

SUBSIDIARY LEGISLATION 378.16

**RIGHTS OF PASSENGERS WHEN TRAVELLING BY
SEA AND INLAND WATERWAY REGULATIONS**

1st November, 2013

LEGAL NOTICE 360 of 2013, as amended by Act XVI of 2019.

1. The title of these regulations is the Rights of Passengers when travelling by Sea and Inland Waterway Regulations. Citation.

2. (1) For the purpose of these regulations, unless the context requires otherwise - Interpretation.
*Amended by:
XVI.2019.72.*

"the Act" means the Consumer Affairs Act; Cap. 378.

"Civil Court" means the Civil Court (Commercial Section) established by article 3 of the Civil Court (Establishment of Sections) Order; S.L. 12.19.

"the Director General" means the Director General (Consumer Affairs) as defined in the Act;

"Office for Consumer Affairs" means the Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority established by the Malta Competition and Consumer Affairs Authority Act; Cap. 510.

"Regulation (EU) No. 1177/2010" means Regulation (EU) No. 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the Rights of Passengers when travelling by Sea and Inland Waterway and amending (EC) No. 2006/2004.

(2) The following terms, that is to say, "carrier", "passenger service", "performing carrier", "port terminal", "travel agent", "ticket vendor", "tour operator", "terminal operator" and "disabled person" or "person with reduced mobility", shall have the same definition as the one established in Regulation (EU) No. 1177/2010.

(3) Exclusively for the purposes of these regulations, "passengers" and "disabled persons" or "persons with reduced mobility" are classified as "consumers" according to paragraph (iii) of the definition "consumer" in article 2 of the Act. Exclusive classification.

3. (1) For the purposes of Regulation (EU) No. 1177/2010, the Director General is the designated person responsible for the monitoring and the investigations with regard to the compliance with the provisions of Regulation (EU) No. 1177/2010. Designated person, investigations and judicial proceedings.
*Substituted by:
XVI.2019.72.*

(2) Except where competences are assigned to the Civil Court by the Act or by the Malta Competition and Consumer Affairs Authority Act, in discharging his functions under these regulations, the Director General shall have the same powers as prescribed under the Act, including the power to investigate and to institute judicial proceedings, as established by the Act, before the Civil Court. Cap. 510.

Responsibility of carriers, travel agents, tour operators, ticket vendors, terminal operators, performing carriers and port authorities.

4. Carriers, travel agents, tour operators, ticket vendors, terminal operators; performing carriers and port authorities shall comply with the obligations established in Regulation (EU) No. 1177/2010.

Penalties.
Substituted by:
XVI.2019.72.

5. Any person who fails to comply with the obligations established in Regulation (EU) No. 181/2011 shall be guilty of an infringement punishable by a penalty of not less than four hundred and seventy euro (€470) and not exceeding forty-seven thousand euro (€47,000):

Provided that in the case of non-compliance with a compliance order issued in terms of the Act, the Civil Court shall impose a daily penalty of not less than one hundred and twenty euro (€120) and not more than two hundred and thirty euro (€230) for each day of non-compliance.

Right of appeal.
Substituted by:
XVI.2019.72.

6. Any person who feels aggrieved by a judgement, order, penalty or measure issued by the Civil Court, may appeal before the Court of Appeal, on any point of law and, or of fact, by means of an application filed in the registry of the Court of Appeal within twenty days from the date of the judgment of the Civil Court:

Provided that the Court of Appeal shall appoint the case for hearing by not later than six months from the judgement of the Civil Court.

Appeal to the Court of Appeal

7. *Deleted by Act XVI.2019.72.*
