobs, oats, pollard, cotton seed, oil cake, barley, bran, coke and malt - in bags per ton.....	€5.21
d. Potatoes per ton.....	€3.95
e. Iron joists, beams, girders, rails, metal rods including angle iron and sheets, ingots per ton.....	€4.37
f. Refrigerated Fruit in cases or cartons per ton.....	€5.60
Refrigerated other per ton.....	€4.97
g. Fruit in cases or cartons (not refrigerated) per ton.....	€3.71
h. Scrap metal (other than aluminium) loose per ton.....	€4.86
i. Scrap aluminium loose per ton.....	€8.63
j. Motor and aviation spirit in cans or drums, and explosives including ammunition and pyrotechnics per ton.....	€3.18
k. Chairs, loose or in bundles, each	€0.14
Willows, canes <i>et similia</i> , in bundles per bundle.....	€0.14
Empty drums of a capacity of 40 gallons and over - each	€0.14
l. Empty wine and beer casks - each	€0.98
m. All other cargo other than cargo in bulk per ton.....	€3.68

Note:

The fees shown above include any remuneration due for the carrying of cargo necessary for the performance of the whole operation.

Amended by:
L.N. 175 of 2026.

PART II

Unitised Cargo

Port workers allocated to handle cargo in unit loads shall be paid the fees shown in Column 2 of this Tariff in respect of the work specified in Column 1 thereof:

COLUMN 1	COLUMN 2
<i>Nature of work</i>	<i>Tariffs</i>
a. Unloading or loading of unitised cargo.....	€1.98 per ton
b. Shifting of unitised cargo for each operation.....	€0.84 per ton
c. Loading or unloading of empty containers.....	€17.94 per unit
d. Loading or unloading of empty trailers.....	€1.67 per unit
e. Loading or unloading of empty containers on trailers	€19.12 per unit
f. Road transport vehicles and bowser (excluding ship's equipment used to tow, push, carry or move unitised cargo) rolled on or off a RORO ship to load or unload cargo.....	€8.38 per unit addition to the fees in respect of cargo carried
g. Folding or collapsible containers loaded or unloaded interlocked into one another.....	€1.84 per ton of 1000 Kg
h. Loading and unloading of accompanied commercial vehicles with a cargo capacity of over 10 tons:	
§ (i) Chassis cab trucks or trailers of 20ft, per unit.....	€37.44
§ (ii) Articulated trucks or trailers of 40ft, per unit.....	€83.52
§ (iii) Articulated trucks or trailers of over 40ft, per unit.....	€106.56
§ (iv) Empty accompanied commercial vehicles, per unit.....	€17.94

Note:

Port workers shall be paid the tariffs in the table above if they have provided port work during the loading and unloading of the specified cargo.

Substituted by:
L.N. 175 of 2026.

PART III

Bulk Cargo

Port workers employed to handle the cargo specified in Column 1 shall be entitled to payment of the total tariffs indicated in Column 2 (where applicable):

COLUMN 1 <i>Nature of cargo</i>	COLUMN 2 <i>Total tariffs payable by employers of port workers in respect of whole operation Per ton</i>
A. Bulk cargo loaded or unloaded by suction plant feeding in hold ex chutes at a silo:	
a. Wheat.....	€0.53
b. Oats and barley.....	€0.73
c. Soya beans, oil cake, pollard and beans,,.....	€1.51
d. Cement in bulk.....	€2.12
e. Other bulk cargo.....	€0.53
B. Bulk cargo not loaded or unloaded by suction plant:	
a. Wheat.....	€1.01
b. Carobs, oats, cotton seed and barley.....	€1.84
c. Other grains.....	€1.04
d. Salt, sand and grit.....	€4.16
e. Marble chippings and aggregates.....	€2.12
f. Alfalfa, grass pellets, soya bean pellets and sunflower meal.....	€5.98
g. Other bulk cargo.....	€1.11

Note:

1. The above fees include any remuneration due for the carrying of cargo necessary for the performance of the whole operation.

2. Bagging and tying of damaged bulk wheat which cannot be unloaded by suction shall be paid at double the tariff for bulk wheat not unloaded by suction and the normal fees applicable to bagged cargo shall be paid for its unloading.

3. The tariff for the unloading of wheat in bulk not unloaded by suction from deep tanks shall be seventy-five percent (75%) in addition to the normal tariff specified in this Part.

4. The unloading of wheat in bulk between pipes not unloaded by suction in the deep tanks shall be charged at double the normal tariff shown in this Part and the

quantity of wheat so discharged shall be established by agreement between the master (or the chief officer) and the Authority.

5. Where bulk cargo is not loaded or unloaded at a silo, port workers employed to handle from ship's tackle to stack on quay or in shed or *vice versa* the cargo in bulk specified in Column 1 of the table below shall be paid the tariffs indicated in Column 2 and 3 thereof (where applicable):

COLUMN 1	COLUMN 2	COLUMN 3
<i>Nature of Cargo</i>	<i>Slinging/unslinging under ship's tackle, on quay or on lighters, including stowing/stacking as necessary</i>	<i>Handling on quay</i>
	<i>Tariff per ton</i>	<i>Tariff per ton</i>
a. Wheat.....	€0.27	€1.47
b. Carobs, oats, cotton seed and barley.....	€0.43	€2.55
c. Other grains.....	€0.27	€1.57
d. Deffun, marble chippings.....	€0.40	€2.22
e. Other bulk cargo.....	€0.27	€1.64

Note:

The above tariffs include any remuneration due for any stowage which may be necessary.

6. Port workers employed in the handling of bulk cargo to perform the operations specified in Column 1 of the table below shall be paid entitled to the tariffs indicated in Column 2 thereof:

COLUMN 1	COLUMN 2
<i>Nature of work</i>	<i>Rate per ton</i>
a. Bagging and tying.....	€0.58
b. Suction plant feed on deck or lighter.....	€0.58
c. Bucket conveyor feeding: Grain other than wheat.....	€0.91
d. Bucket conveyor feeding: Wheat.....	€0.53

Note:

The tariffs indicated for item (a) shall be in addition to the tariffs indicated in note 5 and the tariffs indicated for items (b) and (c) shall be entitled to the tariffs indicated in Column 3 of note 5.

Substituted by:
L.N. 175 of 2026.

PART IV

Shed of Stack to Transport

Port workers employed to handle from shed or stack on open quay to transport, the cargo specified in Column 1 shall be paid the fees indicated in Column 2 or 3 thereof in accordance with the type of operation performed:

COLUMN 1	COLUMN 2	COLUMN 3
<i>Nature of Cargo</i>	<i>Carrying from shed or stack on open quay, loading and stacking on truck</i>	<i>Receiving at tail board of truck and stacking on trucks</i>
Frozen meat per ton.....	€1.71	-
Cereals including bran, pollard, and canary seed and salt, in bags per ton.....	€1.34	€ 0.71
Oil cake in bags per ton.....	€2.12	€ 0.71
Sugar in bags per ton.....	€1.34	€ 0.73
Timber per ton.....	€1.47	-
L.P. Gas Cylinders per cylinder.....	€0.17	-
Seed potatoes per bag.....	€0.13	-
Bitumen and Asphalt in drums per ton.....	€0.98	-
Any substances in bags or in drums for use in the oil industry.....	€1.11	€0.73

Note:

The tariffs indicated in Column 2 in respect of the item "Oil cake in bags" shall be levied irrespective of the average weight of, or the weight, of individual bags and includes any remuneration due for the handling of bags for weighing purposes.

Substituted by:
L.N. 175 of 2026.

Part V

Miscellaneous

1. Any port worker employed as a heavy plant driver or signaller for any one operation shall be paid a tariff of fifteen euro (€15.00) per hour, subject to a minimum period of eight (8) hours.

2. Any port worker employed as a winchman shall be paid hundred twenty euro (€120) for four (4) hours shift due to health and safety requirements:

Provided that where a worker is ordered to work as a winchman,

heavy plant driver or signaller and no work is assigned to him before the lapse of the first four (4) hours from the commencement of the ordered shift, such worker shall be entitled to payment equivalent to eight (8) hours at the applicable rate.

3. Port workers employed in enclosed port areas, with regard to the handling of unitised cargo to perform the following port work, including the:

- (a) packing and unpacking of containers;
- (b) loading and unloading of trailers;
- (c) dismantling of other unit loads on quay, in warehouse or stacking ground;
- (d) sorting of cargo so handled according to the main bill of lading marks and the stacking of such cargo on quay or in a warehouse; and
- (e) consolidation of unit loads for loading on board a ship;

shall be paid a tariff of fifteen euro (€15.00) per hour, subject to a minimum period of work of eight (8) hours.

4. All the amounts established under Schedule II shall be subject to an increase of five per cent (5%) every three (3) years.

*Amended by:
L.N. 226 of 2007.*

THIRD SCHEDULE (Regulation 27)

Methods of calculating the Tariff of Fees payable to Port Workers

1. For the purposes of this order "grain" includes any corn, rice, paddy, pulse (i.e. peas, beans and other seeds of leguminous plants), seeds, nuts or nut kernels, and any mixture or combination or offals thereof.

Meaning of grain.

2.1 Where a fee shown in the Third Schedule is payable per ton, it shall be calculated per ton weight of 1,000 kilos or ton measurement of 40 cubic feet, whichever is the greater.

Methods of calculation of Tariffs.

2.2 The provisions of paragraph 2.1 above shall not apply in respect of the cargo specified in Column 1 of the Table immediately following in paragraph 3 below, in respect of which cargo the fees shown in the Third Schedule shall be calculated as specified in Column 2 of the said Table.

3. The Table mentioned in paragraph 2.2 above is the following: Table.

TABLE

Column 1	Column 2
3.1.1 Flour, grain, sugar, carozo nuts, briar wood, onions, and coal and coke, in bags	on a weight basis

- | | | |
|--------|---|--|
| 3.1.2 | bulk cargo | on a weight basis |
| 3.1.3 | frozen meat | on a weight basis |
| 3.1.4 | wine in casks | on a weight basis |
| 3.1.5 | earthenware pipes, bends and fittings | on a weight basis |
| 3.1.6. | loose scrap metals | on a weight basis |
| 3.1.7 | scrap aluminium loose, packed or bundled | on a weight basis |
| 3.2 | Groundnuts in bags | at three times the weight |
| 3.3 | Empty drums of a capacity of 40 gallons and over | per drum |
| 3.4 | Chairs in bundles or loose | per chair |
| 3.5 | Willows, canes <i>et similia</i> in bundles | per bundle |
| 3.6 | Bagged cargo wet at time of handling | at double rate |
| 3.7 | Corpses | at double general cargo rate |
| 3.10 | Potatoes in bags, chests, boxes or similar packing .. | at one and a half times the dead weight tonnage of 1,000 kilos per ton |
| 3.11 | Folding or collapsible containers loaded or unloaded interlocked into one another | on a weight basis. |
4. The measurement tonnage of drums shall be calculated by Drums.
multiplying the square of the diameter of the base of the drum by the height of the drum.
5. Scrap metals in drums or bales, other than aluminium in bales Scrap metal.
or bundles, shall be considered as general cargo for the purposes of the Third Schedule.
- 6.1 The tariff for loading broken glass delivered loose on quay Glass - loose
shall be double the normal tariff for other bulk cargo. broken.
- 6.2 The tariff for loading glass delivered in open drums shall be
the normal tariff for other bulk cargo.
- 7.1 The fees payable for the handling of salt shall be calculated Difference in
on the weight shown on the bill of lading, but if the actual weight tonnage.
landed exceeds the weight shown on the bill of lading, the fees shall be calculated on the actual tonnage landed.
- 7.2 The fees in respect of wheat in bulk shall be payable on the
tonnage shown on the bill of lading; any difference between that
tonnage and the tonnage actually landed shall be paid by the
employer, or if more than one by the employers in proportion to their
allocation, and if wheat is wholly or partly unloaded by shoulder,
such difference shall be payable at shoulder rates.
- 8.1 All ammunition shall, for the purposes of establishing the Ammunition.
fees payable in respect thereof, be treated as explosives unless the
employer -
- 8.1.1 informs the Authority, before the operation starts, that the
cargo in question is free from explosives; and
- 8.1.2 supports that declaration by documents.

9. Where any cargo is short-shipped or lost in transit and duly vouched for in the ship's documents, no payment shall be due to port workers; other cargo short-landed shall be paid for as per ship's bill of lading, but shall not be charged for again by port workers if eventually handled. Cargo short landed.

10. For the purposes of calculating the fees in respect of unitised cargo, the provisions of this Schedule of shall apply: Applicability of this Schedule.

Provided that the tonnage of unitised cargo on which fees are calculated shall be the actual tonnage of the cargo loaded or unloaded or shifted excluding the equipment used to form unit loads or to tow, push, carry, or otherwise move such cargo:

Provided further that in the case of trailers and containers, fees shall be calculated according to the following fixed tonnage:

Containers	20ft	23 tons
Containers	40ft	45 tons
Trailers	20ft	25 tons
Trailers	40ft	45 tons
Trailers Supercube	Over 40ft	58 tons

Refrigerated Containers/Trailers containing frozen meat, frozen fish and frozen by-products of such commodities:

Containers/Trailers	20ft	18 tons
Containers/Trailers	40ft	26 tons
Containers/Trailers	Over 40ft	45 tons

When the actual weight and measurement of cargo in respect of each bill of lading relative to unitized cargo are not recorded in the ship's manifests, or bills of lading, the fees specified in the tariff shall, notwithstanding the provisions of paragraph 2 hereof, be calculated on the basis of the overall measurement, subject to the provisions of the paragraph above.

11.1 Employers of port workers shall pay to the Authority the following: Charges payable by employers of port workers.

11.1.1 the fees specified in the Second Schedule; and

11.1.2 the contribution specified in the Seventh Schedule.

If more than one employer employs port workers in respect of a specific cargo operation the fees due shall be paid by the employers in proportion to their allocation of cargo.

FOURTH SCHEDULE
(Regulation 28)

*Amended by:
L.N. 226 of 2007.*

Method of payment to Port Workers

The payment of a cost of living increase or bonus or of any other increase in the wages of port workers together with the relative fees due to them under the Third Schedule shall be made in the following manner:

- (a) a cost of living increase or bonus or any other increase in the wages shall be paid to port workers on the 15th day of each month;
- (b) the earnings due to port workers for the previous month shall be distributed equally, after all requisite deductions have been made, amongst port workers, on the 15th day and the last day of the month:

Provided that if such 15th day or such last day of the month happens to be a Saturday, Sunday or national or public holiday, payment shall be made on the preceding or subsequent day nearest to the 15th day or the last day of the month.

FIFTH SCHEDULE
(Regulation 29)

*Amended by:
L.N. 318 of 2002;
L.N. 274 of 2005;
L.N. 226 of 2007;
L.N. 410 of 2007;
XV. 2009.49;
L.N. 175 of 2026.*

Hours of Port, Leave, National and Public Holidays and Allowances

1. The working hours for the provision of port work in ports shall be 24 hours, seven days a week.
2. Port work shall be organized as follows:
 - (a) On a day basis: starting from 0800 hours to 1700 hours including a one hour break between 1200 hours and 1300 hours; or
 - (b) On an eight hour shift basis including a half hour break; the hours of work when resorting to shift work shall be as follows:
 - Day shift from 0800 hours to 1600 hours
 - Evening shift from 1600 hours to 0000 hours
 - Night shift from 0000 hours to 0800 hours.
3. To each port worker actually employed during night shift or on Sundays or national or public holidays, there shall be paid in addition to the fees specified in the Second Schedule, the following fees:

In respect of work performed:

- (a) On night shift from Monday to Saturday:..... €20.00 per worker
- (b) On Sundays and national or public holidays:..... €50.00 per worker.

4. The conditions of work stipulated in paragraphs 2 and 3 of this Schedule may be varied through the Service Level Agreement that every employer of port

worker or terminal operator and the representatives of port workers shall enter into in accordance with the provisions of regulation 21A of these regulations:

Provided that any such arrangements shall at all times be compliant with applicable law.

5. It shall not be obligatory for port workers to work on Good Friday, on the 1st May, on the 15th August, in the afternoon of the 24th December (Christmas Eve), on Christmas Day, after 5.00 p.m. on the 31st December (New Year's Eve) and on New Year's Day:

Provided that on the above days the Authority may authorise any port work, in circumstances which constitute an emergency in respect of any ship or cargo, or for any port work which the Authority may authorise after consultation with the employers and the port workers' representatives:

Provided further that following a request by an employer to perform port work on Good Friday, the 1st May, on the 15th August, after 5.00 p.m. on the 31st December (New Year's Eve) and on New Year's Day, the Authority shall offer such work to port workers on a voluntary basis.

6. For the purposes of this Schedule, "national holiday" and "public holiday" mean any day which is to be kept as a national or a public holiday in terms of, or by virtue of any order made under, the National Holidays and other Public Holidays Act.

7. (1) Port workers may be allowed leave of absence by the Authority for a period not exceeding thirty days in any one year and by the Authority for such further period as he may consider justified.

(2) The Authority may also allow port workers emigration leave not exceeding thirty months in any five year period.

*Amended by:
L.N. 141 of 1994;
L.N. 318 of 2002;
L.N. 145 of 2006;
L.N. 226 of 2007;
L.N. 410 of 2007;
XV. 2009.49;
L.N. 175 of 2026.*

SIXTH SCHEDULE (Regulation 30)

Organisation, Ordering, Allocation and Suspension/Cancellation of Labour

1. All port workers appearing on the Port Workers Register shall form one homogeneous section and shall, in conformity with the provisions of article 2 of the Ordinance, perform port work consisting of or involving:

- (a) the loading, unloading and shifting of cargoes from ship to shore, storage facilities and open stack and vice versa as described in these regulations and as prescribed in regulation 21;
- (b) the handling of unitized cargo on a ship, on a quay and in a warehouse, including the lashing, unlash, slinging, unslinging, hooking and unhooking, of cargo in unit loads from ship to quay or stacking ground or warehouse and vice-versa, provided that port work on shore shall be performed only when it constitutes a continuous operation while cargo is in the custody of the Authority or the employer of port worker and, or

terminal operator, as the case may be;

- (c) operations under ship's tackle including slinging and unslinging, stowing and stacking on lighters, trailers or other equipment or on quay at ship's side; operations from lighters to quay, from lighters, or quay to stack in warehouse or on quay or stacking ground or on truck or vice-versa, including the identification and sorting of goods to bill of lading shipping marks, the stacking or stowing to such marks as directed by the employer and the provision of drivers for mechanical handling equipment other than for lift trucks and cranes;
- (d) shed work when they are employed for this work by the Authority or by the employer of port worker as the case may be, provided that they may be required to work on a quay and/or in a warehouse with complete flexibility and without being tied down to specific jobs;
- (e) bagging and tying;
- (f) the duties applicable to winchman, driver, heavy plant driver, and signalman.

2. Orders for labour are to be made to the Authority in all cases.

3. The order in which port workers shall be supplied to employers of port workers and, or terminal operators shall, save as otherwise provided, be the working priority of the ship as submitted by the employers of port workers and, or terminal operators.

4. Subject to the provisions of this paragraph, an order for port workers to start work may be placed at any time of the day:

Provided that:

- (1) For night shift, an order in writing shall be placed by noon of the previous day;
- (2) For Saturday or national or public holiday work, an order in writing shall be placed by 1700 hours on the previous evening, while for Sunday work it shall be placed by noon of the previous Saturday:

Provided further that:

- (i) when work is required on a Saturday which follows a national or public holiday, the order shall be placed by noon of the said national or public holiday; and
- (ii) when work is required on a national or public holiday which follows a Sunday or another national or public holiday, the order shall be placed by noon of the Sunday or of the said other national or public holiday, as the case may be.

5. (1) When placing a request for labour, the owner, or master or agent of a ship or any other employer of port workers, shall provide the Authority with the following information:

- (a) the approximate time when port work is due to start;
- (b) the volume and nature of cargo which is to be handled;
- (c) whether he opts to work on a day basis or on a twenty-four or fourteen hour shift basis; or whether he opts to work on the basis of two consecutive eight hour shift or on a single eight or seven hour shift;

together with any other further information which the Authority may request.

(2) The information requested in sub-paragraph (1) must reach the Authority not less than twenty-four hours prior to the arrival of ship in port:

Provided that in the case of voyages which would take less than fourteen hours in order that the ship reaches Malta, this information shall reach the Authority as early as possible but in no case later than four hours before the ship enters harbour.

6. (1) In response to orders placed by the employers, the Authority shall supply port workers subject to the provisions of this Schedule:

Provided that if there is danger that a ship may leave with incoming mail or without loading outgoing mail, the Authority may make all reasonable arrangements for the unloading or loading of such mail, and need not supply port workers according to the roster.

(2) The number of port workers inclusive of drivers, winchmen and/or signalmen, where applicable, to be allocated for an operation and the approximate time necessary to complete the operation, shall be determined jointly by two representatives of the Authority and a representative of the port workers. The decision reached shall be final:

Provided that the employer of port workers may, while the operation is in progress, request a revision of the decision:

Provided further that if a dispute arises, the matter shall be brought for the consideration of the Port Workers Board in accordance with the provisions of the Ordinance, without the stopping of port work, unless in case of evident danger.

7. The Authority shall supply port workers in the order in which they appear on the roster.

All port workers, engaged on a shift basis, shall be allocated to a particular ship or operation at the same time and in the order in which they are registered on the roster.

Port workers who are requested to perform part of a shift shall be considered as if they have worked a whole shift.

8. When port workers have been allocated to a ship or to an operation, no increase or decrease in the number of port workers shall be allowed, save as provided for in this Schedule.

9. When labour is supplied to a ship or to an operation:

- (a) port workers allocated to port work on a day basis shall be re-registered on the roster in the order in which work at a particular hold of a ship is completed;
- (b) port workers allocated to port work on a shift basis shall be re-registered on the roster as soon as the ship completes work in the same order in which port workers were allocated to the particular ship:

Provided that if more than one ship, hold or shift completes at the same time, then the men concerned shall be re-registered in the same order as that in which they were allocated to the work just completed:

Provided further that port workers, allocated to shift work, but who did not attend to port work at any time, shall be re-registered on the roster before those port workers who have actually worked on that particular shift.

10. (1) Port workers due for work shall remain available near the offices of the

Authority until they are allocated work or released.

(2) If a port worker fails to comply with the requirements of sub-paragraph (1) or fails to report for work with no valid reason to justify his or her absence, the Authority may make a proportionate deduction from the earnings of that particular port worker and shall report the matter to the Port Workers Board for any action the Board may deem proper to take.

(3) A master, agent or owner of a ship or employer of port workers, or importer who informs the Authority that he intends to place an order for port workers on that same day shall, if an order is not placed, pay the sum of €4.66 per man per hour or part thereof in respect of such port workers retained after 1100 hours to be allocated in accordance with that order.

11. When the master of a ship or his agent or an employer of port workers fails to place an order for labour in the order of the working priority of the ship, that ship shall forthwith forfeit her working priority until the following morning.

12. The cancellation of orders shall be governed by the following rules:

- (a) an order for night shift on a ship not yet in port may be cancelled up to noon of the previous day.
- (b) an order for work on a Saturday, a Sunday or a national or public holiday may be cancelled up to the time limit specified in paragraph 4(2) of this Schedule for the making of the relative order;
- (c) if an order for night shift or for Saturday, Sunday or national or public holiday work is cancelled after the time limits set out in sub-paragraph (a) or (b), the employer of port workers in question shall pay a fee of €85.00 per worker allocated to a ship or operation together with any night shift, Sunday or national or public holiday allowances, where applicable, which amounts shall be distributed equally amongst port workers, and
- (d) for the purposes of this paragraph an order is cancelled when the employer notifies the Authority of his definite intention not to employ the port workers ordered.

12A. Where a port worker is engaged for work and due to circumstances not attributable to the worker, no work is available or work is interrupted, such worker shall be entitled to an idle time payment equivalent to the applicable hourly rate for the duration during which no work is performed.

13. (1) No port worker shall absent himself or herself from work without justifying his or her absence to the satisfaction of the Authority.

(2) In the case of illness, port workers shall produce a medical certificate issued by a medical officer appointed by the Port Workers Board.

(3) No medical certificates produced by a port worker in connection with absence due to illness or with any other matter connected with port work shall be accepted as being valid for the purposes of this order unless such certificate -

- (a) is issued by a medical officer appointed for such purposes by the Port Workers Board;
- (b) clearly specifies the duration of time in respect of which it is made; and
- (c) is produced to the Authority on the same date on which it is signed or early on the following day.

(4) If a port worker fails to comply with the requirements of sub-paragraphs (1) and (2), the Authority shall report the matter to the Port Workers Board for any action the Board may deem proper to take.

14. The number of port workers allocated port work on Deep Water Quays shall be deemed to include at least one driver for mechanical handling equipment other than fork lift trucks and cranes.

15. Leakages on board ship shall be gathered and packed or bagged by port workers.

*Amended by:
L.N. 141 of 1994.
Substituted by:
L.N. 226 of 2007.
Amended by:
L.N. 410 of 2007;
L.N. 223 of 2009.*

SEVENTH SCHEDULE
(Regulations 25 and 38)

Pension and Contingency Fund Contribution

1. An employer of port workers shall pay to the Authority a contribution of 63c per ton of cargo loaded or unloaded during a whole operation.

2. For the purpose of calculating the contribution specified in this Schedule the provisions of the Third Schedule to these regulations shall apply.

3. The tonnage of unitized cargo on which fees are calculated shall be the actual tonnage of the cargo loaded or unloaded excluding the equipment used to form unit loads or to tow, push, carry or otherwise move such cargo.

4. The provisions of this Schedule shall not apply to:

- (i) Locally manufactured goods, or locally produced agricultural goods, loaded on a ship for export.
 - (ii) Transshipment cargo.
 - (iii) Cargo unloaded and eventually re-loaded on a ship in the process of shifting cargo on, from, or to that ship.
 - (iv) Empty containers.
 - (v) Empty trailers.
 - (vi) Road transport vehicles and bowsters rolled on or off a RORO ship to load or unload cargo.
 - (vii) Bulk Cereals.
 - (viii) Accompanied commercial vehicles of a cargo capacity of more than 10 tons.
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EIGHTH SCHEDULE
(Regulation 39)

*Amended by:
L.N. 226 of 2007.
Substituted by:
L.N. 410 of 2007.*

Pensions and Gratuities

1. The full pension rate shall be €1351.04 per man per annum.
2. Port workers who, during the five year period ending on the fourth day of April, 1973, have reached the age of 63 years or more and who have not been reporting for work, or who resigned but were not replaced by a son, or brother, shall, in respect of the period of absence shown in Column 1 of the following table, receive a pension at the rates shown in Column 2 thereof:

Column 1	Column 2
<i>Period of Absence</i>	<i>Pension Rate</i>
(a) Between 4 and 5 years	€270.21 per man per annum
(b) Between 3 and 4 years	€540.41 per man per annum
(c) Between 2 and 3 years	€810.62 per man per annum
(d) Between 1 and 2 years	€1,080.83 per man per annum
(e) Less than 1 year	€1,351.04 per man per annum.

3. For the purpose of paragraph 2 of this Schedule, the period of absence shall be calculated as follows:

- (a) "year" shall be taken to mean the period between the fourth day of April of any one year and the third day of April of the next following year; and
- (b) the period of absence in respect of a port worker shall be deemed to be the period between his last attendance for port work and the fourth day of April, 1973:

Provided that -

- (i) where the period between the last and previous attendances is one year or more, such period shall be calculated as being a period of absence; and
- (ii) where during the five year period ending on the fourth day of April, 1973, periods of absences have not been continuous, the period of absence between one attendance and another shall be taken into account if such period of absence is one year or more.

4. When a port worker who is on certified sick leave receives full earnings as a member of his regular gang, his absence on such certified sick leave shall not count as being a period of absence.

5. Port workers who, before the fourth day of April, 1973, -

- (a) were 63 years of age or over;
- (b) have not registered for work or who, having resigned, were not replaced by a son or brother; and
- (c) have been absent from work for a period of time in excess of five continuous years from the fourth day of April 1973,

shall be paid a once for all gratuity of €642.91, notwithstanding that their claim for a gratuity had been approved before the ninth day of April, 1973.

6. (1) Port workers who, during the five year period ended on the fourth day of April, 1973, had reached the age of 61 years or more and who had resigned during the five year period ended on such date and were replaced by a son, or brother, shall, in respect of the periods of absence shown in Column 1 of the following table, receive a pension at the rates shown in Column 2 thereof:

Column 1	Column 2
<i>Period of Absence</i>	<i>Pension Rate</i>
(a) Between 4 and 5 years	€270.21 per man per annum
(b) Between 3 and 4 years	€540.41 per man per annum
(c) Between 2 and 3 years	€810.62 per man per annum
(d) Between 1 and 2 years	€1,080.83 per man per annum
(e) Less than 1 year	€1,351.04 per man per annum.

(2) Port workers who during the five year period ended on the fourth day of April, 1973, had resigned when they were over forty-five but under sixty-one years of age and who were replaced by a son or brother shall receive such part of the full pension as the Minister responsible for ports may, on the advice of the Committee appointed under regulation 32, from time to time, determine after taking into account the period of absence of such port worker:

Provided that such port workers shall be required to prove to the satisfaction of such Committee that they had resigned on medical grounds.

7. Notwithstanding the provisions of this Schedule, a port worker who, having been registered in the Bulk Cargo Workers Section only, qualifies for a pension in terms of these regulations and who, during the twelve months immediately preceding his retirement, earned his total income shown in Column 1 of the following table shall be paid a pension at the rate as shown in Column 2 thereof:

Column 1	Column 2
<i>Income</i>	<i>Pension Rate</i>
Between €465.87 and €931.75	€878.17
Earned less than €465.87 or no income at all	€603.31

