

SUBSIDIARY LEGISLATION 499.01**PORTS REGULATIONS**

4th August, 1966

LEGAL NOTICE 43 of 1966, as amended by Legal Notices 75 of 1968, 7 and 23 of 1969, 33 of 1971, 13 of 1972, 28 of 1973, 45 and 53 of 1974, 17, 35, 126 and 145 of 1975, 18 and 24 of 1976, 15 and 98 of 1978, 38 of 1981, 11 and 63 of 1988, 99 of 1991; Act XVII of 1991; Legal Notices 3 of 1998, 252 of 2002, 26 and 493 of 2004, and 425 of 2007; Act XV of 2009; and Legal Notices 505 of 2010 and 330 of 2012.

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PART I

GENERAL PROVISIONS

Citation.

1. The title of these regulations is the Ports Regulations.

Interpretation.

Amended by:

L.N. 28 of 1973;

L.N. 17 of 1975;

L.N. 18 of 1976;

XVII. 1991.81;

XV. 2009.49.

Cap. 352.

2. (1) In these regulations, unless the context otherwise requires -

"the Act" means the Ports and Shipping Act;

"appliances" when used in relation to port work means any cranes, winches, derricks, lifting trucks, platform trucks, tractors and other cargo handling plant, equipment and appliances;

"authorised place" in connection with the repairing of ships means any slipway, boat repair or lighterage repair workshop, dock or yard, approved by the Authority for the purposes of repairing ships;

Cap. 499.

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

"contractor" includes any person authorised by the contractor to act on his behalf;

"Deep Water Quay" means the new Deep Water Quay in Grand Harbour at Marina Pinto and all the area enclosed within the perimeter boundary thereto;

"empty container" shall for the purposes of regulation 81 include an empty container on a trailer whether such container was previously landed loaded with cargo from a ship or otherwise or whether such container is deposited in any part of a port for shipment;

"explosives" means any or all of the goods specified in Part I and Part II of the First Schedule;

"fairway" means the whole of the navigable channel or channels of any port, and in the Grand Harbour of Valletta, extends from the breakwater entrance, past the mouths of Dockyard and French Creeks and south-east of Admiralty buoys 6, 7 and 8;

"gate pass-out" or "pass out check" means the gate pass out set out in the form specified in the Thirteenth Schedule;

"harbour ton" means, in respect of cargo or goods, unless otherwise specified, a ton of one thousand kilos weight or forty cubic feet measurement, whichever shall be the greater;

"inflammable or dangerous goods" means any goods included in any of the classes specified in Part IV of the First Schedule;

"naval ship" means a ship owned or exclusively chartered by the Government of any country for the purposes of the armed forces of that country;

"passengers baggage" means packages containing the ordinary personal effects of the passenger, including pedal bicycles, perambulators, and the like, but does not include manifested cargo;

"quay" includes any pier, jetty, wharf or landing place;

"service boat" means any boat belonging to the Malta Government or to any foreign Government;

"small craft" means any harbour tug, launch, barge, lighter, rowing boat, sailing boat or similar craft;

"steamship" includes any mechanically propelled ship;

"the tariff" means the dues and rates leviable under the Act;

"unit load" and "unitised cargo" have the same meaning as that assigned to them by the Port Workers Ordinance.

Cap. 171.

(2) In these regulations words and phrases which occur in the Act have the same meaning assigned to them by the Act.

PART II

REPORT, MOVEMENT AND BERTHING OF SHIPS

3. No ship on fire or with a damaged hull, machinery or boilers, or not under control, or which through any cause whatsoever is unable to manoeuvre with safety shall approach the Saint Elmo Breakwater to within half a sea mile or enter any port except with the permission of the Authority and in such manner and under such guidance as the Authority may direct.

Ships on fire, damaged, etc.
Amended by:
XVII. 1991.81.

4. The operator, agent or master of a ship proposing to call at a port or an anchorage in Malta or in the territorial waters of Malta to receive a service shall give advance notice of arrival to the Authority in terms of the provisions of the Vessel Traffic Monitoring and Reporting Requirements Regulations.

Advance notice of call of ships.
Amended by:
XVII. 1991.81.
Substituted by:
L.N. 493 of 2004;
L.N. 330 of 2012.
S.L. 499.34

5. (1) Before entering a port a ship shall hoist the following flags:

Ship's signals on entering.

- (a) her national colours;
- (b) the ship's signal letters;
- (c) the international quarantine signal appropriate to her condition; and
- (d) if carrying explosives, inflammable or dangerous goods, the International Code flag "B".

(2) So long as she lies in a port, a ship shall fly her national colours between 8.00 a.m. and sunset of each day.

(3) The international quarantine signal specified in subregulation (1)(c) shall remain hoisted until such time as the Port Medical Officer gives the ship pratique.

(4) Ships carrying explosives, inflammable or dangerous goods shall, so long as they remain in a port, by day fly the International Code flag "B" specified in subregulation (1)(d) and by night shall exhibit where it can best be seen and in any case not less than twenty feet above the deck, a red light visible all round the horizon for a distance of at least two miles.

Traffic signals.
Amended by:
L.N. 76 of 1968;
XVII. 1991.81.

6. For the purpose of the regulation of traffic in the ports the provisions of the Third Schedule relating to signals and other connected matters shall apply;

Provided that the Authority may, when it considers it desirable to do so, by notice published in the Gazette, regulate the movement of ships and small craft into, out or within any port, and may permit or prohibit within the limits of a port or the approaches to a port the movement of ships or small craft subject to such conditions, as the Authority may deem fit to impose.

Speed in port.

7. Within the limits of any port all ships shall proceed at a slow speed:

Provided that when there is a heavy swell at the entrance of a port the speed shall be so regulated for the passage through the entrance as to ensure that control of the ship is not lost.

Anchors to be in readiness for letting go.

8. The master of any ship entering or leaving a port shall, if practicable, cause both bower anchors and cables to be clear and ready for use if required.

Derricks.

9. The master of any ship entering a port shall, when the weather permits, cause the derricks to be hoisted ready for the discharge of cargo.

Report on arrival and, or departure of a ship.
Substituted by:
L.N. 252 of 2002.
Amended by:
L.N. 26 of 2004.

10. (1) The master, the ship's agent or some other person duly authorised by the master, of every ship -

- (a) arriving at a port from any place beyond the seas; and, or
- (b) departing from a port, but before applying for outward clearance from a port in accordance with the provisions of the Customs Ordinance;

Cap. 37.

shall make, subscribe, and deliver to the Authority, on the form specified in the Fourth Schedule, a true statement of the information required in that form.

Information to be supplied to the Authority.

(2) The Authority may require by notice in writing any master, ship's agent or person carrying on business or trade in the maritime transport sector to submit, in such form and manner, by such means and within such time as it may require, such information in relation to the ship, cargo or passengers.

(3) The master, ship's agent or person responsible to comply with this regulation shall be responsible to pay for all damages, expenses or consequences resulting from failing to submit the information as required or supplying any erroneous information or declaration required under this regulation. Any such action taken by the Authority shall not preclude it from taking further legal action against the persons who contravene the provisions of this regulation.

Due notice of ship's departure to be given.
Amended by:
XVII. 1991.81.

11. At least four hours before a ship intends to leave, the master of the ship or the agent on his behalf shall give notice thereof to the Authority.

12. (1) The master of any ship entering, shifting berth within, or leaving a port shall have sufficient hands for the purpose, and shall at all times keep the ship in a fit and safe condition for removal, in default of which the removal may be performed by the Authority at the ship's risk and expense.

Ships to be kept fit to moved.
Amended by:
XVII. 1991.81.

(2) Within a port the master shall not drop main steam or power or immobilise the engines without first obtaining permission from the Authority.

(3) Within a port the master shall moor a ship with good and sufficient warps to the satisfaction of the Authority and he shall not cast off any warps for any reason unless he is ordered or authorised so to do by the Authority.

(4) Where in the opinion of the Authority a ship is not suitably found with the necessary gear, the Authority may require the master to obtain such gear, and it shall be the duty of the master to obtain such gear.

13. (1) No ship arriving between the first day of October of one year and the thirty-first day of March of the following year under conditions which, after berthing, render her unable to put to sea or to shift berth under her own power shall berth at the Fishmarket Anchorage or Kalkara Gate Anchorage.

Ships berthed at Fishmarket or Kalkara Gate Anchorages.

(2) The master of any ship berthed at any of the said anchorages during the said period shall -

- (a) keep steam handy;
- (b) not put the engines out of action; and
- (c) not undertake any repairs which would render the ship incapable of weighing anchor at short notice and getting under way should the necessity to do so arise.

14. (1) A ship shall occupy any berth that may be assigned to her by the Authority, whether at any quay or elsewhere, and shall, if so required, move to such other berth as the Authority may direct.

Authority to assign berths and control berthing.
Amended by:
XVII. 1991.81.

(2) No master shall, except in sudden stress of weather endangering the safety of the ship, shift or change the berth assigned to his ship without obtaining the previous permission of the Authority.

(3) The master of a ship proceeding alongside a quay on another ship shall ensure that the ship has no list, that she is trimmed upright and that all derricks, booms and yards are rigged inboard.

(4) The master of a ship shall not, except with the permission and under the instructions of the Authority, moor his ship in the Grand Harbour -

- (a) between the mouth of such harbour and a line drawn from the Fort St Angelo flagstaff to the north-eastern corner of Lascaris Bastion, or
- (b) in the area between two lines drawn respectively from Customs House flagstaff to Isola Watch Tower and

from the south-western extremity of the Deep Water Quay at Marina Pinto to Ras Hanzir,

or keep such ship at anchor in such areas longer than is necessary for the purpose of manoeuvring the ship to or from her berth.

Prohibited anchorages.

15. The areas specified in Part I of the Fifth Schedule shall be prohibited anchorage areas and no master shall drop or keep the ship's anchor down in any such area.

Prohibited mooring for small craft.
Amended by: XVII. 1991.81.

16. The areas specified in Part II of the Fifth Schedule shall be prohibited mooring and accostage areas for small craft and no small craft shall be moored in or shall accost such areas except with the permission of the Authority.

Sufficient hands on board.

17. The master of a ship within a port shall at all times have sufficient hands on board to attend to the ship's mooring and to cause them to be slackened or hove in as may be necessary.

Ropes.
Amended by: XVII. 1991.81.

18. (1) No master may make any rope fast except to dolphins, buoys, mooring posts, and bollards placed for the purpose, and shall not use any wire rope unless the edge of the coping of the quay is protected from chafe to the satisfaction of the Authority.

(2) No person may use any chain cable for mooring alongside except with the permission of the Authority.

Additional precautions.
Amended by: XVII. 1991.81.

19. Every master shall anchor, moor and berth his ship to the satisfaction of the Authority, and shall take such additional precautions in severe weather as may be directed by the Authority.

Rat guards.

20. A master of a ship shall cause efficient rat guards to be affixed on every line and wire connected to or reaching the shore.

Special provisions relating to traffic in ports.

21. (1) Any ship in the fairway of any port, as distinguished from the creeks thereof, shall have the right of way over any other ship entering or leaving the creeks or crossing the fairway and such other ship shall keep clear.

(2) Every ship entering the fairway from a creek shall indicate her intention of doing so by sounding one long blast on the whistle, and any ship under way in the fairway in the vicinity shall reply with one long blast.

(3) No ship shall attempt to overtake another in the fairway.

(4) Small craft within a port shall keep out of the way of any steamship under way.

(5) Ships, other than small craft, shall not attempt to pass one another at or near the breakwater entrance to the Grand Harbour, the incoming ship remaining outside until the outgoing ship is clear.

(6) Tugs seeking hire shall keep clear of all ships under way and shall not accost or make fast to any ship until authorised by the master to do so, nor shall they in any way obstruct the navigation of any ship or the approach to any ship of any other tug or small craft.

22. (1) The master, owner or agent of a ship in a port shall constantly keep a watch of at least one man upon the open deck by day and by night and shall, by night, cause any boat belonging to the ship in the water to be kept securely moored and without oars:

Watch to be kept on board.
Amended by:
XVII. 1991.81.

Provided that the Authority may exempt the master, owner or agent of a ship from keeping the watch where special reasons are given to its satisfaction that such exemption is reasonable.

(2) The provisions of subregulation (1) shall not apply to small craft.

23. No master shall use any buoy which is the property of the Government of Malta or the laying of which has been authorised by the Government of Malta without the permission of the Authority or the owner of the buoy, as the case may be.

Use of buoys.
Amended by:
XVII. 1991.81.

24. (1) No person may lay any buoy or erect any leading mark for any purpose whatsoever within the limits of a port without the permission of the Authority.

Erection of leading marks and laying of buoys.
Amended by:
XVII. 1991.81.

(2) Any such buoy or leading mark shall be removed at the expense of the owner if at any time the Authority so requires.

PART III

CONTROL OF PORTS - SHIPS AND WATERS

25. No person may sound any whistle, siren or foghorn within a port save with the permission of the Authority except for the purposes of navigation, or to give a fire alarm, or in accordance with the provisions of these regulations.

Use of ship's whistle or siren.
Amended by:
XVII. 1991.81.

26. (1) In the event of a fire occurring on board any ship in a port, the master shall at once give the alarm, make ready to move if required to do so and take all measures which may be necessary or expedient towards the protection of life and property subject to any directives which may be given by the Authority.

Fire on ships.
Amended by:
XVII. 1991.81.

(2) The alarm signal for a ship on fire shall be as follows:

- (a) by day the ship shall hoist the flag signal "N.Q." of the International Code and by night the ship shall show in lieu of the flag signal "N.Q." three red lights in a vertical line one above the other;
- (b) at the same time whether by day or by night the ship shall repeatedly sound "B" in morse code (one long and three short blasts) in quick succession on the ship's whistle or siren followed by the rapid ringing of the ship's bell.

(3) The signal specified in subregulation (2)(a) shall be maintained until the fire on board has been extinguished.

(4) Where a person has been charged by the Authority with direction of fire-fighting operations, such person shall, on arrival, assume control of the fire-fighting operations both ashore and on board ships:

Provided that -

- (a) should any question concerning the safety of the ship arise in the course of fighting the fire, the master of the ship shall call the attention of the officer directing the fire-fighting operations to this and, in conjunction with this officer, shall take any steps necessary to ensure the safety of the ship; and
- (b) should any question concerning the safety of the port installation arise the Authority shall call the attention of the officer directing the fire-fighting operations to this and, in conjunction with this officer, shall take any steps necessary to ensure their safety or efficient working.

Ships to be open for inspection.
Amended by:
XVII. 1991.81.

27. The master of any ship within a port shall allow the Authority at any time to board the ship and inspect her or any part thereof whenever the Authority deems fit.

Working of lighters.

28. (1) A master of a ship at anchor or at a berth in a port shall not permit more than two cargo lighters to be abreast of each other on either side of the ship or more than two such lighters to be made fast in a tier astern; and for the purposes of regulation, one large pontoon shall be counted as two lighters:

Provided that one lighter may be used in addition to a pontoon when iron joists, beams, metal rods and sheets are being loaded or unloaded.

(2) The master of any small craft shall not tow more than three cargo lighters in line astern whilst in a port.

(3) No person shall cast off any small craft and allow it to drift about a port.

Boarding or leaving ships.
Amended by:
XVII. 1991.81.

29. No person other than a pilot shall board or leave a ship whilst such ship is in motion without the permission of the Authority; and no person may leave or board a ship except by means of the gangway or an efficient pilot ladder.

Cleanliness, nuisances, etc., in a port.
Amended by:
XVII. 1991.81.

30. (1) Subject to any other enactment or regulations, no person shall discharge or allow to escape into a port from any ship or any installation any oil of any description and the master of a ship shall be responsible for any damage caused or expenses which may be occasioned by the flow of oil from a ship for any reason whatsoever into the waters of a port.

(2) Without prejudice to the provisions of regulation 67(2), anything which has fallen or drifted into the waters of a port shall be recovered at once by its owner or his agent, or by the person in whose custody such thing has been. In default, the Authority may recover such thing at the risk and expense of any of such persons.

(3) Saving the provisions of any other enactment or regulations, no person shall leave any ship or small craft abandoned or sunk in any harbour and, in default, the Authority may remove such ship or small craft at the risk and expense of the owner.

(4) The master of a ship which is loading, or discharging,

ballast, coal, cinders, stone or any other loose materials, shall cause a canvas, tarpaulin or some other safeguard to be placed in such a manner as to prevent any such material from falling into the waters of a port.

(5) No person shall allow any exhaust steam, water or other discharges from a ship to fall on to any quay or lighter and any such discharges as are not prohibited shall be led down the side of the ship to below the level of the quay or lighter by a hose or other effective appliance and, in the case of water or steam discharges, all water and steam pipes shall be effectively screened.

(6) The master of a ship shall not allow the ship to emit an excessive amount of smoke.

31. (1) Within forty-eight hours of a hulk, wreck or wreckage coming to lie in any port its master, owner or agent shall notify the Authority of the exact position and give all details and such other information as the Authority may require in connection with such hulk, wreck or wreckage.

Notification of
hulk or wreck.
Added by:
L.N. 45 of 1974.
Amended by:
XVII. 1991.81.

(2) Without prejudice to the provisions of other regulations the master, owner, or agent of the hulk, wreck or wreckage shall inform the Authority of the intentions and programme for the removal of the hulk, wreck or wreckage. This information must reach the Authority within fifteen days of the hulk, wreck or wreckage coming to lie in any port but such time limit may be extended by the Authority after receiving a written application from the owner, master or agent.

(3) The master, owner or agent of a hulk, wreck or wreckage which has been lying in a port for more than forty-eight hours before the coming into force of this regulation shall comply with the provisions of subregulations (1) and (2).

32. (1) Without prejudice to the provisions of other regulations the Authority may levy rent in respect of any hulk, wreck or wreckage lying in any port. Such rent shall not exceed twenty-eight cents (0.28) per gross registered ton per day or part thereof for the first thirty days in which such hulk, wreck or wreckage shall have been lying in any port; not more than ninety-three cents (0.93) per gross registered ton per day or part thereof for the next thirty days, and not more than one euro and seventy-five cents (1.75) per gross registered ton per day or part thereof for any subsequent period:

Levy and recovery
of rent.
Added by:
L.N. 45 of 1974.
Amended by:
L.N. 53 of 1974;
XVII. 1991.81;
L.N. 425 of 2007.

Provided that when in the opinion of the Authority a hulk, wreck or wreckage constitutes a serious obstruction or a serious danger the Authority may levy a rent of not more than one euro and seventy-five cents (1.75) per gross registered ton per day or part thereof as from the date on which such obstruction or danger arises.

(2) If the gross registered tonnage of a hulk, wreck or wreckage is not known or cannot be established the Authority may appoint one or more surveyors at the expense of the master, owner or agent of the hulk, wreck or wreckage to give an estimated gross registered tonnage of the hulk, wreck or wreckage.

(3) A certificate by a surveyor appointed by the Authority under this regulation shall be conclusive evidence of the gross registered tonnage for the purposes of this regulation.

(4) The rent due under the provisions of this regulation shall be paid by the master, agents or owner on the demand of the Authority.

Removal of ship
having offensive
matter on board.
*Amended by:
XVII. 1991.81.*

33. The Authority may order the removal from a port of any ship which has on board cargo or other matter injurious to health or which is offensive or dangerous in any respect and the master of such ship shall forthwith comply with such order:

Provided that, in lieu of ordering such removal, the Authority may allow the master to dispose of such cargo or other matter in such manner as the Authority may direct at the risk and expense of the master.

Protection of
hatchways.

34. Except as provided in regulations 35 and 36, during the intervals of working cargo a master of a ship in port shall keep the hatches closed or well protected.

Fencing of hatches,
etc.

35. (1) Whenever any hatch of a hold accessible to any person employed in any of the processes of loading and unloading the ship, and exceeding five feet in depth measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods or for trimming and the coamings are less than two feet six inches in height, the master shall cause such hatch either to be fenced to a height of three feet or to be securely covered:

Provided that this subregulation shall not apply to any ship -

- (a) not exceeding two hundred tons net registered tonnage which has only one hatchway;
- (b) during meal times or other short interruptions of work during the period of employment.

(2) No person shall use any hatch coverings in the construction of deck or cargo stages or for any other purpose which may expose such coverings to damage.

(3) Any person who makes use of hatch coverings shall replace them on the hatches in the positions indicated by the markings shown thereon.

Ships laden with
coal.

36. A master of a ship laden with coal shall keep the holds well ventilated, if necessary by open hatchways, while in port.

Fumigation.
*Amended by:
XVII. 1991.81.*

37. No master of a ship shall fumigate the ship in a port except with the written permission of the Authority.

Repairs to ships.
*Amended by:
XVII. 1991.81.*

38. Except at authorised places, no person shall carry out any structural repairs of ships within a port, save with the written permission of the Authority.

Restriction on use
of flame apparatus
in ports.
*Amended by:
XVII. 1991.81.*

39. (1) No person may carry out any construction, repair or maintenance work entailing the use of any flame apparatus which produces extreme heat, on any ship in any port without the written

permission of the Authority:

Provided that, save in the case of a petroleum ship, such work may be carried out at an authorised place without such permission.

(2) Where it is proposed to do any work in respect of which permission is required in accordance with the provisions of subregulation (1), the master or agent of the ship shall make application in writing for that purpose to the Authority.

40. No person shall leave any boat, spar, anchor, cable, ship's gear, dunnage, cattle fittings, horse-box or the like, upon any quay without the written permission of the Authority.

No boats, ship's gear, etc., may be placed on any quay.

*Amended by:
XVII. 1991.81.*

41. (1) No person shall fire any gun or rocket or burn any pyrotechnic light on board any ship while in a port without the permission of the Authority:

Explosives may not be used or guns fired.

*Amended by:
XVII. 1991.81.*

Provided that this subregulation shall not apply to -

- (a) any ship in actual distress or in want of assistance, or
- (b) the firing of ceremonial salutes.

(2) No person shall carry out any blasting within a port without the written permission of the Authority.

42. (1) A master of a steamship at anchor, or occupying moorings or alongside a quay or another ship, shall not turn the propellers without the permission of the Authority and without giving sufficient warning of its intention to any craft in the vicinity.

Propellers may not be turned in a port without previous warning.

*Amended by:
XVII. 1991.81.*

(2) The master of a steamship referred to in subregulation (1) shall not put full power on when trying the engines at any mooring buoy or when alongside a quay or another ship.

43. (1) No master shall drop the ship's anchor or lay the ship's cables in such a manner as to foul or obstruct any berth, moorings or cables of any other ship.

Fouling of moorings, etc.

*Amended by:
XVII. 1991.81.*

(2) No master shall drag from its position or damage any mooring or buoy.

(3) The master of any ship hooking or getting foul of any buoy, mooring or submarine cable shall not, except in case of emergency, lift the buoy, mooring or submarine cable for the purpose of unhooking or getting clear, but shall immediately report the occurrence to the Authority and await its instructions.

44. (1) A master of a ship anchored, moored or berthed in a port shall receive on board, make fast or cast off lines or warps from any other ship warping in and out of such port, when required so to do by the Authority, or by the pilot or master of such aforesaid ship.

Crews of ships to take lines.
Authority may cut lines.

*Amended by:
XVII. 1991.81.*

(2) No person shall stretch any lines or warps across the waters of a port without the permission of the Authority.

(3) The Authority may, in case of urgent necessity, cut any

warp, rope, cable, or hawser endangering the safety of any ship in a port.

Animals.

45. The landing and shipping of animals shall be carried out in a humane manner and, where the case so permits, in accordance with the provisions of the Sixth Schedule.

PART IV

CONTROL OF PORTS - PREMISES AND PLACES ASHORE

Closing roads,
wharves, etc.
Amended by:
XVII. 1991.81.

46. The Authority may, when it considers it desirable so to do, within any enclosed port area, close any road, quay, warehouse or any part thereof, and may permit or prohibit the use thereof subject to such conditions as the Authority may deem fit to impose.

Trespassers.
Amended by:
XVII. 1991.81.

47. No person shall, without the permission of the Authority, enter into or climb upon any warehouse, silo, grain handling plant, lighthouse, signal station or navigation mark.

Vehicles to take
place assigned.
Amended by:
XVII. 1991.81.

48. A driver of a vehicle within an enclosed port area or on any quay shall take the position or place assigned to him by the Authority or the contractor, as the case may be.

Vehicles to move
when required.
Amended by:
XVII. 1991.81.

49. A driver of a vehicle within an enclosed port area or on any quay shall move the vehicle when required so to do by the Authority or the contractor, as the case may be.

Dangerous driving.

50. No person shall drive a vehicle within an enclosed port area so as to be a danger to persons or property.

Control of
vehicles.
Substituted by:
L.N. 17 of 1975.
Amended by:
XVII. 1991.81.

51. (1) No person shall drive or cause or allow to be driven a vehicle into an enclosed port area unless such vehicle is intended for use in the exercise of lawful business in connection with port or shipping operations.

(2) A driver of a vehicle shall at all times while in or entering or leaving an enclosed port area or while on a quay in a port comply with such orders as may from time to time be given by the Authority or the contractor, as the case may be, and with the terms of any notices or signs exhibited by the Authority.

Fire hydrants.

52. No person shall park any vehicle over or near any fire hydrant in a port or in any way obstruct access to the use of any such hydrant.

Fire-fighting
operations.
Amended by:
XVII. 1991.81.

53. Every person in a port shall obey the directions of the Authority and any police officer in the event of an outbreak of fire, and no person shall obstruct or in any way interfere with the fire-fighting operations.

Power to exclude
public in case of
fire.
Amended by:
XVII. 1991.81.

54. The Authority may, in the event of an outbreak of fire, exclude the public from the vicinity of the fire and may close such section of the port as it may deem fit.

Entering or leaving
an enclosed port
area.
Amended by:
XVII. 1991.81.

55. Any person entering or leaving any enclosed port area shall do so through the entrances or exits provided for the purpose and while in such area or on any quay shall comply with such orders as may from time to time be given by the Authority or the contractor,

as the case may be, and with the terms of any notices or signs exhibited by the Authority.

56. (1) No person shall load or cause to be loaded into any vehicle which is intended to be used for the conveyance of goods out of an enclosed port area or take out of such area any parcel, package or article of any kind except when he is in possession of a gate pass-out which shall be in the form specified in the Thirteenth Schedule issued by the Authority or the contractor, as the case may be, authorising such person to take the parcels package or article out of such area.

Parcels, etc., to be examined.

Amended by:

L.N. 17 of 1975;

L.N. 18 of 1976;

L.N. 63 of 1988;

XVII. 1991.81.

(2) A person who loads or causes to be loaded into any vehicle which is intended to be used for the conveyance of goods out of an enclosed port area or who takes out of such area any parcel, package, or article of any kind which is not duly covered by a gate pass-out in respect of quantity, quality or other indications shall, unless he proves otherwise, be deemed to have knowingly loaded or caused to be loaded into such vehicle, or to have knowingly taken out of such area such parcel, package, or article without being duly authorised to do so.

(3) The pass-out check referred to in subregulation (1) shall be delivered up at the exit from the enclosed area to the authorised representative of the Authority or of the contractor, as the case may be.

Provided that a copy of the gate pass-out shall be made available for retention by the person having taken delivery of the goods for conveyance out of the port area.

(4) Pass-out checks in respect of manifested cargo, passengers' baggage and unmanifested articles ex ship, shall not be issued until all Customs duties have been paid when due and all Customs requirements have been complied with and all dues and rates payable on such goods have been paid or secured.

(5) Any person who is conveying any goods on any vehicle from an enclosed port area or quay shall ensure that all goods which are being so conveyed have been duly released by an officer of the Customs and/or duly delivered by the Authority or by its contractor, as the case may be.

57. The gates of enclosed port areas shall be closed to goods vehicles outside such regular working hours as may be fixed by the Authority from time to time, except when a ship is working in hours other than regular working hours.

Port gates closed in non-working hours.

Amended by:

XVII. 1991.81.

58. (1) A person who, after the coming into force of these regulations, has been found guilty or has been convicted of theft or fraud shall not be allowed entry into an enclosed port area or access to a quay:

Prohibition of entry in an enclosed port area.

Added by:

L.N. 35 of 1975.

Amended by:

L.N. 145 of 1975;

L.N. 425 of 2007.

Provided that this regulation shall not apply to such person who for the first time has been found guilty or has been convicted of theft of things the value of which does not exceed six euro and ninety-nine cents (6.99) or of fraud in respect of the same amount.

(2) For the purposes of subregulation (1), the word "person" includes any person who holds a licence or a permit issued to him in virtue of any law or regulation, to work in a port or to perform port work as defined in the Port Workers Ordinance.

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Entry in certain
parts of port.
Substituted by:
L.N. 13 of 1972.
Amended by:
L.N. 17 of 1975;
XVII. 1991.81.
Cap. 171.

59. (1) Subject to the provisions of the Port Workers Ordinance -

- (a) a person who is employed by the contractor under any conditions of work and who habitually works in an enclosed port area, or a person who is licensed to work in a port in terms of any law or regulations, or a person who works in a port, shall, while in an enclosed port area, wear an identity badge provided by the appropriate authority; and
- (b) the identity badge referred to in paragraph (a) may be provided against payment.

(2) A person who while in an enclosed port area fails to wear his identity badge may be required to leave such area.

(3) No person shall enter an enclosed area or quay in a port without the permission of the Authority which may, in granting such permission, impose such conditions as it may deem fit.

(4) Any person who is entering or who has entered an enclosed area or quay in a port shall, whenever so required by the Authority or its contractor, truthfully state the reason entitling him to be in such place.

(5) Any person who has entered an enclosed area or quay in a port shall leave such place immediately his business does not require his presence therein any longer.

Free access
without any fee to
terminals for
service providers.
Added by:
L.N. 505 of 2010.

59A. Any person who operates, manages, administers, controls or in any other way uses any terminal or other site within a port in terms of an agreement, licence or other authorisation granted by the Authority or by any other Authority established by law shall, notwithstanding any provision to the contrary in the said agreement, licence or authorisation, afford free access to the said terminal or site, without any fee or other charge, to all service providers providing services to those vessels which are directed or authorised by the Authority to berth alongside such terminal or site, including but not limited to cargo handlers, ship agents, bunkers and water suppliers, ship chandlers, shore excursion agents and waste collectors.

Hawking and
trading.
Amended by:
XVII. 1991.81.

60. No person shall exercise the trade of hawker or pedlar within an enclosed port area without the written permission of the Authority.

Bathing.

61. No person shall bathe from any quay used for the purposes of berthing ships or lighters or from any ship or lighter berthed alongside any such quay.

Smoking.
Amended by:
XVII. 1991.81.

62. No person shall smoke within any part of a port wherein "No smoking" notices are exhibited by the Authority or within any transit shed used for the purpose of warehousing or depositing goods.

PART V

WORKING OF SHIPS

63. (1) The master of any ship shall, upon arrival of the ship in port, deliver to the Authority a true copy in duplicate of the complete manifest of cargo to be unshipped in Malta, giving detailed weights and measurement in such form as may be prescribed by the Minister responsible for ports or requested by the Authority:

Manifests of cargo inward and outward.

*Amended by:
L.N. 23 of 1969;
XVII. 1991.81.*

Provided that the Authority may direct that one of the copies shall be delivered to the contractor.

(2) A ship shall not break bulk until -

- (a) the provisions of subregulation (1) and of any direction given by the Authority thereunder have been complied with; and
- (b) the master or agent has duly reported her cargo to the Comptroller of Customs or has obtained special authority from the Comptroller of Customs for so doing in accordance with the provisions of the Customs Ordinance.

Cap. 37.

(3) The master or agent of any ship shall deliver to the Authority a true copy in duplicate of the complete manifest of cargo shipped or transhipped to the ship in Malta, in accordance with the provisions and for the purpose of the Act.

(4) The master or agent shall as soon as possible notify the Authority of any subsequent amendment to any manifest copies of which have been delivered by him in accordance with the provisions of this regulation or of any direction given thereunder.

64. (1) The master of any ship shall, upon arrival in a port, deliver to the Authority a true list in duplicate of lifts over three tons comprised in the cargo to be unshipped at that port.

List of heavy lifts.

*Amended by:
XVII. 1991.81.*

(2) In no circumstances shall a lift of over six tons be landed or deposited upon any quay except with the written permission of the Authority.

65. So far as may be practicable at the time, cargo shall be discharged from and loaded into ships in the order of their arrival in port subject to the provisions of the Port Workers Ordinance:

Order of working of ships.

*Amended by:
L.N. 28 of 1973;
XVII. 1991.81.
Cap. 171.*

Provided that the Authority may -

- (a) vary such order of working if he deems it fit to do so;
- (b) refuse to permit cargo to be landed from any ship until suitable quay, transit shed or other accommodation is available for such cargo;
- (c) in circumstances in which the Authority or its contractor will undertake the handling of the cargo, refuses to permit iron and steel bars and pipes and tubes of all kinds to be landed unless the conditions regarding bundling and marking specified in the

Seventh Schedule have been complied with, and when the landing of such goods is permitted notwithstanding that those conditions have not been complied with, the Authority or the contractor shall not be responsible for any loss, damage, delay or misdelivery occasioned by non-compliance with such conditions:

Provided further that cargo other than unit loads, unitised cargo or mail including periodicals and newspapers shall not be unloaded from or loaded to a RORO ship if such cargo cannot be unloaded or loaded by lifting equipment through conventional hatchways.

Ship's appliances to be ready for work.

66. The master shall have the ship and her cargo handling appliances ready to discharge or receive cargo before the time fixed for discharge or loading to commence.

Master to superintend loading or discharge.
*Amended by:
XVII. 1991.81.*

67. (1) The master, or some other responsible officer appointed by him, shall remain on board the ship whilst loading or discharging cargo for the purpose of superintending such loading or discharge.

(2) The master or the officer specified in subregulation (1) shall at once report to the Authority any cargo or ship's gear that may be dropped overboard and shall immediately recover such cargo or gear if it is reasonably possible for him to do so:

Provided that, in default of such recovery, such cargo or gear may be recovered by the Authority at the risk and expense of the master.

Ships to be worked with reasonable despatch.
*Amended by:
XVII. 1991.81.*

68. (1) If a ship occupying a quay berth fails to load or discharge her cargo with such despatch as appears reasonable to the Authority, the ship may, after written notice has been given by the Authority to that effect to the master, be removed from such berth by the Authority at the risk and expense of the ship.

(2) If any plant or labour engaged by the Authority or its contractor for the purpose of landing, shipping or transshipping any cargo is not fully employed owing to the default of the ship, the expenses incurred thereby shall be paid by the ship.

(3) The Authority may, in the event of any accumulation of goods upon a quay, or in a lighter or warehouse, or for any cause that may appear reasonable to it, require any ship to suspend, discharge or to reduce the rate of discharge of cargo.

Use of port plant and hire of plant and gear.
*Amended by:
L.N. 17 of 1975
XVII. 1991.81.*

69. (1) When the Authority so directs, the use of any cranes, transporters, pneumatic suction plant or any other mechanical handling equipment provided at any quay shall, subject to the provisions of the tariff, be obligatory.

(2) Cranes, transporters, pneumatic suction plant or any other mechanical handling equipment required for the loading or unloading of cargo on or from a ship or for the handling of cargo on wharfs or quays (other than the handling cargo in respect of which rates are established in the Port Rates Regulations, and the handling of bulk cargo in the Government Silo) shall be provided by the

contractor either on hire or in any other manner he considers appropriate:

Provided that in order to make available such equipment the contractor may himself hire such equipment from third parties.

(3) The application shall specify the time and place at which such plant or gear is required.

(4) When such plant or gear is hired out by the Authority or its contractor the conditions contained in the Eighth Schedule shall apply:

Provided that the Authority may, in particular cases, impose such additional conditions as he may deem fit.

70. (1) Work ashore and afloat in connection with the loading, unloading, landing, shipping and transshipment of cargo shall only be undertaken with the permission of the Authority:

Requests to work
and overtime work.
Amended by:
L.N. 7 of 1969;
L.N. 13 of 1972;
L.N. 15 of 1978;
XVII. 1991.81.

Provided that a specific permission for the unloading and landing of cargo for transshipment shall be requested, on the form contained in the Fourteenth Schedule, not later than forty-eight hours before the arrival of the ship in Malta, and any such permission, if granted, shall be subject to such conditions as the Authority may impose.

(2) When a ship or a person whose cargo is being handled by the Authority or its contractor desires to work such cargo during hours other than the regular working hours of a port as established under the Port Workers Ordinance, the master or agent or such person, as the case may be, shall on each occasion make a written request to that effect to the Authority in the form specified in Part I of the Tenth Schedule; and any work specified in subregulation (1) performed in connection with such request shall be considered as overtime work and the expense thereof in accordance with the provisions of the tariff shall be charged to the master, agent or person requesting such overtime work.

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(3) Where a person desires work other than that specified in subregulations (1) and (2) to be performed by the Authority or its contractor in hours other than the hours of business of the ports fixed by regulations by the Minister responsible for ports for that category of work such person shall make a written request to that effect to the Authority or the contractor, as the case may be, in the form specified in the Ninth Schedule, and such work shall be considered as overtime work and the expenses thereof in accordance with the provisions of the tariff shall be charged to the person requesting such overtime work:

Provided that the work of the port workers registered in terms of the Port Workers Ordinance shall be considered to be overtime work only if such work is performed in hours other than the regular working hours of a port as established under that Ordinance.

Cap. 171.

Port closed on holidays.

Amended by:

L.N. 33 of 1971;

L.N. 17 of 1975.

Substituted by:

L.N. 38 of 1981.

Amended by:

XVII. 1991.81.

Cap. 171.

71. Normally no port work shall be performed on the thirty-first day of March, Good Friday, the first day of May, Christmas Day and New Year's Day, on the afternoon of the twenty-fourth December (Christmas Eve) and after 5 p.m. on the thirty-first December (New Year's Eve):

Provided that on such days and afternoons port work authorised by the Authority under the provisions of the Port Workers Ordinance may be performed.

Receipts for cargo.

Amended by:

L.N. 28 of 1973;

XVII. 1991.81.

72. (1) When the Authority or its contractor receives cargo unloaded from a ship, the Authority or its contractor shall, unless otherwise specially agreed upon between the Authority or its contractor and the master, issue a receipt to the master as soon as possible after the completion of the operation for all cargo received, subject to each item being properly marked and being discharged in an orderly manner:

Provided that where, in the opinion of the Authority or the contractor, the cargo is of such a nature as to preclude an accurate tally at the time of discharge, then a receipt shall be granted after the sorting and stacking of the cargo wherever such sorting and stacking takes place.

(2) When a ship receives cargo from the Authority or its contractor, receipt shall be issued by the master to the Authority or its contractor, as the case may be, for each separate consignment received by the ship from the Authority or the contractor, as the case may be.

(3) In the case of unit loads or unitised cargo the Authority or its contractor may, subject to the provisions of this regulation, give a receipt for the quantity only of unit loads received from the ship.

(4) In the case of unit loads or unitised cargo delivered to a ship by the Authority or its contractor, the master shall, subject to the provisions of this regulation, issue a receipt to the Authority or its contractor, as the case may be, for each of the separate unit loads or unitised cargo received by the ship from the Authority or its contractor as the case may be.

When cargo considered landed.

Amended by:

L.N. 28 of 1973;

XVII. 1991.81.

73. Subject to the provisions of regulations 72 and 90, delivery of cargo shall not be considered to have been made to the Authority or its contractor until the cargo has been safely landed on to the quay or into lighter and has been removed by the Authority or the contractor, as the case may be, from the cargo handling gear used in landing such cargo:

Provided that in the case of unit loads or unitised cargo which is rolled off a ship or is otherwise landed by mechanical means through the ship's side door or ramp, delivery of cargo shall not be considered to have been made to the Authority or its contractor until the cargo has been safely landed onto the quay and has been removed by the Authority or its contractor, as the case may be, from the equipment used in the landing of such cargo.

74. Unless otherwise specially agreed upon between the Authority or its contractor and the master, cargo for shipment by the Authority or its contractor shall, unless such cargo is declined by the ship as damaged or in bad condition, be deemed to have been properly delivered by the Authority or the contractor, as the case may be, to the ship in good order and condition when placed into the cargo handling gear at the ship's side whether on the quay or in lighter:

When cargo considered shipped.
Amended by:
L.N. 28 of 1973;
XVII. 1991.81.

Provided that in the case of unit loads or unitised cargo which is rolled on a ship or is otherwise loaded by mechanical means through the ship's side door or ramp, such cargo shall, subject to this regulation, be deemed to have been properly delivered by the Authority or its contractor, as the case may be, to the ship in good order when placed in, or attached to, the loading equipment on the quay.

75. Notwithstanding the provisions of regulations 73 and 74, where cargo is loaded or unloaded by the Authority or its contractor, delivery of the cargo shall be deemed to have been made to the Authority or its contractor, as the case may be, in the case of landing of goods, or to the master of the ship in the case of shipping of goods, at the time the Authority or its contractor would have taken the goods from the stack or after stowing the goods, on board, as the case may be.

Cargo delivered on board.
Added by:
L.N. 15 of 1978.
Amended by:
XVII. 1991.81.

76. The master of a ship in port shall -

Landing and embarking passengers.

- (a) whilst passengers are disembarking from or embarking upon the ship, cause wherever practicable a second gangway or accommodation ladder to be provided and in every case order one of the crew of the ship to be in attendance at each gangway or ladder to attend to the security of the gangway or ladder and the safety of the persons passing over it;
- (b) cause a life buoy with a line attached thereto, in proper condition for immediate use, to be placed near to the head of each gangway or accommodation ladder which is available for use;
- (c) during the loading or unloading of the ship, take the necessary precautions to avoid any injury or annoyance to passengers or any other person or to ships lying nearby, and in particular he shall ensure that no cargo in course of discharging from or loading to the ship shall be worked by crane, derrick or other means over a passenger gangway or ladder.

PART VI

HANDLING OF CARGO

77. Landing, shipping or transshipping of cargo shall be undertaken at such berths as the Authority may direct and at such places as may have been established for the purpose in accordance with the provisions of the Customs Ordinance.

Handling of cargo at Authority's direction.
Amended by:
XVII. 1981.81.
Cap. 37.

Handling to be
carried out by
Authority.
Amended by:
L.N. 15 of 1978;
XVII. 1991.81.

78. (1) Save with the permission of the Authority, no person other than the Authority or his contractor shall load, unload, land, ship or transship any goods or cargo at any berth:

Provided that a specific permission for the unloading and landing of goods or cargo for transshipment shall be requested, on the form contained in the Fourteenth Schedule, not later than forty-eight hours before the arrival of the ship in Malta, and any such permission, if granted, shall be subject to such conditions as the Authority may impose.

(2) Save with the written permission of the Authority, no person other than the Authority or its contractor may sort or in any other manner manipulate or handle any goods in the custody of the Authority or the contractor, except for the purposes of customs examination.

(3) No stack of cargo or individual item or package or cargo of such weight and of such dimensions as to impose -

- (i) a point load in excess of six tons, or
- (ii) a static load in excess of four hundredweights per square foot,

shall be stacked or handled at the Deep Water Quay.

(4) No mobile crane with a maximum lifting capacity in excess of six tons and no vehicle with a maximum wheel load in excess of nine tons shall be used at the Deep Water Quay.

Goods not to be
delivered without
authority from
Customs.
Amended by:
XVII. 1991.81;
L.N. 3 of 1998.

79. (1) No consignee shall be entitled to the delivery of goods or cargo from the Authority or its contractor unless he produces to the Authority or the contractor the necessary authority from the Comptroller of Customs.

Provided that where the Minister deems it expedient he may, with the concurrence of the Minister responsible for finance, direct in writing that the Authority and the contractor may deliver goods to the consignee without the necessary authority from the Comptroller of Customs.

(2) Goods for customs examination under a provisional entry shall not be deemed to be cleared for delivery until a perfect entry has been duly made.

Documents
required before
cargo delivered.
Amended by:
L.N. 7 of 1969;
L.N. 17 of 1975;
XVII. 1991.81.

80. (1) Before the delivery of goods or cargo may be made by the Authority or its contractor the consignee or his agent shall present to the Authority or the contractor, in such number of copies as the Authority may require, at the place or places appointed by the Authority during the hours of business fixed by regulations by the Minister responsible for ports, the following set of documents:

- (a) declaration and disposal orders, in the form specified in the Tenth Schedule, (hereinafter in this regulation referred to as "the said form") complete in every detail and specifying the respective marks and numbers on packages, or on articles in respect of unpacked goods, their number, description and contents with the deadweight, cubic measurement and when specifically

required by the Authority, the C.I.F. value thereof, the disposal instructions, the name of the ship and such other particulars as are required on the said form; and there shall be a separate declaration and disposal order for each separate consignment;

- (b) bills of lading or ship's delivery orders showing clearly to whose order the goods are to be delivered, containing a complete and accurate chain of endorsement from the shipper to the holder, and duly released by the ship's agents, for all cargo landed or to be landed;
- (c) in the case of transshipment cargo, a shipping order complete in every detail.

(2) For the purposes of subregulation (1)(a), the specification of deadweight and cubic measurement shall not be necessary in the case of cargo on which rates are assessed on the basis defined in the tonnage scale provided for in the tariff, and in such case either the deadweight or the cubic measurement shall be given in accordance with the basis defined in the said scale of the said tariff.

(3) The presentation to the Authority or the contractor of the documents specified in subregulation (1) shall be sufficient grounds for the Authority or the contractor, as the case may be, to deliver the goods to which those documents relate to the person presenting such documents:

Provided that all dues and rates specified in the tariff in respect of such goods have been paid or duly secured.

81. (1) No person shall place an empty container or an empty trailer in any part of a port unless -

Empty containers.
Added by:
L.N. 18 of 1976.
Amended by:
XVII. 1991.81.

- (a) he has previously obtained the permission of the Authority to do so, and,
- (b) he has marked such empty container or trailer on at least two of its sides with a label bearing the word "EMPTY" printed in block letters not less than four inches high and one quarter of an inch wide.

(2) Notwithstanding any permission given by the Authority empty containers or trailers shall lie in any part of a port at the sole risk and expense of the person to whom such permission is given.

(3) The Authority may revoke any such permission and may require any person to whom such permission is given to remove any empty container or trailer from any part of a port within such time as it may specify.

82. (1) No person may deposit or stack any goods landed from any ship on any quay or in any part of any port except at such quay or place and under such conditions as the Authority may direct; and notwithstanding that the Authority has not laid down specific conditions in any particular case, no person shall so deposit or stack such goods in such a way as to cause an obstruction or to prevent the free access to a quay or to prevent the landing or shipping of other goods.

Depositing of
imported goods.
Amended by:
XVII. 1991.81.

(2) The Authority may remove or cause to be removed any goods deposited in contravention of the provisions of subregulation (1) and, where such is the case, the owner, in addition to the penalty specified in regulation 134, shall be liable to pay to the Authority the cost of the removal of such goods.

Documents
required for goods
for export.
Amended by:
L.N. 7 of 1969;
XVII. 1991.81.

83. (1) Any person desiring goods to be shipped by the Authority or its contractor shall present to the Authority or the contractor, in such number of copies as the Authority may require, at the place appointed by the Authority during the hours fixed by regulations by the Minister responsible for ports, shipping orders in the form specified in the Eleventh Schedule (hereinafter in this regulation referred to as "the said form") complete in every detail and specifying the respective marks and numbers on packages, or on articles in respect of unpacked goods, their number, description and contents with the deadweight or cubic measurement or value thereof according to the basis of calculation defined in the tonnage scale prescribed in the tariff in respect of such goods, the name of the ship, the port of destination, and such other particulars as may be required on the said form.

(2) There shall be a separate shipping order in respect of each separate consignment.

Depositing of
goods for export.
Amended by:
XVII. 1991.81.

84. (1) No person may deposit any goods for export in any part of any port except at such place and at such time and under such conditions as the Authority may direct and, notwithstanding that the Authority has not laid down specific conditions in any particular case no person shall so deposit or stack such goods in such a way as to cause an obstruction or to prevent the free access to a quay or to prevent the landing or shipping of other goods.

(2) The Authority may remove or cause to be removed any goods deposited in contravention of the provisions of subregulation (1) and, where such is the case, the owner, in addition to the penalty specified in regulation 134, shall be liable to pay to the Authority the cost of removal of such goods.

Goods for export
and relative
documents to be
received in time.
Amended by:
XVII. 1991.81.

85. (1) Any goods intended for shipment by the Authority or its contractor by any particular ship together with the relative shipping orders shall be presented to the Authority or the contractor not later than nine regular working hours prior to the ship's appointed sailing time:

Provided that in particular cases where the Authority or the contractor deems it expedient the Authority may allow the presentation of the goods and the shipping orders to be made at shorter notice and in such cases any additional expenses incurred by the Authority or the contractor, as the case may be, shall be paid by the exporter.

(2) Goods in respect of which shipping orders are presented shall be ready for shipment in every respect and if at any time the Authority finds that goods that have been accepted by it or the contractor for shipment are not fit for shipment in every respect the Authority may forthwith order their removal from the port by the exporter and at the exporter's expense:

Provided that the Authority or the contractor may undertake, on request and if facilities are available, to mark, measure or weigh goods, in accordance with the provisions of the tariff, after the presentation of the relative shipping orders.

86. Subject to the provisions of the tariff, orders from persons in control of goods, cancelling or amending previous orders, may be accepted by the Authority or its contractor:

Cancelling or
amending orders.
Amended by:
XVII. 1991.81.

Provided that in the opinion of the Authority or the conductor as the case may be, it is reasonably possible to act upon such orders at the time such orders are received.

87. (1) Subject to the provisions of the tariff, when weight or cubic measurement of goods is not available, the goods may be weighed and measured by the Authority or the contractor, as the case may be, at the expense of the owner of the goods.

When weight or
measurement not
available.
Amended by:
XVII. 1991.81.

(2) All packages exceeding three tons in weight shall have the actual weight thereof legibly painted on the outside of the package in close proximity to the shipping mark; in default, saving the provisions of regulation 88, the package may be weighed by the Authority or the contractor, as the case may be, and all expenses of weighing, extra handling, transport and other expenses, shall be charged to the owner and shall be forthwith recoverable from him.

(3) The Authority or the contractor, as the case may be, shall not be liable for any error in any weighment or measurement made in accordance with the provisions of this regulation and any such weighment or measurement made by the Authority or contractor shall be for the purposes of these regulations only and it shall not be joined in any suit arising out of a dispute between buyer and seller or shipper and consignee or any other persons in respect of any goods so weighed and measured.

88. (1) When goods are insufficiently or erroneously marked, the Authority or its contractor, notwithstanding that all dues and rates have been secured or paid, may require from any person claiming such goods a special release order, signed by the ship's agents or an indemnification against any loss or damage which the Authority or the contractor, as the case may be, may sustain by reason of the delivery of the goods to such person.

Marking of
packages.
Amended by:
XVII. 1991.81.

(2) In the cases mentioned in subregulation (1), the provisions of the tariff shall continue to apply in respect of any goods remaining in the custody of the Authority or the contractor in consequence of such insufficient or erroneous marking.

(3) The Authority or the contractor, as the case may be, shall not be liable for any damage, loss, delay, or non-delivery of goods occasioned by insufficient or erroneous marking.

89. The delivery by the Authority or its contractor of goods to a Government warehouse appointed by the Comptroller of Customs, as defined in the Customs Ordinance, shall constitute delivery of such goods to the consignee, and the Authority or the contractor, as the case may be, shall not be liable for goods after they have been

Delivery to
Government
warehouse.
Amended by:
XVII. 1991.81.
Cap. 37.

so delivered:

Provided that -

- (a) before withdrawing any such goods from such Government warehouse, the importer, owner or consignee, as the case may be, shall pay or secure to the satisfaction of the Authority all dues and rates payable by him in accordance with the provisions of the Act in respect of such goods; and
- (b) pending payment, the Authority shall retain unprejudiced all its rights relating to the payment of such dues and rates.

Defective
packages.
Amended by:
XVII. 1991.81.

90. (1) Notwithstanding the provisions of regulation 73 or the fact that the Authority or its contractor, as the case may be, has given a receipt for the goods, where any goods have been landed in packages of a defective or leaky character, delivery of the goods shall not be considered to have been made to the Authority or the contractor, as the case may be, until such packages have been repacked, rebagged, or repaired at the expense of the ship's agent in a reasonably sound condition and such goods have been checked in the presence of the ship's agent or a customs' officer, and the Authority or the contractor, as the case may be, shall be deemed to have accepted delivery of only such goods as are found upon such check.

(2) Notwithstanding the provisions of subregulation (1), the Authority or the contractor, as the case may be, may decline to accept any goods which are tendered for landing in packages of a defective or leaky character until such packages have been properly repaired or the goods rebagged or repacked to the satisfaction of the Authority or the contractor, as the case may be, on board the carrying ship.

Unpacking of
goods.
Amended by:
XVII. 1991.81.

91. Except for Customs purposes, no goods or cargo of any kind shall be unpacked or otherwise manipulated in any warehouse without the special permission of the Authority and all straw or other material from which goods may have been unpacked and any broken or damaged goods shall be immediately swept up and removed by the owner or agent or person in control of such goods, as the case may be, in default of which the same may be swept up and removed by the Authority or the contractor at the expense of such owner, agent or person, as the case may be.

Acids, etc., landed
in leaky condition.
Amended by:
XVII. 1991.81.

92. (1) When acids, grease, oils, tar, pitch, paints or other similar substances are accepted by the Authority or its contractor in a leaky condition, the Authority or the contractor, as the case may be, may in its discretion repair the leaky or defective packages at the expense of the owner, and may refill any packages from which the original contents have leaked with like substances from other leaky or damaged packages forming part of the same consignment.

(2) If the packages are repaired or refilled, the consignee or owner, as the case may be, shall have no claim in respect of the manipulation of such packages and the Authority or the contractor, as the case may be, shall not be liable for any damages by reason of

such manipulation.

(3) Notwithstanding the provisions of subregulations (1) and (2), the consignee or owner, as the case may be, may before the landing of such goods notify the Authority or the contractor, as the case may be, that he wishes such goods to be set aside, and in that case they may be removed to a depositing ground or placed in a warehouse at his risk and expense.

93. (1) In case of emergency, or for the purpose of securing the better safety of a port or the shipping therein, the Authority may, whenever he deems it expedient so to do, remove any dangerous goods within a port at the expense of the owner or his agent.

Authority may deal with dangerous and offensive goods.
Amended by:
XVII. 1991.81.

(2) Where any cargo or matter of an offensive nature has been landed or placed upon the wharves, jetties or quays or any other part of a port, the Authority may, after giving at least two hours' notice to the owner of the goods or agent, or, if the owner or agent cannot be found, then without such notice, order the removal of any such cargo or matter at the expense of the owner or his agent.

94. Subject to the provisions of these regulations, the master or agent of every ship proposing to carry for or from Malta or in transit through Malta any explosives or any goods of an inflammable or dangerous nature, including radioactive and fissile material, in unit loads or as unitised cargo shall require the permission of the Authority before such cargo is accepted for carriage in unit loads or as unitised cargo.

Carriage of explosives.
Added by:
L.N. 28 of 1973.
Amended by:
XVII. 1991.81.

PART VII

WAREHOUSING

95. At his discretion, the Authority may order that paints, oils or other inflammable liquids, goods which by their nature may contaminate or damage other goods and the goods specified in the Twelfth Schedule shall not be warehoused in buildings, but will be stored or deposited in the open, and always at the sole risk of the owner.

Goods warehoused in the open.
Amended by:
XVII. 1991.81.

96. (1) The Authority may refuse or may allow the contractor to refuse for storage in a warehouse, except under special conditions and always at the sole risk of the owner, the following goods:

Certain goods for warehousing may be refused.
Amended by:
L.N. 15 of 1998.

- (a) articles of unusual length, bulk or weight, or of exceptional bulk in proportion to weight;
- (b) articles improperly, insecurely, or insufficiently packed;
- (c) dangerous, hazardous or offensive goods, being any goods which are likely to cause harm or damage to persons or property or are of an insanitary or offensive nature;
- (d) animals;

- (e) perishables, including refrigerated cargo and goods inherently liable to wastage in bulk or weight, or to latent or inherent defect, vice or natural deterioration;
- (f) scrap metal.

(2) The Authority may refuse, or allow its contractor to refuse, for storage in a warehouse any cargo unloaded or to be loaded for transshipment except under such conditions as the Authority may impose.

Transfer of goods within a port.
Amended by:
XVII. 1991.81.

97. Subject to the provision of the tariff, imported goods in respect of which documents completed in accordance with the provisions of regulation 80 have not been presented to the Authority within six working days of the arrival of the ship, may be moved within the warehouse or transferred from one warehouse to another, at the discretion of the Authority.

Removal of export cargo.
Amended by:
XVII. 1991.81.

98. Subject to the provisions of the tariff, where an exporter desires to remove any export goods already in a warehouse in the custody of the Authority or its contractor for any purpose other than that of shipment, the Authority or the contractor, as the case may be, shall provide the necessary facilities as soon as he may deem expedient.

When insufficient warehousing accommodation available.
Amended by:
XVII. 1991.81.

99. (1) Subject to the provisions of the tariff, if in the opinion of the Authority there is, or is likely to be, insufficient warehousing accommodation available for cargo as a whole, or for goods of any particular category, the Authority may -

- (a) in the case of imported goods or cargo, on which storage rent has become due, transfer or authorise the contractor to transfer, after notice, such goods or cargo to a Government warehouse as defined in the Customs Ordinance and such transfer shall constitute delivery of such goods or cargo by the Authority or the contractor, as the case may be, to the importer, owner or consignee:

Provided that -

- (i) before withdrawing any such goods from such warehouse, the importer, owner or consignee, as the case may be, shall pay or secure to the satisfaction of the Authority the payment of all dues and rates payable by him in respect of such goods; and
- (ii) pending payment the Authority shall retain unprejudiced all its rights relating to the payment of such dues and rates;
- (b) in the case of export goods or cargo proffered for shipment, refuse permission for such cargo to be deposited on any quay or refuse or authorise the contractor to refuse to accept such goods, until such time as the loading ship is on the loading berth;
- (c) in the case of export goods or cargo, deposited for shipment on which storage rent has become due, not being goods in bond, order the owners or agents of

Cap. 37.

such goods or cargo, as the case may be, to make, within a period specified by the Authority, arrangements for the removal of such goods.

(2) The notice mentioned in subregulation (1)(a) shall be given to the importers, owners or agents of the goods or cargo, as the case may be, personally or by means of publication in Gazette or in a local newspaper.

100. Any change in the ownership of goods accepted or about to be accepted by the Authority or its contractor, as the case may be, shall be notified to the Authority immediately such change takes place, and, in the absence of such notification, the last known owner shall be deemed to be the owner and shall be held responsible for all dues or rates.

Change of ownership of goods.
Amended by:
XVII. 1991.81.

101. While awaiting reshipment, transhipment shall not, without the written permission of the Authority and the approval of the Comptroller of Customs, leave the custody of the Authority or its contractor, as the case may be, and shall not be subject to manipulation by any person other than the Authority or its contractor, as the case may be, unless, subject to the provisions of the Customs Ordinance, such manipulation is authorised by the Authority.

Transhipment cargo.
Substituted by:
L.N. 15 of 1978.
Amended by:
XVII. 1991.81.

Cap. 37.

102. Subject to the provisions of the tariff, passengers' baggage removed from the Customs Examination Hall at a port within twenty-four hours after clearance may be removed and warehoused by the Authority or its contractor, as the case may be.

Passengers' baggage.
Amended by:
XVII. 1991.81.

PART VIII

EXPLOSIVES, INFLAMMABLE OR DANGEROUS GOODS

103. (1) In this Part, unless the context otherwise requires -

Definitions.
Amended by:
XVII. 1991.81.

"ship" means any ship other than a naval ship and other than small craft;

"explosives" means any of the goods specified in Parts I and II of the First Schedule but shall not, for the purposes of this Part, include any explosives carried by a ship for use as distress signals kept in safe storage and custody; and shall be divided into the classes and divisions specified in Part III of the First Schedule; and references to classes and divisions in relation to explosives are references to the classes and divisions specified in Part III of that Schedule;

"service explosives" means explosives belonging to or destined for the armed forces of Malta or the armed forces of a country who are present in Malta under arrangements with the Government of Malta;

"radioactive materials" and "fissile materials" mean, in respect of radioactive materials, any material which spontaneously emits ionizing radiation and of which the radioactivity per gram is greater than 0.002 microcurie or any radioactive material the packing or transportation whereof is regulated by any provisions therefor

made by the International Atomic Energy Agency or any national atomic energy agency or authority, and, in respect of fissile materials, plutonium 239, plutonium 241, uranium 233, uranium 235 or any material containing any of the foregoing that falls within the definition of radioactive materials;

"gross weight" with reference to explosives, means the gross weight of the explosive together with any envelope, case, or contrivance forming part of such explosive and shall include the weight of any barrel, case or package in which such explosive is packed for conveyance;

"authorised service representative" means a person duly authorised to act in connection with the handling and conveyance of explosives in accordance with the provisions of these regulations for and on behalf of the armed forces of Malta or the armed forces of a country who are present in Malta under arrangements with the Government of Malta.

(2) Notwithstanding anything contained in this Part, the Authority may give such orders or directives as it may deem proper regarding the carriage and handling of explosives and of inflammable or dangerous goods, including radioactive and fissile materials, and the movement and berthing of ships carrying such goods or explosives, and it shall be the duty of every person to whom they are directed to comply with such orders or directives.

Classification of
explosives.
Amended by:
XVII. 1991.81.

104. For the purpose of these regulations explosives carried in ships shall -

- (a) if service explosives, be deemed to fall within one of the following categories:
 - (i) Shipping Category C - those explosives which have a mass explosion risk;
 - (ii) Shipping Category B - those explosives which have a fire or minor explosion risk but not the risk of mass explosion and weapons having a toxic risk;
 - (iii) Safety Class - those explosives which do not belong to shipping category C or shipping category B;
- (b) if explosives, other than service explosives, of -
 - (i) Division 1 of Class 6, be deemed to be the safety class specified in paragraph (a)(iii);
 - (ii) Division 2 of Class 7 be deemed to be of shipping category B specified in paragraph (a)(ii);
 - (iii) all other divisions and classes, be deemed to be of shipping category C specified in paragraph (a)(i):

Provided that where the characteristics of any such explosives are compatible in the opinion of the Authority with the safety characteristics of any other shipping category or

class the Authority may, in its discretion, deem such explosives to be of such other shipping category or class;

- (c) if explosives specified in Part II of the First Schedule and are stowed together with any explosives of shipping category C, such explosives shall be deemed to be of shipping category C, unless they are separated therefrom either by the boiler room or engine room or by the hold of a ship.

105. (1) This Part shall apply only to ships.

Application of Part VIII.

(2) Every ship having on board only -

Amended by:
XVII. 1991.81.

- (a) explosives of Division 1 of class 6,
- (b) service explosives of the safety class specified in regulation 104(a)(iii),
- (c) explosives not in excess of 20 gross weight in the aggregate and properly stowed, excluding explosives which are included in Class 5 or Division 2 or 3 of Class 6 specified in Part III of the First Schedule,
- (d) such explosives as the Authority may from time to time exempt by notice in the Gazette,

shall be exempt from the provisions of this Part:

Provided that any such explosives shall be landed and dealt with in accordance with the subsequent provisions of these regulations.

106. Nothing in this Part shall be taken to relieve the master of his responsibility for the safety of the ship, the crew, any person working in it and the cargo carried in the ship.

Responsibility of master.

107. (1) The master or agent of every ship proposing to call at Malta and having on board for discharge at Malta or in transit any explosives or any goods of an inflammable or dangerous nature, including radioactive and fissile materials, shall, not less than forty eight hours before arrival, give notice thereof in writing and in duplicate to the Authority on the form specified in the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations.

Master or agent to give notice of explosives, inflammable or dangerous goods including radioactive and fissile materials on board.

Amended by:
XVII. 1991.81;
L.N. 493 of 2004.
S.L. 499.12

(2) (*Deleted by L.N. 493 of 2004*).

(3) The master or agent of every ship proposing to call at Malta and having on board for discharge at Malta or in transit any radioactive or fissile materials shall, in addition to the notice aforesaid, submit to the Authority not less than forty-eight hours before arrival -

- (a) where the carriage of the consignment of radioactive or fissile materials is subject to the issue of a certificate by the competent authority of the country of origin stating that such materials are packed, labelled, loaded, stowed and carried in a proper manner as approved by the competent authority, a certified or

facsimile copy of such certificate; or

- (b) where the carriage of the consignment of radioactive or fissile materials is not subject to the issue of a certificate by the competent authority of the country of origin, a certificate detailing the radioactive goods under the original or stamped facsimile signature of the consignor or his duly authorised agents endorsed in the following terms: "This is to certify that the above-named goods are properly described and are and marked in accordance with (here reference to the relevant regulations of the country of origin shall be inserted by the consignor) and are in proper condition for transport"; and
- (c) such other information or certificates, including certificates of indemnification, as the Authority may from time to time require.

(4) No such goods shall be landed before all the necessary arrangements have been made for the clearance of such goods and for their removal from the place of landing to a place of safe storage and if any such goods are landed before such arrangements have been made, the Authority may order the goods to be placed on board the ship from which they have been landed or otherwise deal with them or destroy them as it considers necessary at the risk and expense of the master of the ship from which they have been discharged.

(5) Notwithstanding that the provisions of subregulations (1) and (2) have been complied with such goods shall, at the discretion of the Authority, be discharged at such a time as will enable them to be disposed of or otherwise removed from the port during the regular working hours of the port on the same day and not later than sunset.

(6) For the purposes of this regulation, any explosives described in Part II of the First Schedule which may be included in a consignment of category B explosives shall be specified separately in the notice as category B Part II explosives.

(7) *(Deleted by L.N. 493 of 2004).*

Berthing of ships carrying explosives, inflammable or dangerous goods including radioactive and fissile materials.
Amended by: XVII. 1991.81.

108. (1) Ships having on board explosives, or inflammable or dangerous goods including radioactive and fissile materials shall be berthed in such ports and at such particular places as the Authority may direct and shall not without the written order or permission of the Authority be moved therefrom, except for the purpose of leaving the port.

(2) The Authority may in its discretion establish the maximum quantity of any explosives which may be carried on board a ship in order that it may be allowed to enter a port or to berth at any place within the confines of any port.

(3) Notwithstanding the provisions of these regulations the Authority may prohibit the entry into any port of a ship carrying explosives or inflammable or dangerous goods including radioactive and fissile materials or may require any such ship to

leave any port.

109. On the arrival in port of a ship carrying on board any explosives or any inflammable or dangerous goods including radioactive and fissile materials the master shall confirm in writing at the time of pratique the advance information given under the provisions of regulation 107 and shall on demand supply such other relevant information as the Authority may require.

Master's confirmation of notice of explosives, inflammable or dangerous goods on board.
Amended by: XVII. 1991.81.

110. When a ship in port has explosives, or inflammable or dangerous goods on board the master shall ensure that -

Ship's fire-fighting appliances to be ready.

- (i) the fire-fighting appliances are kept in a state of immediate readiness; and
- (ii) full pressure is available on the ship's hoses for immediate use in case of fire; and
- (iii) sufficient crew is kept on board at all times to man the fire-fighting appliances; and
- (iv) fire drill and inspection of fire-fighting appliances are carried out daily.

111. (1) No person shall smoke or be allowed to smoke at or near any place or in any hold or conveyance containing explosives or inflammable goods, where such explosives or goods are being handled in any port.

Restrictions and precautions.

(2) No person engaged in handling explosives or inflammable goods or being otherwise present at or near the place of handling such explosives or goods shall carry or be permitted to carry matches, or any form of naked light, or other means of producing ignition.

(3) No intoxicated person shall be allowed in the hold of any ship or in any conveyance into or out of which explosives or inflammable goods are being handled and no such person shall approach or be permitted to approach explosives or inflammable goods which are being so handled.

(4) The master of a ship carrying explosives or inflammable goods shall ensure that the provisions of this regulation are complied with within the ship and that the provisions of this regulation are brought to the notice of all persons employed in any craft alongside the ship.

112. No smoking, fire or light of any description (other than the lights required by law) shall be allowed in any craft which is being used for carrying explosives or inflammable goods.

No fires, lights, etc., in craft carrying explosives or inflammable goods.

113. No person shall work the ship's wireless transmitter or radar installation while explosives or inflammable goods are being unloaded or while any hold containing explosives is open.

Working of wireless transmitter and radar installations.

114. No person shall use any fire or artificial light, other than an electric lighting installation of a safe type or a safety lamp, on any ship which is loading or unloading explosives or in the vicinity of the explosives at the place where such loading or unloading is being carried out:

Fires and lights.

Provided that the provisions of this regulation shall not apply to -

- (a) navigation or signal lights so disposed as to prevent any risk of fire or explosion;
- (b) engine room fires when such fires are carefully tended;
- (c) public street lighting.

Repairs.
Amended by:
XVII. 1991.81.

115. No person shall carry out any repairs of any kind or perform any chipping or scaling in or about any ship carrying explosives save with the written permission of the Authority.

Ship to be in a state of readiness to move.
Amended by:
XVII. 1991.81.

116. (1) A ship with explosives on board shall not drop main steam or immobilise her main engines while in port and the master shall ensure that throughout the time that the ship is in port or the explosives are on board, the ship is capable of moving under main engines at short notice and at all times within half an hour of an order to do so from the Authority.

(2) Should such a ship for any reason whatsoever have her main engines immobilized the master shall immediately inform the Authority who may thereupon require the master to engage a tug or tugs, suitable for unberthing or moving such ship, to stand by the ship during the period that the engines are immobilized or until all the explosives are discharged and such tug or tugs shall be engaged at the risk and expense of the ship.

(3) In the event of a fire occurring the port either in such ship or elsewhere the Authority may similarly require the master to engage a tug or tugs to stand by the ship and at the risk and expense of the ship.

Landing places for explosives.
Amended by:
XVII. 1991.81.

117. No explosives shall be landed from any ship or small craft at any place save that indicated by the Authority after consultation with the Commissioner of Police and, in the case of service explosives, also after consultation with the authorised service representative.

Control of landing, loading etc., of explosives at quays.
Amended by:
XVII. 1991.81.

118. No explosives shall be landed at, loaded from, brought into or deposited at, any quay, warehouse or other place in the port except at such quay, warehouse or place as the Authority may from time to time and in particular cases direct; and, no explosives shall be landed at, loaded from, brought into or deposited at, any such quay, warehouse or place until the ship or vehicle by which the explosives are to be removed therefrom shall be at the place in readiness to receive such explosives.

Loading and unloading of service explosives.
Amended by:
XVII. 1991.81.

119. (1) Where service explosives are being conveyed by or loaded into or unloaded from a ship, an authorised service representative shall give technical advice to the Authority and to the master of the ship to secure the safety of the operations, and the Authority shall, after consulting such authorized representative, determine what precautions shall be taken for the safety of the port.

(2) An authorized service representative shall be present before such loading or unloading begins, and such loading or unloading shall not begin until he has made such inspection as he may think necessary of the ship or small craft and of the explosives, or, where

they are a package, of the package containing them, and he shall be available throughout the loading or unloading to give such advice as he may be asked for or may deem it proper to give.

(3) An authorised service representative shall ensure that the explosives shall not be unloaded out of any ship until a vehicle or ship into which they are to be loaded is ready to receive them, and shall not be unloaded out of any vehicle until a ship into which they are to be loaded is ready to receive them.

(4) Before the loading or unloading of the explosives into or out of any ship or vehicle is commenced and throughout the time that it continues, the authorised service representative and the master of any ship affected by that operation shall respectively after consulting, if they consider it necessary or expedient, the Authority, ensure that all due precautions are taken to reduce, to such extent as is possible, the risk of fire or explosion arising in the course of the loading or unloading and the consequences of such fire or explosion should either event take place.

(5) No small craft or vehicle shall be used for the purpose of assisting in the loading or unloading of any service explosives into or out of any other ship or small craft or vehicle unless it is a small craft or vehicle which has been approved for such a use by the authorised service representative.

(6) No sling or other appliance shall be used for the purpose of assisting in the loading or unloading of any service explosives unless it has been approved for such a use by the authorised service representative, and no sling or other appliance shall be used for such purpose in a manner which the authorised representative may consider unsafe; and where the authorised service representative deems it necessary, special slings or other appliances to assist in the loading or unloading shall be provided and shall be used in such manner as he shall direct.

(7) Where any explosives are being loaded into or unloaded from a ship carrying a mixed cargo of service explosives and commercial explosives, the authorised service representative shall be available throughout such loading or unloading to give such advice as he may be asked for or as he may deem it proper to give.

120. Every person in control of any explosive or of any ship or small craft or vehicle containing explosives shall, when so required by the Authority, show all explosives under his control or upon his ship or small craft and shall afford every reasonable facility to enable inspection and examination of such explosives to be made to ascertain whether these regulations are being duly complied with.

Inspection and examination.
Amended by:
XVII. 1991.81.

121. Explosives shall not be landed except on production to the Authority of one of the following certificates or permits:

Permits to land explosives.
Amended by:
XVII. 1991.81.

- (a) in the case of explosives other than service explosives -
 - (i) if shipped from any foreign port, the certificate issued by a duly qualified person competent to issue such certificate and, where the Authority so requires, authenticated as such by a Maltese

consular authority, to the effect that the explosives have been shipped in good order and condition, properly packed and labelled, safe to be handled in a warm climate; and

(ii) if shipped from one port of Malta or Gozo to another, the permit of a person duly authorised by the Commissioner of Police; and

(b) in the case of service explosives a certificate issued by a person competent to issue such a certificate to the effect that the service explosives have been shipped in good order and condition, properly packed and labelled, and safe to be handled in a warm climate.

Direction of
Authority.
*Amended by:
XVII. 1991.81.*

122. (1) Subject to the provisions of regulations 118 and 119, the Authority may require the attendance of fire-fighting units during the unloading, loading or handling of explosives or when a ship having explosives on board is in any port.

(2) The unshipping, transport and landing of explosives shall take place where the Authority so directs, under the supervision of a customs official and, if the Commissioner of Police so directs, also of a police officer.

(3) A red flag shall be fixed on the craft used for the transport of explosives, and at the place of landing.

(4) Any expense incurred in the attendance of watchmen, customs officials, police officers, or fire-fighting units or in the provision of any facility in connection with the handling and discharge of explosives shall, except where otherwise provided in these regulations, be borne by the owner, importer, exporter, or agent, as the case may be.

Conveyance of
detonators.

123. Detonators shall not be conveyed in any craft conveying any other explosives and no explosives shall be conveyed in any craft with any other goods whatsoever.

Technical advice.
*Amended by:
XVII. 1991.81.*

124. The proper officer of the Malta Police Force and, in the case of service explosives, the authorised service representative, shall give any necessary technical advice to the Authority and to the master of the ship loading or unloading explosives.

Ship's supervision
of handling of
explosives.

125. The loading or unloading of explosives to or from a ship shall be carried out under the supervision of an officer of that ship specially charged with the duty of supervising that operation by the master and he shall be present at all time while that operation is being carried out.

Handling of
explosives.
*Amended by:
XVII. 1991.81.*

126. (1) Where any explosive or any package containing explosives appears to be damaged all work in the vicinity shall cease until the Authority or the contractor, or the master, as the case may be, or, in the case of service explosives, the authorised service representative, has made arrangements for the safe disposal of such explosive or package and such disposal has been satisfactorily completed and any explosive which may have escaped from its package during handling shall likewise be safely collected and disposed of before work is allowed to proceed.

(2) The master shall inform the Authority as soon practicable of any explosives which may be dropped overboard during handling and the master shall be liable to pay all the expenses incurred in recovering the explosives.

(3) Packages containing explosives shall not, whenever practicable, be dragged or rolled but shall be passed from hand to hand when the ship's discharging gear is not available; and, when dragging or rolling cannot be avoided, the surface over which the packages are to be moved shall first be covered with suitable canvas, cloth or similar material, and packages shall be carefully lifted, deposited, or stowed, and shall not be thrown or dropped when handled.

(4) The owner, master or agent of a ship loading or unloading explosives shall ensure that all stevedoring gear used is of a pattern and in such condition as to be suitable for the safe handling and discharging of explosives.

127. During the time explosives are being loaded or discharged, no other goods or articles shall be handled or dealt with at or near the place of work and no person other than those actually engaged in or superintending the work of loading or discharging the explosives shall approach the place of work. At his discretion, a police officer or other person authorised by the Authority may order any person to go to a reasonable distance from such place of work.

Explosives not to be handled with any other goods.
Amended by:
XVII. 1991.81.

128. While loading or unloading of explosives is being carried out, the master and all persons engaged in handling explosives shall -

General precautions.

- (a) take all due precautions to prevent -
 - (i) accidents by fire or explosion; and
 - (ii) unauthorised persons from obtaining access to explosives;
- (b) abstain from any act whatever which tends to cause a fire or an explosion and is not reasonably necessary for the purpose of such loading or unloading; and shall use every reasonable endeavour to prevent any other person from committing any such act;
- (c) suspend all handling of explosives during thunderstorms or other periods of atmospheric electrical disturbances or when such conditions are imminent.

129. When a ship in port has explosives on board, the master shall ensure that he is in possession of full information concerning the fire-fighting arrangements in the port with particular reference to the ship's berth and the means of giving the alarm.

Fire-fighting arrangements.

130. (1) The Authority may in its discretion establish the maximum quantity of any explosives which shall be carried in small craft within the confines of any port.

Maximum quantities on craft.
Amended by:
XVII. 1991.81.

(2) The master or agent of a ship, or the owner of the

explosives or of the small craft shall duly carry out the directives of the Authority in this regard.

Indemnity.
Amended by:
XVII. 1991.81.

131. The owner, master or agent of a ship carrying radioactive or fissile materials entering any harbour within these Islands shall produce to the Authority an indemnity, to such amount and in such form as the Authority deems fit, against loss of life, or injury to persons, or damage to, or loss of property, or against any possible combination of such risks arising from such materials while they are on board his ship:

Provided that the Authority may accept any form of indemnity agreement between the owners or master of such ship and the competent authority of any country, where such indemnity in favour of any person or public authority who may suffer loss of life, or any injury or loss or damage to property or any combination of such risks arising from such materials while they are on board such ship.

PART IX

MISCELLANEOUS

Powers of
Authority.
Amended by:
XVII. 1991.81.

132. No person shall in any port suffer any obstruction or nuisance made or caused by him to remain unabated.

Licences.
Amended by:
XVII. 1991.81.

133. (1) Subject to the provisions of these regulations, all licences issued or renewed by the Authority shall be valid from the date of issue or renewal, unless some other date is indicated thereon for such purpose, and all such licences shall lapse on the thirty-first day of December of the year in which they are issued or renewed, subject to renewal.

(2) Where any licence is issued or renewed after the first day of January of any year, the period between the date on which or with effect from which such licence is issued or renewed and the thirty-first day of December of that year shall be deemed to be a full year for the purposes of the payment of any fees prescribed in relation to such licence in the tariff.

(3) The Authority may at any time cancel any licence or permit issued or given in accordance with the provisions of these regulations whenever it deems fit, and it may refuse to renew any licence.

(4) The Authority may attach to any licence or permit issued or given in accordance with the provisions of these regulations such conditions as it may deem fit, and in the case of each failure to observe such conditions, or any of them, the holder of such licence or permit shall be deemed to have acted without a licence or permit, as the case may be.

134. (1) Any person who contravenes any of the provisions of regulations 4, 8, 9, 11, 20, 25, 29, 36, 40, 41, 46, 47, 48, 49, 50, 52, 55, 59, 60, 61, 62, 66, 91, 125, 127 and 129 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven euro and sixty-five cents (11.65).

(2) Any person who contravenes any of the provisions of regulations 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 28, 34, 35, 37, 38, 42, 43, 44, 45, 51, 54, 63, 64, 67, 76, 78, 94, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 126 and 128 shall be guilty of offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47).

(3) Any person who contravenes the provisions of regulations 3, 5, 6, 21, 26, 30, 33, 39, 53, 56(1), 56(2), 56(3), 56(5), 103(2), 107, 108(1), 109 and 116 shall be guilty of an offence and shall, on conviction, liable to fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(4) Any person who contravenes the provisions of regulations 10, 14, 27, 31 and 110 shall be guilty of an offence and shall, on conviction, be liable to fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47) and to an additional fine (*multa*) not exceeding eleven euro and sixty-five cents (11.65) for every day during which the default continues.

(5) Any person who contravenes the provisions of regulations 81, 82 and 84 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding eleven euro and sixty-five cents (11.65) for every day during which the default continues.

(6) Prosecution in respect of offences under these regulations shall be instituted by the Police with the consent of the Authority, and the provisions of this regulation shall be without prejudice to prosecutions in terms of any other law or regulations where the fact constitutes an offence under that law or regulation.

135. The provisions of these regulations are in addition to and not in derogation of the provisions of any law or regulations.

136. The forms specified in the Second, Fourth, Tenth and Eleventh Schedule shall be available from the Office of the Authority on payment of such charge as may from time to time be fixed by the Authority.

137. The provisions of Part V of the Act shall apply to offences under these regulations as they apply to offences under the Act.

138. (1) Without prejudice to any powers conferred by these regulations or by any other law, the Authority may remove, or direct or cause to be removed, any ship which is kept, moored, berthed, stationed or anchored in breach of any of the foregoing regulations, from any place within a port to any other place within that port or any other port.

Penalties.

Amended by:

L.N. 45 of 1974;

L.N. 53 of 1974;

L.N. 17 of 1975;

L.N. 18 of 1976;

L.N. 24 of 1976;

L.N. 98 of 1978;

L.N. 11 of 1988;

XVII. 1991.81;

L.N. 425 of 2007.

Other enactments
and regulations.

Forms.

Amended by:

XVII. 1991.81.

Application of Part
V of the Act.

Amended by:

XVII. 1991.81.

Authority may
remove any ship.

Added by:

L.N. 99 of 1991.

Amended by:

XVII. 1991.81.

(2) Any removal effected in pursuance of this regulation shall be at the ship's risk and expense.

(3) Any removal effected in pursuance of this regulation shall not prejudice any criminal or civil action taken or instituted, or which may be taken or instituted, against the master, owner, agent or any person in charge of the ship, for breach of the regulations.

FIRST SCHEDULE

(Regulations 2, 103)

EXPLOSIVES AND INFLAMMABLE OR DANGEROUS GOODS

PART I

EXPLOSIVES

Gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting-powder, fulminate of mercury or of other metals, coloured fires, chlorate of potash, chlorate of barium, and every other substance whether similar to those above mentioned or not used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect, fog-signals, fireworks, fuses, rockets, percussion caps for mines, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of any such explosive substance or article.

PART II

EXPLOSIVES (CATEGORY B PART II)

Ammunition for cannon without projectiles

Cartridges B.L.

Charges, propellant

Compositions (Type F) P.N.

Compositions (Type F) S.R.

Compositions (Type G) P.N.

Compositions (Type G) S.R.

Cordite

Motors, Rocket, High Capacity

Nitro-cellulose cannon powder

Plastic propellant Type 1

Smokeless powder for cannon.

When these explosives belonging to Shipping Category B are on the same ship as explosives belonging to Shipping Category C they shall be deemed to be explosives of Shipping Category C for the purposes of these regulations, unless they are separated thereupon either by the boiler room and engine room, or by a hold of the ship.

PART III

CLASSIFICATION OF EXPLOSIVES

For the purposes of this Schedule explosives shall be divided into seven classes as follows:

Class 1	Gunpowder
Class 2	Nitrate-Mixture
Class 3	Nitro-Compound
Class 4	Chlorate-Mixture
Class 5	Fulminate
Class 6	Ammunition

Class 7 Firework

and when an explosive falls within the description of more than one class it shall be deemed to belong exclusively to the latest of the classes within the description of which it falls.

CLASS 1 - GUNPOWDER CLASS

The term "gunpowder" means exclusively gunpowder ordinarily so called.

CLASS 2 - NITRATE-MIXTURE CLASS

The term "nitrate-mixture" means any preparation, other than gunpowder ordinarily so called, formed by the mechanical mixture of a nitrate with any form of carbon or with any carbonaceous substance not possessed of explosive properties, and whether sulphur be or be not added to such preparation, whether such preparation be or be not mechanically mixed with any other non-explosive substance.

The nitrate-mixture class comprises such explosives as -

Pyrolithe,
Pudrolith,
Poudre Saxifragine,

and any preparation coming within the above definition.

CLASS 3 - NITRO-COMPOUND CLASS

The term "nitro-compound" means any chemical compound possessed of explosive properties, or capable of combining with metals to form an explosive compound, which is produced by the chemical action of nitric acid (whether mixed or not with sulphuric acid) or of a nitrate mixed with sulphuric acid upon any carbonaceous substance, whether such compound is mechanically mixed with other substances or not.

The nitro-compound class has two divisions. Division 1 comprises such explosives as -

Nitro-glycerine,
Dynamite,
Lithofracteur,
Dualine,
Glyoxiline,
Methylic nitrate,

and any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitro-glycerine or of some other liquid nitro-compound. Division 2 comprises such explosives as -

Gun-cotton, ordinarily so called,
Gun-paper,
Xyloidine,
Gun-sawdust,
Nitrated gun-cotton,
Cotton gun-powder,

Schultz's powder,
Nitro-mannite,
Picrates,
Picric powder,

and any nitro-compound as before defined, which is not comprised in the first division.

CLASS 4 - CHLORATE-MIXTURE CLASS

The terms "chlorate-mixture" means any explosive containing a chlorate. The chlorate-mixture class has two divisions.

Division 1 comprises such explosives as -

Horsley's blasting powder,
Brain's blasting powder,

and any chlorate preparation which consists partly of nitro-glycerine or of some other liquid nitro-compound.

Division 2 comprises such explosives as -

Horsley's original blasting powder,
Erhardt's powder,
Reveley's powder,
Hochstadter's blasting charges,
Reichen's blasting charges,
Teutonite,
Chlorated gun-cotton,

and any chlorate-mixture as before defined, which is not comprised in the first division.

CLASS 5 - FULMINATE CLASS

The term "fulminate" means any chemical compound or mechanical mixture, whether included in the foregoing classes or not, which, from its great susceptibility to detonation, is suitable for employment in percussion caps or any other appliances for developing detonation, or which, from its extreme sensibility to explosion, and from its great instability (that is to say, readiness to undergo decomposition from very slight exciting causes), is especially dangerous. This class consists of two divisions.

Division 1 comprises such compounds as the fulminates of silver and of mercury, and preparations of these substances, such as are used in percussion caps; and any preparation consisting of a mixture of chlorate with phosphorus, or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter, and any preparation consisting of a mixture of a chlorate with sulphur, or with a sulphuret, with or without carbonaceous matter.

Division 2 comprises such substances as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol, and the nitrate of diazobenzol.

CLASS 6 - AMMUNITION CLASS

The term "ammunition" means an explosive of any of the foregoing classes when enclosed in any case or contrivance, or otherwise adapted or prepared so as to form a

cartridge or charge for small arms, cannon, or any other weapon, or for blasting, or to form any safety or other fuse for blasting or for shells, or to form any tube for firing explosives, or to form a percussion cap, a detonator, a fog signal, a shell, a torpedo, a war rocket, or other contrivance other than a firework.

The term "percussion cap" does not include a detonator.

The term "detonator" means a capsule or case which is of such strength and construction, and contains an explosive of the fulminate-explosive class in such quantity that the explosion of one capsule or case will communicate the explosion to other like capsules or cases.

The term "safety fuse" means a fuse for blasting which burns and does not explode and which does not contain its own means of ignition, and which is of such strength and construction and contains an explosive in such quantity that the burning of such fuse will not communicate laterally with any other like fuses.

The ammunition class has three divisions:

Division 1 comprises exclusively -

- Safety cartridges,
- Safety fuses for blasting,
- Railway fog signals,
- Percussion caps.

Division 2 comprises any ammunition as before defined which does not contain its own means of ignition, and is not included in Division 1, such as -

- Cartridges for small-arms, which are not safety cartridges,
- Cartridges and charges for cannon, shells, mines, blasting, or other like purposes,
- Shells and torpedoes containing any explosives,
- Fuses for blasting which are not safety fuses,
- Fuses for shells,
- Tubes for firing explosives,
- War rockets,

which do not contain their own means of ignition.

Division 3 comprises any ammunition as before defined which contains its own means of ignition, and is not included in Division 1, such as -

- Detonators,
- Cartridges for small-arms, which are not safety cartridges,
- Fuses for blasting which are not safety fuses,
- Fuses for shells,
- Tubes for firing explosives,

which do not contain their own means of ignition.

By ammunition containing its own means of ignition is meant ammunition having an arrangement, whether attached to it or forming part of it, which is adapted to explode or fire the same by friction or percussion.

CLASS 7 - FIREWORK CLASS

The term "firework" comprises firework composition and manufactured fireworks.

Division 1 - The term "firework composition" means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks, and is not included in the former classes of explosives, and also any star and any coloured fire composition, subject to the proviso hereinafter set forth.

Division 2 - The term "manufactured fireworks" means any explosive of the foregoing classes and any firework composition when such explosive or composition is enclosed in any case or contrivance, or is otherwise manufactured so as to form a squib, cracker, serpent, rocket (other than a war rocket), maroon, lance, wheel, Chinese fire, Roman candle, or other article specially adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals:

Provided that a substantially constructed and hermetically closed metal case, containing not more than one pound of coloured fire composition, of such a nature as not to be liable to spontaneous ignition, shall be deemed to be a "manufactured firework".

PART IV

INFLAMMABLE OR DANGEROUS GOODS

Compressed gases - permanent, liquified or dissolved.

Inflammable liquids or solids, including alcohol, acetone, petroleum and turpentine.

Solids liable to spontaneous combustion, including coal, hay and cotton waste.

Substances liable to spontaneous combustion and which become dangerous by interaction with water.

Substances which become dangerous by interaction with water.

Substances which are strong supporters of combustion.

Poisonous substances including those which do not give off poisonous gases or vapour.

Corrosive substances.

Laboratory chemicals and/or medicinal preparations.

Radioactive and fissile materials as defined in regulation 98.

SECOND SCHEDULE

Regulation 4

*Substituted by:
L.N. 493 of 2004.*

Deleted by Legal Notice 330 of 2012.

*Amended by:
L.N. 126 of 1975.*

THIRD SCHEDULE

Regulation 6

TRAFFIC SIGNALS IN PORTS

1. A red square flag shown at the Palace Tower Signal Station or at Fort St Angelo in the Grand Harbour by day or four red lights in a vertical line one over the other six feet apart, such lights being visible all round the horizon at a distance of not less than three miles shown at the Station and Fort by night, shall signify that the restriction of traffic is considered necessary for any particular purpose; and during such time no ship shall enter or leave the Grand Harbour or shall obstruct the fairway in any way.

2. A red square flag hoisted at the dip by day or three red lights shown vertically by night in each case at the Palace Tower Signal Station or at Fort St Angelo, shall signify that all merchant traffic in the Grand Harbour is to cease:

Provided that during such time a merchant ship in charge of a pilot may enter or leave Grand Harbour for the purpose of berthing or leaving the Fishmarket Anchorage, but may not proceed south-westward of a line joining Customs House and Fort St Angelo Flagstaffs.

3. A red diamond (double cone) by day and a red light over a white light by night shown at the Palace Tower Signal Station or at Fort St Angelo shall signify that ships may enter but not leave the Grand Harbour.

4. Two red diamonds, one above the other by day, and two red lights one above the other by night, shown at the Palace Tower Signal Station or at Fort St Angelo shall signify that a ship may leave but not enter the Grand Harbour.

5. Two black balls shown vertically by day and a white light over a red light by night shown at the Palace Tower Signal Station or at Fort St Angelo shall signify that weather conditions preclude the pilot launch from going outside the Grand Harbour to meet incoming ships.

6. (1) Ships under way with a pilot on board shall display by day the International Code Flag "H" and by night two lights in a vertical line visible all round, the upper being white and the lower red.

(2) Ships manoeuvring with a pilot on board in the circumstances specified in Column One of the Table immediately following, shall display by day, in addition to the "H" flag specified in subparagraph (1) and by night in lieu of the light signals specified in subparagraph (1), the appropriate signals specified against each item in Column Two of the said Table and when that is the case the provisions contained in Column Three of the said table shall apply:

TABLE		
Column One	Column Two	Column Three
1. The ship is manoeuvring to anchor or berth.	by day: International Code, Pennant No. 2. by night: 2 vertical white lights.	The ship shall not be obstructed or passed closely.

2. The ship is getting under way to proceed to sea.	by day: International Code, Flag "G" at the dip. by night: 3 vertical lights, the upper and lower red, and the middle white.	The ship shall not be overtaken or passed closely.
3. The manoeuvre has been stopped.	by day: International Code Pennant No. 2 over Internationally Code answering pennant. by night: 3 vertical lights, upper and lower white and middle red.	The ship may be passed or overtaken.

(3) Ships lying off a port or in the approaches to a port shall, when in the circumstances specified in Column One of the Table immediately following, exhibit the appropriate signals specified in Column Two of the said Table.

TABLE

Column One	Column Two
I am carrying explosives and am awaiting berthing instructions.	by day: A black ball hoisted over International Code Flag "B". by night: Three lights in a vertical line one above the other the upper being white and the lower ones red.

7. A triangular blue flag, shown at the Palace Tower Signal Station or Fort St Angelo, shall signify that it is unsafe for boats and low powered craft to proceed outside the limits of the Grand Harbour or of Marsamxett Harbour.

8. A square red flag with a white St Andrew's cross shown by any ship shall indicate that divers are working in the vicinity and in such circumstances all ships shall keep clear and shall exercise all necessary caution in passing such ship.

9. (1) A large pendant, shown at Fort St Angelo accompanied or not by short blasts sounded on a siren, shall signify that aircraft are alighting in or taking off from the Grand Harbour.

(2) While the pendant specified in subparagraph (1) is flying, all craft shall keep clear of the vicinity of the aircraft.

(3) A boat displaying International Code Flag "F" will patrol the area to assist in keeping it clear.

(4) The completion of the manoeuvre specified in subparagraph (1) shall be signified by the hauling down of the black pendant, accompanied or not by the sounding of a blast of ten seconds duration on the siren.

(5) Notwithstanding that the provisions of subparagraphs (1) and (3) have not been complied with, all craft shall on their own initiative keep well clear of any aircraft which is landing in the Grand Harbour.

10. The provisions of this Schedule shall not apply to small craft or to ships of not more than 500 tons gross register plying exclusively in the territorial waters of

Malta:

Provided that such small craft or ships shall not obstruct in any way ships manoeuvring in accordance with the signals prescribed in this Schedule.

11. (1) A ship or small craft passing a dredger shall in all cases pass at slow speed and with caution and shall give a wide berth to the dredger and her anchors.

(2) When, during the day, a dredger shows a black ball on the top of the mast and a red diamond shape on either end of the yard arm of that mast, or, during the night a dredger shows a white light on the top of the mast and a red light on either end of the yard arm of that mast, no ship or small craft shall pass on either side of the dredger until such time as such signals are taken down or are replaced by the signals set down under subparagraph (3).

(3) When, during the day, a dredger shows a black ball on the top of the mast and one red diamond shape on one side of the yard arm of such mast and a black ball on the other side of that yard arm, or when during the night, a dredger shows a white light on the top of the mast and one red light on one side of the yard arm of that mast and one white light on the other side of that yard arm, then no ship or small craft shall pass on that side of the dredger showing the red diamond shape or the red light, as the case may be.

(4) In this paragraph the black ball or the red-diamond shape shall not be less than two feet in diameter and the light shall be visible at a distance of at least one mile on a dark night with a clear atmosphere.

FOURTH SCHEDULE
Regulation 4
IMO General Declaration

Amended by:
L.N. 33 of 1971.
Substituted by:
L.N. 252 of 2002.

		Arrival	Departure
1. Name and description of ship		2. Port of arrival/departure	3. Date - time of arrival/departure
4. Nationality of ship	5. Name of master	6. Port arrival from/Port of destination	
7. Certificate of registry (Port, date, number)		8. Name and address of ship's agent	
9. Gross Tonnage	10. Net tonnage		
11. Position of the ship in the port (berth or station)			
12. Brief particulars of voyage (previous and subsequent ports of call, underline where remaining cargo will be discharged)			
13. Brief description of the cargo			
14. Number of crew (incl. Master)	15. Number of passengers	16. Remarks	
Attached documents (indicate number of copies)			
17. Cargo Declaration	18. Ship's Stores Declaration		
19. Crew List	20. Passenger List	21. Date and signature by master, authorised agent or officer	
22. Crew's Effects Declaration*	23. Maritime Declaration of Health		

For official use

* only on arrival

*Amended by:
L.N. 18 of 1976.*

FIFTH SCHEDULE

Regulations 15, 16

PART I

PROHIBITED ANCHORAGE AREAS

1. The area in the Grand Harbour of Valletta enclosed between two lines drawn respectively from the landing stage at the north-eastern corner of Lascaris Bastion to Fort St Angelo flagstaff and from the Customs House flagstaff to Isola Watch Tower.

2. The area in Marsamxett Harbour, south-east of Lazzaretto, within the following limits:

(a) Eastern limit:

A line drawn in a 159 degrees direction from a point on the Manoel Island shore, which bears 052 degrees 420 feet from the south-east corner of the Lazzaretto building, across the Harbour to the Valletta shore;

(b) Western limit:

A line drawn in a 174 degrees direction from a point which bears 271 degrees 130 feet from the south-east corner of the Lazzaretto building, across the Harbour to the Valletta shore.

PART II

PROHIBITED MOORING AND ACCOSTAGE AREAS FOR SMALL CRAFT

1. The waters fronting the Deep Water Quay at Marina Pinto from the north eastern extremity of the Wine Verandahs to the north-eastern boundary of the N.A.A.F.I. building.

2. The waters fronting the Bonded Stores Wharf in the south-west extension of the Grand Harbour between the steps opposite the north-east end of Cejlu Street and a point on the wharf opposite the north-west end of Cejlu Street.

3. The quay fronting the Customs House.

4. The waters fronting Shipwrights Wharf.

5. The waters fronting Coal Wharf.

6. The waters fronting Laboratory Wharf.

SIXTH SCHEDULE

Regulation 45

PROVISIONS AS TO LANDING AND SHIPPING OF ANIMALS

- | | |
|------------------------------------|--|
| Horses, asses,
mules and bulls. | 1. (1) Horses, asses, mules, bulls and cows shall be landed or shipped by means of slings protected by such material as, in the opinion of the Principal Government Veterinary Surgeon, will prevent chafing. |
| | (2) Horses, asses, mules and cows shall be individually disembarked but bulls may be disembarked in pairs. |
| Preganant animals. | 2. Any pregnant animal shall be landed or shipped in a portable box. |
| Injured or wild
animals. | 3. If any animal has a limb broken or is otherwise seriously injured or is in a wild state so as to be incapable of being landed or shipped in accordance with the provisions of this Schedule, the person in charge of the landing or shipping shall forthwith inform a Government Veterinary Surgeon, and the animal shall then be dealt with in accordance with such directions as such Government Veterinary Surgeon shall give. |

SEVENTH SCHEDULE

Regulation 65

BUNDLING AND MARKING OF IRON AND STEEL BARS, ETC.

1. (1) All pipes and tubes up to 2" outside diameter shall be bundled and securely fastened with strong wire or bands in at least three places.
- (2) Each bundle shall be marked with a metal tag, securely fastened, and printed with embossed letters and numbers, giving the shipping marks and numbers of the consignment.
- (3) Each bundle shall be clearly marked with a distinctive oil paint colour mark.
2. Loose iron or other metal pipes, tubes, rods or bars of more than 2" outside diameter shall each be clearly marked with a distinctive oil paint colour mark, and 5 per centum of each consignment shall be marked with a metal tag as specified in paragraph 1(3).
3. Loose asbestos sheets or ridges or earthenware pipes and tubes of more than 2" outside diameter shall each be clearly marked with a distinctive oil paint colour mark, and 5 per centum of each consignment shall have clearly stenciled shipping marks and numbers.

*Amended by:
XVII. 1991.81.*

EIGHTH SCHEDULE

Regulation 69(4)

CONDITIONS APPLICABLE TO THE HIRE OF PLANT OR GEAR

1. All port plant or gear hired out and the crew thereof, if any, shall be under the sole control of the hirer during the period of the hire:

Provided that the hirer shall conform with any reasonable order or condition in regard to the working or stoppage of work of the port plant or gear which may from time to time be given or imposed by the Authority.

2. The Authority shall not be liable for any loss or damage occasioned by the port plant or gear and the crew thereof or by delay due to breakdown of any harbour plant or by failure of electric power howsoever caused, or through any labour dispute or through the wrongful act of any third party.

3. Notwithstanding that the port plant or gear is worked by the employees of the Authority, the hirer shall be liable for any damage done to any such port plant or gear or to any gear used in connection therewith, during the period of such hire, fair wear and tear only excepted.

4. Should any such port plant or gear in the opinion of the Authority be used in an improper manner the Authority shall have power immediately to terminate the hire of such plant and the hirer shall at once return it at his own expense to the place appointed by the Authority.

5. In the case of port plant consisting of cranes the following additional provisions shall apply:

- (a) no person shall use any crane to break out cargo from holds without the permission of the Authority;
 - (b) no person shall make or attempt to make a hoist which exceeds the certified lifting capacity of the crane;
 - (c) no person shall reeve the wire rope or chain of the crane under the coamings of any hatches; and
 - (d) no person shall drag cargo from under or across decks by the wire ropes of the crane.
-

NINTH SCHEDULE
Regulation 70(2)

*Amended by:
L.N. 33 of 1971;
XVII. 1991.81.
Substituted by:
L.N. 425 of 2007.
Amended by:
XV. 2009.49.*

Form of application for overtime work

AUTHORITY FOR TRANSPORT IN MALTA

REQUEST FOR THE PERFORMANCE OF OVERTIME

Name of Applicant

Address

Date

Permission is requested to*

Attendance of port officers and/or of contractor's employees is required at
o'clock on the

I/We hereby undertake to defray all expenses for the performance of the work here requested, and also to pay for the attendance of port officers and of contractor's employees directed to attend if the work requested is not performed.

Signature

12c stamp

* Here insert nature of service required.

This request should be lodged with the Authority for Transport in Malta in sufficient time to permit the Authority to make arrangements for the work required.

Amended by:
L.N. 33 of 1971;
XVII. 1991.81;
L.N. 425 of 2007;
XV. 2009.49.

TENTH SCHEDULE

Regulation 80

FORM OF DECLARATION AND DISPOSAL ORDER

AUTHORITY FOR TRANSPORT IN MALTA

DECLARATION AND DISPOSAL ORDER

PART I (To be filled by Importer or his Agent)						PART II (To be filled by the Authority for Transport in Malta)	
Importing Ship				Port of Loading		Date of arrival of importing ship	
Duty Entry No.				Cargo handled at (1) main quays/ other quays.			
The goods specified in this D. & D.O. are being discharged on (1) F.I.O./liner terms as shown in BILL OF LANDING No.						Weight on Test M/M on test	
Marks & Nos.	No. of Packages	Description of contents	Deadweight	Cu. M/M	Value (C.I.F.)		(2) Disposal instructions
					€		
		TOTAL					
I declare the above particulars to be true and correct.						Certificate No.	
Importer						CHARGES Wharfage Handling Heavy Lifts Storage TOTAL €	
(Block letters)							
Signature of Importer or his Agent.....							
Address Date							
(1) Delete as necessary. (2) Appropriate letter to be entered in Disposal Column: A. For local delivery B. To Customs Bonded Stores C. For transhipment/Re-Export.						Calculated by Checked by Date Authority for Transport in Malta	

ELEVENTH SCHEDULE

Regulation 83

*Amended by:
L.N. 33 of 1971;
XVII. 1991.81;
L.N. 425 of 2007;
XV. 2009.49.*

Form of Shipping Order
AUTHORITY FOR TRANSPORT IN MALTA
Shipping Order
Part I

(To be filled in by the Exporter or his Agent)

Authority for Transport in Malta

Please receive the following goods for shipment on *F.I.O./liner terms by S.S.
..... sailing on destined for
Shipping Order No.

I/We declare that the goods are:

*A of local production B transhipment C re-exports

Exporter's name Signature

Address Date

Marks and Numbers	No. of Packages	Description of contents	Deadweight	Cu. M/M	Value f.o.b	
					€	c

PART II

Received and shipped on board S.S.
the above mentioned goods, handled at *main quays/other quays.

REMARKS

.....
Landing and Shipping Co.
(Goods received on board)

MASTER

* Delete that which is not applicable.

PART III

(To be filled by the Authority for Transport in Malta)

Weight on Test M/M on Test

Certificate No.

CHARGES

Wharfage

Handling

Heavy Lifts

Storage

TOTAL

Calculated by

Checked by

Date

Authority for Transport in Malta

*Amended by:
XVII. 1991.81.*

TWELTH SCHEDULE

Regulation 95

GOODS STORED IN THE OPEN

Asbestos pipes, sheets and ridges, ashes, asphalt, bones, bricks, chalk, charcoal cinders, clay, coal, concrete manufactures, flowerpots (earthen), firewood, girders, horns, iron, steel and other metals or manufactures thereof, whether cast, forged or rolled and in such forms as pigs, ingots, billets, blooms, slabs, bars, plates, galvanised sheets and sections, rods, tubes, pipes or girders, ores, scrap metal pipes (earthen), sand, slate, sleepers, stone, straw, sulphur in bulk (not being flowers of sulphur), timber, vehicles and chassis and articles or packages which being of such length, bulk or weight or of such exceptional bulk in proportion to weight as in the opinion of the Authority cannot be conveniently handled in buildings.

THIRTEENTH SCHEDULE
Regulation 2

*Added by:
L.N. 17 of 1975;
Amended by:
XVII. 1991.81;
XI. 2009.49.*

Authority for Transport in Malta

Gate Pass-Out No.

Date Time

Registration No. of Road Vehicle

Name of Ship B/L No.

Number of packages	Marks	Description of Goods
.....		
.....		

.....
Signature

Received the goods in good order and condition with the following exceptions:

.....

Signature

Consignee or his
Authorised Agent

This pass is to be used only for motor transport vehicles using the Port. It is valid for the date of issue only.

Added by:
L.N. 15 of 1978.

FOURTEENTH SCHEDULE

Regulations 70, 78

Request for unloading cargo for transhipment

1. Name of ship:
2. Nationality:
3. Tonnage: Gross: Net:
4. Length overall:
5. Estimated deepest draught on arrival
6. Date expected:
- *7. Description and tonnage of cargo to be landed from each loading port:
 Loading port:
 Description:
 Deadweight:
 Measurement:
- *8. Description and tonnage of cargo to be shipped to each port of destination:
 Port of destination:
 Description:
 Deadweight:
 Measurement:
9. Estimated period of storage required for cargo by port of destination,
 description, deadweight and measurement:

10. Description and details of explosives, inflammable or dangerous goods -
 giving gross weight, stowage and whether to land or remaining on board:

11. Agents:
12. Remarks:

 Date:

.....
 Owner / Agent

Note: If space on this schedule is not sufficient, information should be continued on a separate sheet which should also be signed by Owner / Agent.