

SUBSIDIARY LEGISLATION 499.52**SMALL SHIPS REGULATIONS**

1st August, 2008

LEGAL NOTICE 183 of 2008, as amended by Legal Notice 250 of 2009; Act XV of 2009; and Legal Notices 57 of 2010 and 317 of 2019.

1. (1) The title of these regulations is the Small Ships Regulations.

Citation,
commencement
and scope.
*Amended by:
L.N. 57 of 2010.*

(2) (a) These regulations, other than regulation 29, shall come into force on their date of publication.

(b) Regulation 29 in respect of mechanically driven small ships shall come into force, where the small ship has an engine or engines with a combined power:

(i) of, or exceeding, 100 H.P., on the 1st September, 2001; and

(ii) of, or exceeding, 30H.P., on the 1st of January, 2011; and

(iii) not exceeding 30 H.P., on such date as the Minister may prescribe.

(3) The scope of these regulations is:

(a) to regulate the registration of small ships under twenty-four metres of length;

(b) to regulate water based recreational activities in the internal and territorial waters of Malta; and

(c) to regulate the preservation of good order in any part of the internal and territorial waters of Malta.

2. In these regulations, unless the context otherwise requires:

"the Act" means the Ports and Shipping Act;

"Authority" means the Authority for Transport in Malta;

"certificate of registry" means the certificate mentioned in regulation 13;

"enforcement officer" means a member of the Police or the Armed Forces of Malta, or an official authorised by the Authority to enforce these regulations;

"Grand Harbour" means the waters enclosed by the line drawn from the outer end of the breakwater arm on the Fort St. Elmo side to the same outer end of the breakwater on the Fort Ricasoli side;

"harbour" means any of the harbours and bays specified in Part I of the Second Schedule;

"inspector" means either a surveyor or any other officer of the Authority authorised to carry out an inspection of a small ship;

Interpretation.
*Amended by:
XV. 2009.49.
Cap. 352.*

Cap. 226.

"internal and territorial waters" means all parts of the open sea within twelve nautical miles of the coast of Malta, or such other distance as may be established under article 3 of the Territorial Waters and Contiguous Zone Act, measured as in that Act provided, and includes any waters enclosed between the base lines therein mentioned and the coast;

"length" means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

"Marsamxett Harbour" includes the waters within a line drawn from St. Elmo Point to Dragut Point;

"mechanically driven small ship" means any small ship under twenty-four metres of length employed solely in navigation within the territorial waters of Malta, driven by a means of propulsion, whether mechanical or electrical;

"mechanically driven small ship for hire" means any small ship under twenty-four metres of length employed solely in navigation within the territorial waters of Malta, hired from a place duly licensed for the hiring of mechanically driven small ships whether to be used as a towing craft for water skiing instructions or facilities, or to be driven for the pleasure of cruising without taking in tow learners or seasoned water skiers, and whether driven by the licensee of such licensed place or by any person employed by such licensee, or by any person hiring the said small ship in terms of regulation 36;

"the Minister" means the Minister responsible for ports, transport and maritime affairs;

"passage boat" is the traditional Maltese *dgħajsa* licensed for the conveyance of fee paying passengers within the Grand Harbour and Marsamxett Harbour;

"skiing speed" means a speed exceeding ten knots;

"small fishing vessel" means a small ship under twenty-four metres in length employed solely in navigation within the territorial waters of Malta, whether mechanically driven or not, for the time being used for, or in connection with, fishing, other than a small ship used or intended to be used for fishing otherwise than for profit;

"small ship" means a craft under twenty-four metres in length employed solely in the navigation within the territorial waters of Malta, whether mechanically driven or not, and whether privately or commercially used; and includes, but is not limited to, all types of craft such as sailing boats, yachts, fishing vessels and other craft used for fishing like caiques, luzzijiet and frejgatini, cabin cruisers, speedboats, jet skis, dinghies, passage boats and other Maltese traditional boats, paddleboats, canoes, personal water craft, air cushioned craft etc.;

"surveyor" means any person so appointed by the Minister to carry out surveys on vessels;

"ship" means every description of craft of any length used in

navigation, whether in the territorial waters of Malta or not, whether self-propelled or not, and includes barges, pontoons and oil rigs and other similar vessels;

"water skiing" means the towing and sliding of a person on skis, or on any other similar contrivance, attached to a mechanically driven small ship and navigating at a skiing speed.

3. (1) No small ship shall be used in the internal and territorial waters of Malta unless such small ship is registered with the Authority under these regulations or unless such small ship is registered under the Merchant Shipping Act, or under the Fisheries Conservation and Management Act, or unless such small ship is registered or documented to the satisfaction of the Authority under the law of any country other than Malta.

Registration of small ships.
Amended by:
L.N. 250 of 2009;
XV. 2009.49.
Cap. 234.
Cap. 425.

(2) The Authority shall maintain a register of small ships to which these regulations apply, and any function in relation to the register which is to be discharged by the Authority may be discharged by other persons appointed by the Authority as may be authorised for such purpose by the Authority.

(3) The owner or importer of an imported small ship shall produce to the satisfaction of the Authority certified documentary evidence proving ownership of the small ship and the engines thereof. A builder's certificate is required in the case of a newly built small ship.

(4) The following small ships, which are for personal use only and not used in a commercial manner, are exempted from registration under this regulation:

- (a) canoes; and
- (b) open sailing dinghies, without engines, not exceeding 5.2 metres in length overall.

4. No small ship shall be registered unless the small ship is equipped with such safety equipment as may be required by the Authority from time to time.

Safety equipment.
Amended by:
XV. 2009.49.

5. (1) No mechanically driven small ship shall be eligible to be registered unless it is in compliance with regulation 4 and there is in force in relation to such mechanically driven small ship a policy of insurance for an amount to be approved by the Authority which indemnifies such person, persons or classes of persons as may be authorised and covered by the policy against any liability which may be incurred by him or them in respect of death, injury or damage to third party property caused by, or arising out of, the use of the mechanically driven small ship.

Registration of a mechanically driven small ship.

(2) For the purpose of this regulation, "mechanically driven small ship" means any mechanically driven small ship having an engine or engines with a combined power of 10 H.P. or more.

6. An application for the registration of a small ship shall contain such information and details as may be required by the Authority, and shall be signed, in the case of individuals, by a person over eighteen years of age requesting to be registered as owner, or by any one or more of the persons so requesting if more

Application for registration.
Amended by:
XV. 2009.49.

than one, or by his or their agent, and in the case of bodies corporate by their agent; and the authority of the agent shall be declared in writing, if appointed by individuals under the hand of the appointors, and if appointed by a body corporate under the hand of a person or persons authorised to authenticate documents for the body corporate.

Details of a small ship.
Amended by:
XV. 2009.49.

7. An application for registration shall be made in writing and shall specify such particulars relating to the small ship and its ownership as will show that the small ship is one to which these regulations apply, and the following details:

- (a) a description of the small ship;
- (b) the overall length and beam of the small ship;
- (c) the name and address of every owner of the small ship; and
- (d) such supplementary information and evidence relating to the small ship and the ownership thereof as the Authority may require to determine whether the small ship may properly be registered.

Registration of a small ship.
Amended by:
XV. 2009.49.

8. Upon receiving an application for registration and being satisfied that the small ship may properly be registered, the Authority shall register the small ship.

Survey of a small ship.
Amended by:
XV. 2009.49.

9. The Authority may, at any time and subject to any condition it deems fit, order that the small ship is surveyed by a surveyor of ships and the tonnage ascertained to its satisfaction. The survey's certificate shall be delivered to the Authority.

Modification to a small ship.
Amended by:
XV. 2009.49.

10. No modification of the hull of a registered small ship or installation or replacement of one or more of its engines shall be carried out without prior written approval by the Authority, which may at its discretion order that a survey by a surveyor of ships be carried out in order to certify whether the small ship is seaworthy as modified.

False declaration.

11. If an applicant in his application for the registration or modification of a small ship under these regulations makes a false declaration, he shall have his application rejected. If the false declaration is known after the small ship is registered, then such registration will be null and void.

Registration fees.
Amended by:
XV. 2009.49.

12. (1) There shall be levied in respect of the registration of a small ship under these regulations the fee on first registration and the annual fee specified in the First Schedule. In case of any modification to the hull or in case of any change to the engines, the applicable fee shall be paid *pro rata* according to said Schedule as from the date of registering such changes.

(2) The fee due on initial registration and the annual fee for one year shall be paid before the small ship is registered, and no certificate of registry shall be issued in respect of a small ship unless the said fees have been paid in respect of the small ship. Thereafter, the annual fee shall become due on the anniversary of the initial registration.

(3) The Authority is entitled to demand payment of any

outstanding fees, charges or penalties due to the Authority prior to recording any transaction in the register of a small ship or prior to granting any services in connection with a small ship.

13. (1) On completion of registry of a small ship, the Authority shall, subject to such conditions as it may deem proper, furnish to the person registered as owner of the small ship a certificate which shall include the details recorded in the register.

Certificate of registry.
Amended by:
XV. 2009.49.

(2) The Authority may, whenever it appears necessary or appropriate to do so for giving effect to these regulations or for bringing up to date or otherwise correcting the particulars in the register, amend the register and issue an amended certificate of registry.

(3) A certificate of registry, subject to termination under the provisions of these regulations and unless stating otherwise on the document itself, shall be issued for a period of twelve months from the date of registration:

Provided that the Authority may, within a period of one month prior to the expiry of such certificate and upon the payment of the annual fee by the owner of the small ship and provided that no changes have occurred to the details on the certificate, issue a renewal certificate in the prescribed form.

14. No certificate of registry may be issued, except in cases of loss or destruction of a certificate, other than on the return of the certificate currently being held by the owner, or as may be decided at the discretion of the Authority.

Collection of the certificate of registry.
Amended by:
XV. 2009.49.

15. A certificate of registry shall be used only for the lawful navigation of the small ship and such certificate shall not be subject to detention by reason of any title or interest by any third party.

Use of the certificate of registry.

16. (1) Whenever a change occurs whereby any of the details mentioned in the certificate of registry are no longer correct, such change shall be entered in the revised certificate of registry of that small ship. The owner or the master of the small ship shall within four days, for the purpose of such endorsement by the Authority, deliver the certificate of registry to the Authority to be replaced by a revised certificate.

Changes in the details of the certificate of registry.
Amended by:
XV. 2009.49.

(2) A person who is found guilty of an offence under this regulation shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred euro (€100).

17. (1) A certificate of registry shall cease to have effect:

- (a) on the expiry of its validity date;
- (b) on its substitution by another certificate; and
- (c) on closure of registry:

Validity of the certificate of registry.
Amended by:
XV. 2009.49.

Provided that, if the Authority is satisfied that the reason for the non-renewal of the certificate is justified, it may authorise in writing that the certificate is kept in abeyance for a specified period.

(2) Upon a certificate of registry ceasing to have effect, the

owner or the master of the small ship shall forthwith forward this certificate to the Authority by not later than one month of its expiry.

Right of
registration.
Amended by:
XV. 2009.49.

18. Where it appears to the Authority that there is any doubt as to the right of any small ship to be so registered or as to the information furnished by the applicant, it may require the person registered as the owner to give evidence to its satisfaction that the small ship is entitled to be so registered or that the information given is correct, and such evidence may include the production of the small ship for inspection at a place and under such conditions as the Authority may deem fit. If the evidence required is not given to the satisfaction of the Authority, it may terminate the registration of the small ship.

Voluntary closure
of registration.
Amended by:
XV. 2009.49.

19. Where the owner of a small ship desires to close the register of such small ship, he shall make an application to that effect to the Authority, giving all such particulars and information as the Authority may require for the purpose.

Sale of a small
ship, etc.
Amended by:
XV. 2009.49.

20. (1) Any person who agrees to sell, or sells, scraps or otherwise disposes of his small ship or any of its engines shall, within seven days, give notice thereof in writing to the Authority giving the particulars and information of the person who agrees to buy the small ship or any of its engines, and shall also forward his certificate of registry back to the Authority.

(2) An application for the registration of a transfer of a small ship or any of its engines by a new owner shall be made to the Authority within seven days of the purchase or transfer thereof.

(3) A person who is found guilty of an offence under this regulation shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred euro (€100).

Transfer or sale of
small ship by a
court order.

21. Where the transfer or sale of any small ship is ordered by a court, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that small ship, and that person shall thereupon be entitled to transfer the small ship in the manner and to the same extent as if he was the registered owner thereof; and the requisition of the person so named in respect of any transfer shall be complied with to the same extent as if such person was the registered owner thereof.

Marking of a small
ship.
Amended by:
XV. 2009.49.

22. (1) Every small ship registered under these regulations shall have a distinguished number and mark assigned to it and distinctly shown on the small ship in such manner as shall be directed by the Authority according to the class to which the small ship belongs. This distinguishing number and mark shall be the same as those shown on the certificate of registry.

Small fishing vessels shall carry such marks and numbers assigned thereto by the Department responsible for fisheries and aquaculture.

Passage boats shall carry their number with the letter "P" distinctly painted in black on a white band on each side of their stem.

Other small ships not referred to in the above paragraphs shall carry the letter "S" and the number assigned thereto.

(2) The person registered as owner of the small ship shall ensure that within thirty days of the date on which the registration of that small ship takes effect, there is clearly painted or affixed to an external surface of the small ship, or on such other part of the small ship which the Authority may approve, the number and mark of its registration, and that such markings are maintained in a good condition and renewed when necessary during the period of registration of the small ship.

(3) Unless the Authority directs otherwise:

- (a) the letters and numbers assigned to each small ship shall be at least 15.24 centimetres high and 7.6 centimetres wide with a space between each number or letter of not less than 2 centimetres; and
- (b) small ships owned by private individuals shall have their letters and numbers painted in black on a white background, whereas those used for hire shall be painted in white on a black background.

(4) The Authority may direct that the owners of small ships registered under the categories under these regulations shall display their registration number as well as any identification label issued by the Authority.

(5) Subject to the provisions of regulations 45 and 48, a small ship without such identification letters and numbers assigned to it shall be deemed to be an unregistered small ship and the Authority may, unless such small ship is marked within four days from being given notice, order that the small ship be removed and taken into custody. Such small ship will only be returned on payment of all expenses incurred by the Authority and upon production of proof of ownership to the satisfaction of the Authority.

23. Unless in possession of a valid certificate issued by a recognised classification society, the owner of a small ship which is used for trade or business shall, together with his application for registration or renewal of registration of such small ship, produce to the Authority a certificate of seaworthiness issued by a recognised surveyor confirming that the small ship is seaworthy and fit to be used for that specific trade or business.

Certificate of seaworthiness.
Amended by:
XV. 2009.49.

24. The Authority may revoke or suspend the registration of a small ship registered under these regulations if the owner of the small ship has contravened any laws or regulations which he is bound to obey being the owner of a registered small ship. If the registration of a small ship is suspended or revoked, the owner shall deposit with the Authority within two days the certificate of registry and the identification plates issued by the Authority.

Revocation or suspension of registration.
Amended by:
XV. 2009.49.

25. No person shall cause, suffer or permit any mechanically driven small ship to proceed at a speed in excess of ten knots -

Speed in harbours and bays.

- (a) inside any harbour; or
- (b) in any place within 300 metres of the foreshore of any

sandy beach; or

- (c) in any place within 200 metres of any other part of the foreshore:

Provided that a person may be exempted from observing the set speed limit in such area, on such occasions, for such periods and under such conditions as the Minister may determine.

General speed.

26. Saving any other provision of these regulations, no person shall cause, suffer or permit any mechanically driven small ship to proceed at a speed which, in the particular circumstances, would be dangerous to life or limb or likely to lead to a collision.

Bathing prohibited.

27. (1) No person shall bathe in any area which is beyond 20 metres of any part of the water's edge in any of the harbours specified in Part II of the Second Schedule.

(2) No person shall bathe from any ship moored in the Grand Harbour south-west of a line joining St. Angelo Point and Mgerbeb Point.

(3) Saving the provision of subregulation (2), no person shall bathe beyond 20 metres of any ship moored in the Grand Harbour or in Marsamxett Harbour.

Prohibition of water skiing in certain areas.

28. (1) No water skiing shall take place within 300 metres of the foreshore of any sandy beach, or within 200 metres of any other part of the foreshore, or in the approach to a port so declared under the provisions of the Act.

(2) Skiers shall take off at a distance of not less than 300 metres of the foreshore of any sandy beach, or of not less than 200 metres of any other part of the foreshore and clear of any ship, shipping approach to a harbour, slipway, landing or berth.

Nautical licence.

29. (1) No person shall drive any mechanically driven small ship, or tow any person for the purpose of water skiing, in the internal and territorial waters of Malta unless he is in possession of a nautical licence issued by the Authority, and is covered by a policy of insurance for an amount to be approved by the Authority which indemnifies such person, persons or classes of persons as may be authorised and covered by the policy against any liability which may be incurred by such persons or classes thereof in respect of physical death or injury or damage to third party property caused by or arising out of the use of the mechanically driven small ship, or under the specific conditions laid down in regulation 36.

(2) The Authority shall not issue a nautical licence unless the applicant is eighteen years old and is competent to drive a mechanically driven small ship.

(3) The Authority may attach to any nautical licence any such conditions as it may deem fit.

(4) For the purpose of this regulation, "mechanically driven small ship" means any mechanically driven small ship navigating in the internal and territorial waters of Malta registered according to regulation 3.

- 30.** (1) No person may act as an instructor in the driving of a mechanically driven small ship or in water skiing unless he is in possession of an instructor's nautical licence issued by the Authority.
- (2) The Authority shall not issue any such nautical licence unless the applicant is eighteen years old and is competent to give such instruction.
- (3) The Authority may attach to any such nautical licence any such conditions as it may deem fit.
- 31.** Any nautical licence issued by the Authority under regulation 29 or 30 shall bear the licensee's signature and shall contain the licensee's photograph.
- 32.** (1) No person shall run or operate a mechanically driven small ships' school or a water skiing school, or provide water skiing facilities, or hire any small ships, whether mechanically driven or not, to be driven by the hirer or otherwise, unless he is in possession of a licence for that purpose by the Authority.
- (2) The Authority shall not issue any such licence unless the applicant is eighteen years old and is capable to provide such service or facilities.
- (3) The Authority may attach to any such licence any such conditions as it may deem fit.
- (4) Any licence issued by the Authority under this regulation shall indicate thereon the registration number of all the small ships covered by the licence.
- (5) Any such licence shall be displayed in a conspicuous place in the premises used as office by the licensee.
- (6) The fees payable in respect of the licences to operate a water-skiing school or a small ship hire outlet and the licences for the hire or use of small ships issued in terms of this regulation shall be as established, from time to time, by the Authority.
- 33.** An application for any licence under these regulations shall be made on a form supplied for the purpose by the Authority and shall be completed with all the information as the Authority may require.
- 34.** (1) The Authority may at any time without assigning any reason therefor, suspend, cancel or revoke any licence granted or renewed by it under these regulations.
- (2) The Authority may at any time disallow the use of any small ship if such small ship is considered by it, in its absolute discretion, as not being seaworthy.
- 35.** Any person whose licence under these regulations has been suspended, cancelled or revoked by the Authority shall, within twenty-four hours of such suspension, cancellation or revocation, deliver his licence to the Authority.
- 36.** (1) No person shall hire or rent to any other person any

Instructor's
nautical licence.

Form of nautical
licence.

Water skiing
schools, etc.
*Amended by:
L.N. 317 of 2019.*

Contents of the
application for any
licence.

Revocation of
licence, etc.

Surrender of
licence.

Hire of small ships.

small ship for any purpose whatsoever unless the registration number of such small ship is entered on the hirer's licence.

(2) Any person licensed to hire small ships in terms of regulation 32 may not lease, hire or rent a mechanically driven small ship to, or for operation by, any person under eighteen years of age.

(3) All licensed operators must administer boating safety instructions in compliance with existing regulations to all persons hiring mechanically driven small ships who do not have a valid nautical licence.

(4) In addition, the licensee must supply to any person hiring a small ship in print, prior to rental:

- (a) the operational characteristics of the hired small ship, especially of a mechanically driven small ship;
- (b) the boating regulations peculiar to the area of rental; and
- (c) the common courtesies of operating a small ship, especially a mechanically driven small ship, on the water, and the effect on the environment and other water users.

Compliance with orders, etc.
Amended by:
XV. 2009.49.

37. The holder of any licence issued under these regulations shall comply with any instructions, orders or directives given from time to time by the Authority regarding:

- (a) the assurance of the safety of water skiers and of small ships;
- (b) the avoidance of collision at sea or undue interference with other users of the area; and
- (c) generally, the control, limitations, restrictions and safe operation or conduct of water skiing and navigation.

Observer during cruising.

38. No person shall drive or navigate a mechanically driven small ship at a skiing speed and having on tow a skier unless there is on such a mechanically driven small ship another person, being over eighteen years of age, who keeps constant supervision and observation of the skier.

Hire of small ships.

39. No person may hire any small ship except from a person licensed under regulation 32.

Register.

40. (1) Any person who holds a licence under regulation 32 shall keep a register showing the following information:

- (a) the date, and the time of departure and of arrival, of any mechanically driven small ship hired from him; and
- (b) the name and the nautical licence number, where applicable, of the driver of the mechanically driven small ship; or
- (c) the name, address and nautical licence number of the person hiring a mechanically driven small ship to be driven by the hirer, where applicable.

(2) Such hire shall only be made according to the provisions of regulation 36.

41. The owner of any small ship shall, if so required, give to any enforcement officer any information as is required by him to lead to the identification of the person who was driving or navigating such small ship during any particular time.

Information by owner of small ship.

42. Fees on initial registration and annual fees shall not be subject, unless the Authority directs otherwise, to abatement or refunds.

Abatement or refund of fees.
Amended by:
XV. 2009.49.

43. (1) Subject to the provisions of these regulations, it shall not be lawful for any person to use or to cause or allow any other person to use a mechanically driven small ship unless there is in force in relation to the user of the mechanically driven small ship by that person or that other person, as the case may be, such a policy of insurance in respect of third party-risks as complies with the requirements of regulation 5.

No insurance policy.

(2) It shall be presumed that there was not a policy of insurance in force in terms of subregulation (1) unless the person charged with an offence under subregulation (1) shall show the contrary through the production of a certificate of insurance as required under regulation 5.

(3) It shall be a valid defence, in the prosecution for an offence under subregulation (1), for the defendant to prove that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(4) If a person acts in contravention of this regulation he shall, on conviction, be liable:

- (a) in the case of a first offence, to a fine (*multa*) of not less than four thousand, six hundred and sixty euro (€4,660) but not exceeding six thousand, nine hundred and ninety euro (€6,990) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment;
- (b) in the case of a second offence, to a fine (*multa*) of not less than six thousand, nine hundred and ninety euro (€6,990) but not exceeding nine thousand, three hundred and twenty euro (€9,320) or to imprisonment for a term not exceeding nine months, or to both such fine and imprisonment; and
- (c) in the case of a third or subsequent offence, to a fine (*multa*) of not less than nine thousand, three hundred and twenty euro (€9,320) but not exceeding eleven thousand, six hundred and forty euro (€11,640) or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and
 - (i) where the offence consists in the use of a mechanically driven small ship by a person who is the owner of the mechanically driven small ship or an employee of, or a member of the

family of and living with, the owner of the mechanically driven small ship, the court shall, in addition to the punishments laid down in this sub-paragraph, order the forfeiture of the mechanically driven small ship;

- (ii) where the offence, as aforesaid, is committed by any other person, the court shall, in addition to the punishments laid down in this sub-paragraph, impose a further fine (*multa*) equivalent to the value of the mechanically driven small ship.

Forgery of licences
etc.

44. (1) No person shall deface or mutilate any licence, permit or certificate issued under these regulations, or alter or obliterate any entry made therein.

(2) Any person who, either by writing, drawing or in any other manner, alter, deface, mutilate or add anything to any licence, permit or certificate issued under these regulations, or uses any licence, permit or certificate which has been altered, defaced, mutilated or added to as aforesaid, shall be guilty of an offence.

(3) Any person who, with the intent to deceive, forges, alters, uses, produces or sends any document required under the provisions of these regulations, or makes a statement or declaration which he knows to be false, shall be guilty of an offence.

(4) Any person who makes use of a registration mark of a small ship other than that allotted by the Authority in relation to that particular small ship shall be guilty of an offence.

(5) A person who is found guilty of an offence under subregulations (1), (2), (3) and (4) shall be liable, on conviction, to a fine (*multa*) not exceeding four thousand, six hundred and sixty euro (€4,660), or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, unless a higher punishment is applicable under any other law, in which case the Court shall apply that other punishment or this punishment increased by one or two degrees, whichever the higher.

Special procedure
for certain
offences.

45. (1) Notwithstanding any other law providing for the trial and punishment of offences, where any person commits any of the offences set out in the first column of the Third Schedule, the following provisions of this regulation shall apply.

(2) An enforcement officer in whose opinion any such offence has been committed may stop the small ship used in the commission of the offence and take the details of the owner or driver of the small ship, of the small ship and of the offence.

(3) Ordinary proceedings will be taken in accordance with the provisions of the regulation 49 in respect of the offence in question and the offender, on conviction, shall be liable to the fines (*multa*) laid down in the second column to the Third Schedule.

(4) When ordinary proceedings are taken according to subregulation (3), the court shall also have the power to apply the provisions of regulation 47.

(5) The fines laid down in the second column to the Third Schedule are in addition to and not in derogation of the fines laid down in any other regulations in force or any other law.

(6) For the purpose of this regulation, "small ship" means any small ship navigating in the internal and territorial waters of Malta registered according to regulation 3.

46. Any person who fails to comply with or contravenes any of the provisions contained in these regulations, which is not specifically regulated by regulations 43, 44 and 45, shall be guilty of an offence under these regulations and shall be liable to the penalties laid down in Part V of the Act.

Other offences.

47. (1) A person convicted of an offence under regulations 43, 44, 45 and 46 shall, unless the court for special reasons deems fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified from holding or obtaining any licence, and, or certificate, and, or any other permit issued by the Authority, whether under these regulations or not, for a period of twelve months from the date of the conviction:

Cancellation of a licence etc. or disqualification from holding or obtaining a licence etc.

Provided that if the execution of the judgement ordering the conviction is stayed in view of the declared intention of the person convicted to enter an appeal against such judgement, the period of disqualification shall commence to run:

- (a) if it is confirmed or reduced by the judgement of the Court of Criminal Appeal, from the date of such judgement;
- (b) if an application of appeal is not filed within the time established by law, from the next day following the day on which such time expires; and
- (c) if the appeal is withdrawn by note, from the day when such note is filed in the court or, if the appeal is otherwise abandoned after the filing of application of appeal, from such day as the Court of Criminal Appeal shall, on application of the Commissioner of Police or of the Authority, establish.

(2) The court shall also have the power to order the cancellation of any licence and, or certificate, and, or any other permit issued by the Authority, in the case of a second or subsequent conviction for an offence under regulations 43, 44, 45 and 46.

48. (1) An enforcement officer shall have the power to order the removal of a small ship from water and taken back to land and left there for any period he deems fit in any case where there is any non-observance of the provisions of these regulations.

Power of the enforcement officer to seize a small ship etc.

(2) The enforcement officer shall also have the power to seize any small ship where there is any serious breach of these regulations.

(3) If a small ship is seized according to subregulation (2), it shall remain seized until the offender has complied with the

provisions of these regulations and regularised his position.

(4) The removal of a small ship from water, the transportation to a warehouse or another place and the warehousing or keeping in such other place during the period of seizure shall be at the risk and expense of the owner of the small ship.

(5) The seizure of a small ship according to the provisions of this regulation is without prejudice to any other fines or proceedings laid down in these regulations for the same offence.

(6) For the purposes of this regulation, cases of serious breach of these regulations are:

- (a) when the small ship is not registered or without any markings of registration according to the provisions of regulation 3;
- (b) when there is not in force a policy of insurance according to the provisions of regulation 5;
- (c) when the owner or driver of the small ship does not hold a nautical licence according to the provisions of regulation 29;
- (d) when the instructor in the driving of a mechanically driven small ship or in water skiing does not hold an instructor's nautical licence according to the provisions of regulation 30;
- (e) when the operator of a mechanically driven small ships' school or a water skiing school or who provides water skiing facilities or hires any small ships is not in possession of a licence according to the dispositions of regulation 32; and
- (f) when there is the forgery of any document according to the provisions of regulation 44.

(7) For the purpose of this regulation, "small ship" means any small ship navigating in the internal and territorial waters of Malta registered according to regulation 3.

Proceedings before the Court of Magistrates.

Cap. 9.

Rights and powers.

Regulations not in derogation of any other legislative provisions.

Repeal of L.N. 129 of 2001.

Saving.

49. Proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

50. Nothing in these regulations shall abrogate or prejudice any of the rights and powers conferred on the Authority.

51. The provisions contained in these regulations are in addition to and not in derogation of the provisions of any other regulations in force or any other law.

52. (*Omitted under Act IX of 1980*).

53. Any obligation, liability, penalty or punishment incurred under the Small Ships Regulations, 2001 *, or in connection with

*Revoked by these regulations.

any breach of the provisions of those regulations, or any proceedings or remedy relating to any such obligation, liability, penalty or punishment, shall not be affected by such repeal.

54. All certificates, licences and permits issued under the Small Ships Regulations, 2001* shall remain in force and valid as if they were issued under these regulations until their term of validity expires.

Transitory
provision.

*Revoked by these regulations.

Substituted by:
L.N. 57 of 2010.

FIRST SCHEDULE
(Regulation 12)

1.	For the registration of a small ship:	
	(a) where the small ship has no engines	NIL
	where the small ship has an engine or engines with a combined power:	
	(b) not exceeding 9.9 H.P.	€50.00
	(c) exceeding 9.9 H.P. but not exceeding 25 H.P.	€50.00
	(d) exceeding 25 H.P. but not exceeding 50 H.P.	€50.00
	(e) exceeding 50 H.P. but not exceeding 75 H.P.	€50.00
	(f) exceeding 75 H.P. but not exceeding 150 H.P.	€50.00
	(g) exceeding 150 H.P.	€50.00
	For the initial registration of other small ships:	
	Small fishing ships registered with the Department responsible for fisheries and aquaculture	NIL
2.	For the annual renewal, or as otherwise indicated, of registration of any small ships:	
	(a) where the small ship has no engines (not exceeding 3.65 metres in length overall)	NIL
	(b) where the small ship has no engines (of and exceeding 3.65 metres in length overall), every five years	€10.00
	where the small ship has an engine or engines with a combined power:	
	(c) not exceeding 9.9 H.P., every five years	€10.00
	(d) exceeding 9.9 H.P. but not exceeding 25 H.P.	€20.00
	(e) exceeding 25 H.P. but not exceeding 50 H.P.	€30.00
	(f) exceeding 50 H.P. but not exceeding 75 H.P.	€80.00
	(g) exceeding 75 H.P. but not exceeding 150 H.P.	€100.00
	(h) exceeding 150 H.P.	€140.00
3.	For any change in the registered details and any reprint of a certificate, licence or permit	€10.00
4.	For the issue of a nautical licence to drive a mechanically driven small ship	€23.29
5.	For the issue of a nautical licence to act as a skiing instructor	€69.88

SECOND SCHEDULE

(Regulation 2)

PART I

Harbours

Malta

1. Grand Harbour
2. Marsamxett Harbour
3. That part of St. Julians Bay to the West of a line drawn from Hotel Cavalieri to the entrance of College Street, St. Julians
4. St. George's Bay, St. Julians
5. Pretty Bay, Birzebbugia
6. St. George's Bay, Birzebbugia

Gozo

1. Xlendi Bay
2. Marsalforn Bay
3. M[arr Harbour

PART II

Harbours

1. Grand Harbour
2. Marsamxett Harbour

THIRD SCHEDULE

(Regulation 45)

*Amended by:
L.N. 57 of 2010.*

First Column

Second
Column

Offence

Fine

Where a small ship is moored, berthed, being launched or driven:

If the small ship is not registered	€500
If the registration of a small ship not renewed	€300
If the small ship does not bear any registration markings	€300
If the registration markings of a small ship have been altered, defaced, mutilated or added to	€500
If the registration markings of a small ship are not in conformity with the specific conditions laid down in these regulations	€200
If the registration markings of a small ship are not distinctly shown or are obstructed from clear view, or are not easily decipherable or legible	€200

Using a small ship not in accordance with any specific condition laid down in the certificate of registration	€200
Engine or engines of a small ship not registered	€300
Overloading of the number of passengers that the small ship is permitted to carry	€300
Navigating with excessive speed in any harbour; in any place within 300m of the foreshore of any sandy beach; or in any place within 200m of any other part of the foreshore	€600
Operating a small ship under the influence of alcohol	€1,000
Operating a small ship in a negligent, and/or reckless, and/or dangerous, and/or abusive manner likely to cause injury or damage	€600
Navigating at skiing speed and having on tow a skier without the presence of another person over eighteen years keeping constant supervision and observation of the skier	€500
Entering, navigating, berthing, mooring, drifting, stopping or waiting in a prohibited area	€300
Water skiing in a prohibited area	€1,000
Mooring with the swimmers' zones marker buoys, ropes and ancillary tackle	€200
Emitting excessive exhaust smoke or spilling oil, fuel or other polluting substance	€200
Obstruction of launching lanes and their vicinity	€100
Operating a mechanically driven small ship without holding a nautical licence or an instructor's nautical licence	€500
Nautical licence or an instructor's nautical licence not renewed	€300
Operators of a mechanically driven small ships' school or a water skiing school or who provides water skiing facilities or hires any small ships is not in possession of a licence	€2,000
