

I assent.

(L.S.)

GUIDO DE MARCO
President

4th August, 2000

ACT No. XXII of 2000

AN ACT to amend the Merchant Shipping Act, Cap. 234.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled and by the authority of the same, as follows: –

1. (1) This Act may be cited as the Merchant Shipping (Amendment) Act, 2000 and shall be read and construed as one with the Merchant Shipping Act, hereinafter referred to as “the principal Act”. Short title and commencement.
Cap. 234.

(2) This Act shall come into force on such date as the Minister responsible for shipping may, by notice in the Gazette, appoint, and different dates may be so appointed for different provisions and different purposes thereof.

2. Wherever the word “liri” appears in the principal Act, other than in sections 337 and 346 and in the Schedules thereto, there shall be substituted the word “units”. General amendment
of the principal Act.

3. In the definition of “Registrar-General” in section 2 of the principal Act, for the words “Act;” there shall be substituted the words “Act, and includes any person acting under his authority;”. Amendment of
section 2 of the
principal Act.

4. Section 3 of the principal Act, shall be amended as follows: Amendment of
section 3 of the
principal Act.

(a) subsection (2) thereof shall be amended as follows:

(i) for the words from “and ships not exceeding twenty-four metres” to the words “on the coasts of Malta”, there shall be substituted the words “not exceeding twenty-four metres in length”; and

(ii) immediately at the end thereof there shall be added the following proviso:

“Provided that ships of a length of six metres or over not employed solely in navigation on the coasts of Malta shall not be exempted from registry.”;

(b) for subsection (6) thereof there shall be substituted the following:

“(6) The requirements of this Act –

(a) relating to survey and safety of ships already built, and

(b) relating to the declaration of ownership of a ship under construction where the builders thereof have not yet affected delivery to the owners,

shall be suspended under such conditions as the Registrar-General may impose, until the construction or equipping of the ship is completed or until delivery has been made, as the case may be.”; and

(c) immediately after subsection (7) thereof there shall be added the following new subsection:

“(8) No ship shall be registered otherwise than by or with the express permission of the Registrar-General if the completion of her first construction occurred more than twenty-five years before the commencement of the year in which application for registration is first made under this Act, and the Registrar-General may allow the registration, or refuse to allow the registration of, any such ship:

Provided that the Minister may, in any case, direct the Registrar-General, not to register any ship irrespective of its age in respect of which an application for registration has been made, if in the Minister’s opinion it would be detrimental to the national interest of Malta or the interest of Maltese shipping for the ship to be registered.”.

5. Section 4 of the principal Act, shall be amended as follows: Amendment of section 4 of the principal Act.

(a) immediately after paragraph (b) of subsection (1) thereof, there shall be added the following new paragraph:

“(c) such other persons as the Minister may, by regulations, prescribe;”;

(b) subsections (2) and (3) thereof shall be renumbered as subsections (3) and (4) thereof;

(c) immediately after subsection (1) thereof, there shall be added the following new subsection:

“(2) Notwithstanding the provisions of this section, regulations made under paragraph (c) of subsection (1) of this section may, in particular –

(a) prescribe the extent of the ownership of a ship or class of ships eligible to be registered under this Act; and

(b) prescribe other conditions in conjunction with the requisite ownership for ships eligible to be registered under this Act.”; and

(d) subsection (3) thereof as renumbered shall be deleted and substituted by the following new subsection:

“(3) A body corporate shall be deemed to satisfy the Minister as required by paragraph (b) of subsection (1) of this section unless the Minister has made a declaration to the contrary; and the Minister may, before withdrawing such declaration, impose such conditions as he may deem fit in the circumstances that may include the provision of a guarantee or a bond.”.

6. Subsection (3) of section 7 of the principal Act, shall be amended as follows: Amendment of section 7 of the principal Act.

(a) for the words “and should the certificate of registry be delivered” in the proviso thereof there shall be substituted the words “and should a certificate of registry or a deletion certificate be delivered”; and

(b) immediately after the proviso thereof, there shall be added the following new proviso:

“Provided further that should a deletion certificate be issued on closure of registry in terms of section 28A of this Act, no registry fees shall be payable on the issue of such a deletion certificate.”.

Amendment of
section 10 of the
principal Act.

7. In section 10 of the principal Act, the words “shall contain such information and details” shall be deleted and substituted by the words “shall contain such information, details and documents”.

Amendment of
section 12 of the
principal Act.

8. Section 12 of the principal Act, shall be amended as follows:

(a) immediately after the words “the registrar may” there shall be inserted the words “, subject to such conditions as he may deem proper,”; and

(b) immediately after the proviso to paragraph (b) thereof, there shall be inserted the following new proviso:

“Provided further that, notwithstanding the provisions of this section, the registrar may, prior to the provisional registration of a ship, require such ship to be inspected by an appropriate inspector or a surveyor of ships.”.

Amendment of
section 13 of the
principal Act.

9. Section 13 of the principal Act shall be amended as follows:

(a) subsection (1) thereof shall be amended as follows:

(i) the words “another period of one month,” shall be deleted and substituted by the words “another period of two months,”;

(ii) in the proviso to paragraph (b) thereof the words “subsequent to a court order in Malta in sale by auction of the ship, or any other order of that court,” shall be deleted; and

(iii) paragraphs (c) and (d) thereof shall be deleted; and

(b) subsection (2) thereof shall be amended as follows:

(i) the words “another period of three months,” shall be deleted and substituted by the words “a further period of, or further periods not exceeding in the aggregate, six months,”;

(ii) paragraphs (a), (b), (c) and (d) thereof shall be deleted and substituted by the following new paragraphs:

“(a) proof that the ship has been issued with such valid certificates required by international conventions (including protocols, annexes and appendices thereto) which have been ratified or acceded to or accepted by the Government of Malta;

(b) certificate of survey issued in terms of section 14 of this Act and a copy of the tonnage measurement certificate:

Provided that the Registrar-General may, subject to such conditions as he may deem proper, in case of a ship which is being built, rebuilt or equipped, exempt such ship from the requirements of this paragraph for a period of one year extendable for good reason for another period of one year; and”; and

(iii) paragraph (e) thereof shall renumbered as paragraph (c).

10. In subsection (1) of section 16 of the principal Act, for the words “All ships” there shall be substituted the words “Saving any provision with regard to ships being built, rebuilt or equipped, all ships”. Amendment of section 16 of the principal Act.

11. For the words “the builder’s certificate, any bill of sale previously made” in section 18 of the principal Act, there shall be substituted the words “a copy of the builder’s certificate, a copy of the last bill of sale previously made”. Amendment of section 18 of the principal Act.

12. Immediately after section 18 of the principal Act, there shall be added the following new section: Addition of new section 18A to the principal Act.

“Ship’s
managing
owner to be
registered.

18A. (1) The registrar may require such particulars, as he may deem proper, of the managing owner for the time being of a ship registered under this Act, to be registered with him.

(2) Where there is not a managing owner, there shall be registered the particulars of such other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose particulars are so registered shall, for the purposes of this Act, be under the same obligations and subject to the same liabilities in respect of any act performed or omitted to be performed by him as if

such act were performed or omitted to be performed by the managing owner.”.

Amendment of
section 19 of the
principal Act.

13. Section 19 of the principal Act, shall be amended as follows:

(a) the words “safety and load line certificates” in the first proviso to subsection (1) thereof shall be deleted and substituted by the words “certificates required by international conventions (including protocols, annexes and appendices thereto) which have been ratified or acceded to or accepted by the Government of Malta”;

(b) the words “safety and load line certificates” in the first proviso to subsection (2) thereof shall be deleted and substituted by the words “certificates required by international conventions (including protocols, annexes and appendices thereto) which have been ratified or acceded to or accepted by the Government of Malta”;

(c) immediately after the words “non-operational certificate” in the second proviso to subsection (2) thereof, there shall be inserted the words “of registry”;

(d) immediately after the words “a renewal certificate” in subsection (4) thereof, there shall be inserted the words “of registry”; and

(e) the words “shall include her particulars entered in the register” in subsection (6) thereof shall be deleted and substituted by the words “shall include the name and official number of the vessel and such particulars, if any, as the registrar may deem proper”.

Addition of new
section 19A to the
principal Act.

14. Immediately after section 19 of the principal Act, there shall be added the following new section:

“Certificate
of registry in
the name of
the charterer.

19A. Where a ship registered under this Part of this Act is being operated under charter in any year in respect of which the charterer shall have paid to a registrar an amount equal to the annual registration fee for that year in addition to that paid by the owner, and such ship is not bareboat charter registered in a foreign registry, the Registrar-General, on submission of an application made by such charterer accompanied by a copy of the charter agreement and the consent in writing of the owners of the ship and all registered mortgagees may, subject to such conditions as he may deem

proper, authorise the issue of a certificate of registry, whether provisional or otherwise, in the name of such charterer instead of in the name of the registered owner. The copy of the charter agreement presented with the application shall not be available for public inspection.”.

15. For the words “a court order in a sale by auction of such a ship or pursuant to any other court order.” in the proviso to subsection (1) of section 26 of the principal Act, there shall be substituted the words “an order or with the approval of a competent court.”.

Amendment of section 26 of the principal Act.

16. Immediately after section 26 of the principal Act, there shall be added the following new section:

Addition of new section 26A to the principal Act.

“Suspension of certificate of registry. **26A.** Where under any of the provisions of this Act a certificate of registry of a Maltese ship, whether provisional or otherwise, is suspended, the person by whom the suspension is made shall give to, or cause to be served on, the master or the owner of the ship a written notice of the suspension, and thereupon the ship shall not proceed to sea and the master shall forthwith deliver up the certificate of registry to the registrar or a Maltese consular officer.”.

17. Immediately after section 26A of the principal Act, there shall be added the following new section:

Addition of new section 26B to the principal Act.

“Non-operational certificate of registry. **26B.** Where under any of the provisions of this Act a non-operational certificate of registry, whether provisional or otherwise, is issued, the ship shall not proceed to sea.”.

18. Immediately after section 26B of the principal Act, there shall be added the following new section:

Addition of new section 26C to the principal Act.

“Penalties. **26C.** If any person sends or attempts to send, or is a party to sending or attempting to send, a ship to sea in contravention of the provisions of sections 26A and 26B of this Act, he shall be liable in respect of each offence to imprisonment for a period not exceeding two years or to a fine (*multa*) not exceeding one thousand units or to both such imprisonment and fine (*multa*).”.

19. Section 27 of the principal Act shall be deleted and substituted by the following new section:

Substitution of section 27 of the principal Act.

“Validity of certificate of registry. **27.** (1) A certificate of registry, whether provisional or otherwise, shall cease to have effect:

- (a) on the expiry of its validity date;
- (b) on its suspension in accordance with the provisions of this Act;
- (c) on its substitution by another certificate issued in accordance with the provisions of this Act; or
- (d) on closure of registry in accordance with the provisions of this Act.

(2) Subject to the provisions of this Act, upon a certificate of registry, whether provisional or otherwise, ceasing to have effect the owner or the master shall forthwith forward this certificate to the registrar or, in case a certificate is suspended in terms of section 26A of this Act, to the registrar or a Maltese consular officer.

(3) If any such person as aforesaid fails without reasonable cause to deliver up the certificate as required by this section, he shall be liable to a fine (*multa*) of one hundred units.”.

Amendment of section 28 of the principal Act.

20. For subsection (2) of section 28 of the principal Act there shall be substituted the following:

“(2) The registrar may refuse such application if all liabilities and obligations in respect of the ship towards the Authority, the Government of Malta and any body corporate established by law, whether for fees, charges, fines or otherwise have not been paid, and shall refuse such application unless the consent in writing of all mortgagees whose mortgage is duly registered in respect of the ship is produced to him.”.

Addition of new section 28A to the principal Act.

21. Immediately after section 28 of the principal Act, there shall be added the following new section:

“Closure of registry on sale of ship pursuant to court sale or sale by mortgagee in possession.

28A. Where the purchaser of a ship is not a person who is qualified to own a Maltese ship under this Act, upon obtaining knowledge or on being given notice of such a fact and –

- (a) in the case of a sale pursuant to an order or with the approval of a competent court, upon receiving copies of the proceedings of the sale certified to his satisfaction, or

(b) in the case of a sale by a mortgagee in possession pursuant to paragraph (b) of subsection (1) of section 42 of this Act, upon the production of a copy of the bill of sale certified to his satisfaction,

the registrar shall make an entry thereof in the register and the register of the ship shall be considered as closed except in so far as relates to any unsatisfied mortgages entered therein.”.

22. Section 29 of the principal Act, shall be deleted and substituted by the following new section:

Substitution of section 29 of the principal Act.

“Power to order or direct closure of registry.

29. (1) The Minister may order that a ship shall cease to be registered if it is in the national interest or in the interest of Maltese shipping.

(2) The Registrar-General may direct that a ship shall cease to be registered in the following cases:

(a) if the annual fee has not been duly paid in accordance with this Act;

(b) if the formalities specified in section 13 of this Act are not complied with within the maximum periods therein specified;

(c) if in the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing, whether by reason of a transfer to persons not qualified to own a Maltese ship or for any other reason, to be a Maltese ship;

(d) if the owner fails to observe the provisions of this Act;

(e) if it is established that the ship will not or cannot be registered under this Act;

(f) if, where required, any conditions established by the Minister in accordance with subsection (4) of section 4 of this Act are not observed for a period in excess of one month;

(g) if the owner fails to pay any fine imposed under this Act, or fails to pay any penalty within one month of their being demanded in writing by the registrar; or

(h) if the owner fails to be in possession of a valid certificate of registry, whether provisional or otherwise, for a period in excess of one month.

(3) Prior to the issue of any such order or directive the registrar shall give one month's notice in writing to the registered owner and any registered mortgagee of the intention of closure of registry unless the cause for such closure is remedied. The registrar shall specify in the notice the reason for closure and the expiry date for compliance failing which closure will be effected.

(4) Upon the issue of any notice in terms of subsection (3) of this section the registrar shall make a note thereof in the register and shall record the date on which the one month period shall lapse.

(5) Upon the lapse of the said one month from the giving of notice and upon receipt of the order from the Minister or the directive from the Registrar-General, as the case may be, the registrar shall make an entry thereof in the register and thereupon the ship shall cease to be a Maltese ship and the registry of the ship shall be considered as closed except so far as relates to any unsatisfied mortgages or privileges entered therein, and the mortgagees shall have the right to demand the immediate sale of the ship or share therein as if the debtor had not adhered to all the conditions under which the credit was granted.”.

Amendment of
section 30 of the
principal Act.

23. Subsection (1) of section 30 of the principal Act, shall be deleted and substituted by the following new section:

“Deletion
certificate.

30. (1) When the registry of a ship, whether provisional or otherwise, has been closed, the registrar shall, upon request of the registered owner or, when the registry of a ship has been closed in terms of section 28A of this Act upon request of the purchaser, issue a deletion certificate:

Provided that the registrar may refuse to issue such certificate if all liabilities and obligations in respect of the ship towards the Authority, the Government of Malta and any body corporate established by law, whether for fees, charges, fines or otherwise have not been paid or if any certificate of registry, whether provisional or otherwise, has not been surrendered to him.”.

24. For the words “a court order in a sale by auction of such a ship or pursuant to any other court order.” in subsection (3) of section 32 of the principal Act, there shall be substituted the words “an order or with the approval of a competent court.”.

Amendment of
section 32 of the
principal Act.

25. Section 37 of the principal Act, shall be deleted and substituted by the following new section:

Substitution of
section 37 of the
principal Act.

“Power of
court to
prohibit
transfer.

37. (1) The Civil Court, First Hall, may, if it thinks fit (and without prejudice to the exercise of any other power of the court), on a demand by writ of summons of a person claiming a right in or over a ship make an order prohibiting for a specified time, which shall in no case be of more than a year, any dealing with a ship or any share therein, and the court may make the order on any terms and conditions it thinks just, subject to any other provision of this Act, including, without prejudice to the generality of the above, the imposition of an obligation to provide appropriate security, for damages, interests and costs, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every registrar, without being made a party to the proceedings, shall on being served with, or given notice of, the order obey the same and shall enter a note thereof and the relevant expiry date in the register of the ship.

(2) The writ of summons shall, on pain of nullity, indicate a sum in Maltese or foreign currency which shall, for the purposes of this section, be deemed to be the amount of the claim.

(3) The Court shall not issue an order in terms of subsection (1) hereof and shall discharge any such order when made, if it is satisfied that the rights of the plaintiff are already otherwise secured.

(4) Where the respondent either deposits in court the amount of the claim in the currency indicated therein or gives security, satisfactory to the court, for such claim, the court shall not issue the order or where the court has issued the order, it shall revoke the same with respect to the ship or the share therein, and the provisions of this section shall thereupon be applicable with respect to the amount so deposited or the security so given as the case may be.

(5) The Court shall appoint the writ for hearing within twenty days of its filing; moreover the court may, on the application of the plaintiff make a provisional order prohibiting any such dealings until the court decides definitely on the merits of the writ or until the court shall have revoked the provisional order.

(6) If the order, other than a provisional order, is issued in order to secure a claim which has not yet been judicially verified, unless proceedings on the merits of the claim are already pending, whether in a Maltese court or any other competent court or in arbitration, the plaintiff obtaining such order shall be obliged to prosecute such claim, in Malta or in any other competent court or in arbitration, within eight working days of the issue of the definite order failing which the court issuing the order shall, on the application of the owner, or any other interested party, revoke the same; and where the court has issued a provisional order, the plaintiff shall be obliged to prosecute the claim within thirty days of the issue of the provisional order or eight days of the definite order, whichever is the earlier.

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(7) Notwithstanding any provision of the Code of Organization and Civil Procedure, an order given as aforesaid, even if provisional, shall be immediately enforceable.

(8) Any order issued hereunder may be extended by the Court on the application of the plaintiff for a further period or periods each of not more than one year; provided that the applicant confirms that the order is still required and the application is filed at least thirty days prior to the lapse of the then current term of the order. Upon such application the court shall thereupon extend such order and such extension shall be notified to the defendant and shall be served on the registrar who shall enter the new expiry date in the register of the ship.

(9) An order issued in terms of this section shall not affect:

(a) the rights of the holder of any mortgage registered over the ship or recognised in terms of this Act, including the rights specified in section 42 of this Act;

(b) the ability of the registrar to delete a ship or to issue any deletion certificate thereof pursuant to any provision of this Act other than on the request of the owner in terms of section 28 of this Act;

(c) the sale of the ship pursuant to an order or with the approval of a competent court within whose jurisdiction the ship was at the time of the sale;

(d) the bareboat charter registration of the ship in a foreign registry pursuant to the provisions of Part IIA of this Act.

(10) For the purposes of this section:

(a) a right in or over a ship or a part thereof shall be a claim based on:

(i) a right of ownership; or

(ii) secured by a mortgage; or

(iii) secured by a registered encumbrance;

or

(iv) secured by a privilege or a lien over the ship arising by operation of Maltese law or the law applicable to the claim; or

(v) any other claim which gives rise to a claim *in rem* against a vessel under Maltese law;

(b) a discharge of or an amendment for the purpose of reducing the amount secured by a mortgage shall not be deemed to constitute a dealing with a ship or share therein;

(c) a guarantee by a Maltese bank or by a foreign bank of repute in the currency of the claim shall qualify as satisfactory security; provided that in the event that such guarantee is deposited in the registry of the courts, the foreign bank issuing the guarantee shall unconditionally submit to the jurisdiction of the Maltese

courts in so far as its obligations under the guarantee are concerned.”.

Amendment of
section 37D of the
principal Act.

26. Section 37D of the principal Act, shall be amended as follows:

(a) subsection (1) thereof shall be amended as follows:

(i) for the words “a court order in the sale by auction of the ship, by a competent court” in the second proviso thereof there shall be substituted the words “an order or with the approval of a competent court”;

(ii) immediately after the words “the interest of the mortgagees” in the second proviso thereof there shall be inserted the words “as well as of any other creditor”;

(iii) the words “, and where in any such case the purchaser is not a person who is qualified to own a Maltese ship, upon obtaining knowledge or being given notice of such a fact and upon receiving copies of the proceedings of the sale, certified to his satisfaction, the registrar shall make an entry thereof in the register and the register of the vessel shall be considered as closed except in so far as relates to any unsatisfied mortgages entered therein” in the second proviso thereof shall be deleted; and

(iv) immediately after the second proviso thereof there shall be inserted the following new proviso:

“Provided further that where a ship has been sold by a mortgagee in possession pursuant to his rights in terms of paragraph (b) of subsection (1) of section 42 of this Act and it is stated in the bill of sale that the ship is being sold free from such encumbrance, then the rights arising from such registered mortgage shall no longer be exercisable in relation to that ship.”; and

(b) subsection (3) thereof shall be amended as follows:

(i) for the words “judicial sale” there shall be substituted the words “sale made pursuant to an order or with the approval of a competent court”;

(ii) immediately after the words “date of the registration” there shall be inserted the words “, recording or annotation”; and

(iii) immediately after the words “in the registry to which the ship belongs” there shall be inserted the words “or where no such registration, recording or annotation are entered in that registry from the date of closure of the register of the ship in such registry subsequent to such voluntary sale”.

27. Section 38 of the principal Act, shall be amended as follows: Amendment of section 38 of the principal Act.

(a) subsection (1) thereof shall be amended as follows:

(i) for the words “a loan or other debt” there shall be substituted the words “any debt or other obligation”; and

(ii) immediately after the words “executed by the mortgagor” there shall be inserted the words “in favour of the mortgagee”;

(b) subsection (2) shall be renumbered as subsection (3) thereof;

(c) immediately after subsection (1) thereof there shall be added the following new subsection:

“(2) A mortgage is indivisible notwithstanding the divisibility of the underlying debt or other obligation which it may secure.”; and

(d) immediately after subsection (3) thereof as renumbered there shall be added the following new subsections:

“(4) It shall be lawful for a mortgage to be executed and registered in favour of a security trustee appointed or acting under a trust for the benefit of persons to whom a debt or other obligation is due. Such security trustee shall, in any such case, be recognised as the mortgagee of the particular mortgage and shall be entitled to exercise all the rights in relation to that mortgage as are accorded to mortgagees by this Act or any other enactment.

(5) A mortgage registered under this Act may be drawn up to secure the payment of a principal sum and interest, an account current, as well as the performance of any other obligation. It shall not be necessary to indicate the monetary value of the indebtedness in the mortgage.

(6) For the purposes of this Act, the term “account current” means any indebtedness of a mortgagor in favour of a mortgagee arising and determinable in accordance with an underlying obligation and all the provisions of the Commercial Code relative to the contract of account current including the provisions of section 264 thereof shall not apply thereto unless expressly agreed to by the parties.”.

Amendment of
section 39 of the
principal Act.

28. Immediately after subsection (3) of section 39 of the principal Act, there shall be added the following new proviso:

“Provided that where such further mortgage is executed in favour of an existing mortgagee, no such consent shall be required from such mortgagee.”.

Amendment of
section 41 of the
principal Act.

29. Section 41 of the principal Act, shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) immediately after the words “according to the date” in subsection (1) thereof as renumbered there shall be inserted the words “and the time”; and

(c) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

“(2) Notwithstanding the provisions of subsection (1) of this section, it shall be lawful for any registered mortgagee in respect of a ship or share therein by instrument in writing to agree to waive or otherwise postpone his rights under the mortgage, and on the production to him of a demand or consent in writing by such mortgagee the registrar shall cause a note to be entered in the register of the particular ship to the effect that the rights of the said mortgagee have been waived or postponed as the case may be, and shall record such waiver or postponement in the register:

Provided that such waiver or postponement shall not affect third parties unless such annotation has been entered in the register.”.

Amendment of
section 42 of the
principal Act.

30. In subsection (1) of section 42 of the principal Act, immediately after the words “any term or condition of a registered mortgage” there shall be inserted the words “or of any document or agreement referred to therein”.

31. Section 44 of the principal Act, shall be amended as follows: Amendment of section 44 of the principal Act.

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

Cap. 16. “(2) For the purposes of section 1471 of the Civil Code, registration of the instrument of transfer of a registered mortgage of a ship or share made by the registrar in the register of that ship in terms of the provisions of this section shall be deemed to constitute due notice of the assignment of such mortgage to the mortgagor.”.

32. Immediately after section 44 of the principal Act, there shall be added the following new section: Addition of new section 44A to the principal Act.

“Assignment of part of a debt or other obligation.

44A. (1) It shall be lawful for the assignee of part of a debt or other obligation secured by a registered mortgage of a ship or share to demand that the assignment be entered in the registry of the particular ship for the part so assigned and the registrar shall, upon the production to him of the relative instrument of transfer together with the mortgage to which it relates, forthwith proceed to record such partial assignment by entering in the register the name of the assignee as co-mortgagee of the ship or share, and shall by memorandum under his hand notify on the mortgage that such assignment has been recorded by him, stating the day and hour of the record.

(2) The provisions of subsection (2) of section 44 of this Act shall be applicable *mutatis mutandis* to the assignments contemplated in subsection (1) of this section.”.

33. Section 45A of the principal Act, shall be amended as follows: Amendment of section 45A of the principal Act.

(a) subsection (2) thereof shall be deleted and substituted by the following new subsection:

“(2) Subject to the provisions of this section, an amendment of a mortgage may be effected for any purpose.”;

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

“(3) Without prejudice to the generality of the foregoing, and subject always to the provisions of subsections (4), (5) and (6) of this section, an amendment of a mortgage shall be effected for any one or more of the following purposes:

(a) to increase the amount secured by such mortgage; and

(b) to extend such mortgage to secure any other obligation of the mortgagor, whether as principal or as surety for any other person, in favour of the mortgagee.”;

and

(c) the present subsections (3), (4) and (5) shall be renumbered as subsections (4), (5) and (6) thereof.

Amendment of
section 50 of the
principal Act.

34. Paragraph (h) of section 50 of the principal Act, shall be deleted and substituted by the following new paragraph:

“(h) wages and other sums due to the master, officers and other members of the vessel’s complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;”.

Amendment of
section 52 of the
principal Act.

35. Immediately after subsection (4) of section 52 of the principal Act, there shall be added the following new subsection:

“(5) The provisions of sections 44, 45, 45A and 48 of this Act shall *mutatis mutandis* apply in respect of the aforementioned privilege and right of recovery of the seller with regard to ships registered under Part II of this Act.”.

Amendment of
section 54 of the
principal Act.

36. Immediately after subsection (5) of section 54 of the principal Act, there shall be added the following new subsection:

“(6) For the purposes of this section, the creditor upon a demand by judicial letter served upon him by any person interested in the ship, shall be obliged to declare the amount of his claim by judicial act to be filed within a period of two days from the date of notification to him of the aforesaid demand failing which he shall be obliged to release the ship forthwith.”.

Amendment of
section 54A of the
principal Act.

37. In subsection (3) of section 54A of the principal Act, the words “and (p) of section 50 of this Act.” shall be deleted and substituted

by the words “and (p) of section 50 of this Act and in preference to other hypothecary and privileged claims.”.

38. For the words “on her bows and stern.” in subsection (4) of section 56 of the principal Act there shall be substituted the words “on her bows and stern and the Registrar-General shall forthwith proceed to notify in writing any registered mortgagee of the alteration in the register.”.

Amendment of section 56 of the principal Act.

39. Paragraph (a) of subsection (1) of section 84C of the principal Act shall be deleted and substituted by the following new paragraph:

Amendment of section 84C of the principal Act.

“(a) the ship is bareboat chartered to a citizen of Malta, or to bodies corporate or such other persons qualified to own a Maltese ship in terms of section 4 of this Act;”.

40. Immediately after the words “23 June, 1969” in the proviso to section 84D of the principal Act, there shall be inserted the words “(including any protocol or amendment to such convention ratified, acceded to or accepted by the Government of Malta)”.

Amendment of section 84D of the principal Act.

41. Section 84F of the principal Act, shall be amended as follows:

Amendment of section 84F of the principal Act.

(a) paragraph (c) of subsection (1) thereof shall be deleted and substituted by the following new paragraph:

“(c) issue a provisional certificate of bareboat charter registry or a certificate of bareboat charter registry, as the case may be, which shall include the expiry date thereof, the name and official number of the ship, the name of the home port Valletta and such particulars, if any, as the registrar may deem proper:

Provided that, unless otherwise exempted, if the ship is not in possession of valid certificates required by international conventions (including protocols, annexes and appendices thereto) which have been ratified or acceded to or accepted by the Government of Malta and such other certificates as the Minister may by regulations prescribe, the registrar shall issue a non-operational provisional certificate of bareboat charter registry or a non-operational certificate of bareboat charter registry, as the case may be.”; and

(b) the words “certificate of bareboat charter registration” in subsection (2) thereof, shall be deleted and substituted by the

words “certificate of bareboat charter registry, whether provisional or otherwise,”.

Amendment of
section 84H of the
principal Act.

42. Paragraph (b) of subsection (2) of section 84H of the principal Act shall be deleted and substituted by the following new paragraph:

“(b) issue a renewal certificate of bareboat charter registry which shall include the date of expiry thereof, the name and official number of the ship, the name of the home port Valletta and such particulars, if any, as the registrar may deem proper; and”.

Amendment of
section 84J of the
principal Act.

43. For the words “certificate of bareboat charter registration” in subsection (3) of section 84J of the principal Act, there shall be substituted the words “certificate of bareboat charter registry, whether provisional or otherwise,”.

Amendment of
section 84K of the
principal Act.

44. For the words “shall be closed unless” in subsection (2) of section 84K of the principal Act, there shall be substituted the words “may be closed unless”.

Substitution of
section 84N of the
principal Act.

45. Section 84N of the principal Act, shall be deleted and substituted by the following new section:

“Closure of
bareboat
charter
registration.

84N. (1) The Minister may order that the registration of a ship under this Part of this Act shall be closed if it is in the national interest or in the interest of Maltese shipping.

(2) The Registrar-General may direct that the registration of a ship under this Part of this Act shall be closed for any reason specified in subsection (2) of section 29 of this Act, in as far as the same may be applicable to a ship registered under this Part of this Act.

(3) Prior to the issue of any such order or directive the registrar shall give one month’s notice in writing to the charterer of the intention of closure of registry unless the cause of such closure is remedied. The registrar shall specify in the notice the reason for closure and the expiry date for compliance failing which closure will be effected.

(4) Upon the issue of any notice in terms of subsection (3) of this section the registrar shall make a note thereof in the register and shall record the date on which the one month period shall lapse.

(5) Upon the lapse of the said one month from the giving of notice and upon receipt of the order from the Minister or the directive from the Registrar-General, as the case may be, the registrar shall make an entry thereof in the register and thereupon the ship shall cease to be a Maltese ship and the registry of the ship shall be considered as closed.

(6) Where the charterer of a ship, registered under this Part of this Act, desires to close the bareboat charter registration of such ship, he shall make an application to that effect to the registrar giving all such particulars and information as the registrar may require for the purpose, and the registrar may refuse such application if all liabilities and obligations in respect of the ship towards the Authority, the Government of Malta and any body corporate established by law, whether for fees, charges, fines or otherwise have been paid.

(7) The registrar shall close the registration of a ship under this Part of this Act, and shall make an entry to that effect in the register, if –

(a) the Minister has ordered such closure in terms of subsection (1) of this section;

(b) the Registrar-General has directed such closure in terms of subsection (2) of this section;

(c) a voluntary closure of registry has been requested and such request has been acceded to by the registrar in terms of subsection (6) of this section;

(d) the appropriate authorities of the underlying registry, or the owners, or any of the mortgagees, if any, have withdrawn their consent to the bareboat charter registration in Malta;

(e) the registration in the underlying registry has for any reason been terminated;

(f) the charter lapses or is terminated by any of the parties to it; or

(g) the period for which the ship has been bareboat charter registered lapses and no extension has been granted in accordance with section 84H of this Act.

(8) Upon the closure of a registration in terms of subsection (7) of this section the ship shall cease to be a Maltese ship and the registrar shall immediately notify the appropriate authorities of the underlying registry, the owners and the mortgagees, if any, of such closure.

(9) The registrar may refuse to issue a deletion certificate or a transcript of registry showing the closure of registry until –

(a) any certificate of bareboat charter registry, whether provisional or otherwise, issued in terms of section 84F of this Act has been surrendered to him; and

(b) all liabilities and obligations in respect of the ship towards the Authority, the Government of Malta and any body corporate established by law, whether for fees, charges, fines or otherwise have been paid.”.

Amendment of
section 84P of the
principal Act.

46. Section 84P of the principal Act, shall be amended as follows:

(a) for the word “fifteen” in subparagraph (iii) of paragraph (c) of subsection (1) thereof, there shall be substituted the word “thirty”;

(b) immediately at the end of paragraph (c) of subsection (1) thereof, there shall be inserted the following:

“and such consent shall be valid for a period not exceeding the duration of the bareboat charter or for a period not exceeding two years, whichever is the shorter period, and, in any case, such consent shall lapse on the expiry of the registry of the ship under Part II of this Act unless this has been extended as provided for in that same Part of this Act.”;

(c) subsection (2) thereof shall be renumbered as subsection (3) thereof; and

(d) immediately after subsection (1) thereof, there shall be added the following new subsection:

“(2) At the request of the owner or his authorised agent the Registrar-General may extend and further extend his consent referred to in section 84O of this Act for the remaining

period of the charter or until the expiry of the registration of the ship under Part II of this Act, whichever is the shorter period, but in no case for periods exceeding two years at a time.”.

47. The words “and after giving the owners and the charterers of the ship a reasonable opportunity to make representations” in paragraph (a) of the proviso to subsection (1) of section 84X of the principal Act shall be deleted.

Amendment of section 84X of the principal Act.

48. The heading “PART III – TAXATION AND CONCESSIONS” following section 84Y of the principal Act shall be deleted and substituted by the heading “PART III - SHIPPING COMPANIES AND OTHER ORGANISATIONS” and thereafter and immediately before section 85 of the principal Act, there shall be inserted the following new section:

Substitution of heading and addition of new section 84Z to the principal Act.

“Shipping Organisation.

84Z. (1) An organisation shall qualify as a shipping organisation under this Act if its principal objects are one or more of the following activities and it obtains and maintains a licence from the Registrar-General to enable it to carry on such activities:

(a) the ownership, operation (under charter or otherwise), administration and management of a ship or ships registered as a Maltese ship in terms of this Act and the carrying on of all ancillary financial, security and commercial activities in connection therewith;

(b) the ownership, operation (under charter or otherwise), administration and management of a ship or ships registered under the flag of another state and the carrying on of all ancillary financial, security and commercial activities in connection therewith;

(c) the holding of shares or other equity interests in entities, whether Maltese or otherwise, established for any of the purposes stated in this section and the carrying on of all ancillary financial, security and commercial activities in connection therewith;

(d) the raising of capital through loans, the issue of guarantees or the issue of securities by the company when the purpose of such activity is to achieve the objects stated in this section for the shipping organisation itself or for other shipping organisations within the same group.

For the purposes of this paragraph “group” has the same meaning as ascribed to it in the Companies Act; and

(e) for the carrying on of such other activities within the maritime sector which the Minister may, on the advice of the Authority, from time to time prescribe by regulations as qualifying for the above purpose.

(2) A shipping organisation may be established for any lawful purpose contemplated in subsection (1) hereof as

- (a) a limited liability company; or
- (b) a partnership *en nom collectif*, or
- (c) a partnership *en commandite*;

and a company may have the status of –

- (a) a public company; or
- (b) a private company.

(3) A shipping organisation may also operate under a trust (a “shipping trust”) or be a foundation (a “shipping foundation”).

(4) A shipping organisation may also be any foreign corporate body or other entity enjoying legal personality in terms of the law under which it has been established or constituted and which has established a place of business in Malta. (These organisations are referred to in this Act, as “foreign corporate bodies”).

(5) Where the shipping organisation is a shipping trust, the trust shall be regulated by the Trusts Act, or shall be a trust recognised in terms of the Recognition of Trusts Act, as the case may be.

(6) (a) Subject to subparagraph (b) of this subsection, where the shipping organisation is a company, it shall be exclusively regulated by regulations made under subsection (8) of this section, irrespective of the place where the management and control of the company’s affairs are exercised.

(b) Upon the initial registration of the company or at any time thereafter, the directors of the company shall elect whether the company shall be regulated by the company regulations made under subsection (8) of this section or by the Companies Act. Such election shall be made by means of an appropriate declaration in the memorandum of association and the company will be regulated accordingly either from incorporation or from the date of the registration of the relative amendment with the registrar of companies, as the case may be. In virtue hereof, the directors are vested with the power and shall be deemed for all intents and purposes, to possess the authority to amend or vary the relative clause of the memorandum of association at their discretion without reference to the general meeting of the company. Any election made hereunder shall be binding on the company for at least one calendar year.

(c) The election made by a company to be regulated by the Companies Act will only be effective upon the full compliance by the company of all the requirements of the said Act.

(7) All companies and commercial partnerships whose objects fall within any of those stated in subsection (1) hereof and which on the date of the coming into force of regulations made under subsection (8) hereof are in existence, including those companies which are in a state of liquidation and not yet struck off, shall be regulated by the provisions of this Act and regulations made under subsection (8) hereunder with effect from the coming into force of such regulations; and they shall moreover be deemed to qualify as shipping organisations in terms of this section unless and until the memorandum of association of such companies is amended to provide otherwise. With effect from the date of coming into force of the said regulations made under this section, the provisions of the Commercial Partnerships Ordinance shall no longer apply to such companies and section 431 of the Companies Act, shall be construed accordingly. Cap. 168.

(8) The Minister, acting in consultation with the Authority, may make regulations:

(a) regulating the establishment, operation, administration, and winding up and striking off of shipping organisations which are companies or other

commercial partnership, including the relative fees, penalties and forms;

(b) regulating places of business in Malta by foreign corporate bodies including the imposition of the relative fees, penalties and forms;

(c) establishing the conditions under which the authority may issue or revoke licences to shipping organisations,

and regulations made under this subsection may in particular provide for or allow the application to shipping organisations which are companies any part, chapter or section of the Companies Act, subject to such variations, modifications and conditions as may be stipulated in such regulations.

(9) The Minister, with the concurrence of the Minister of Finance, may make regulations establishing the manner in which any law imposing any tax, levy or impost or regulating the collection thereof is to apply to shipping organisations, or any category thereof, and may by such regulations amend, substitute or delete all or any of the provisions of sections 85 to 88A of this Act and of the Fifth Schedule to this Act.”.

Amendment of section 85 of the principal Act.

49. In the definition of “exempted ship” in subsection (1) of section 85 of the principal Act, immediately after the words “or owned entirely” there shall be inserted the words “, or chartered,”.

Amendment of section 86 of the principal Act.

50. Section 86 of the principal Act, shall be amended as follows:

(a) the words “subsection (4) of this section” in subsection (1) thereof shall be deleted and substituted by the words “subsection (3) of this section”;

(b) subsection (2) thereof shall be deleted and substituted by the following new subsection:

Cap. 123. “(2) Notwithstanding anything contained in the Income Tax Act or in any enactment replacing that Act, no tax under that Act shall be payable by any person on interest or other income payable to him by any company registered in terms of Part III of this Act in respect of any debt or other obligation contracted or undertaken by such company in relation to any ship:

Provided that the application of such exemption to persons resident in Malta shall be restricted to such persons who are licenced banks, credit or financial institutions under the provisions of applicable law.”;

(c) subsection (3) thereof shall be deleted;

(d) the present subsections (4) and (5) shall be renumbered as subsections (3) and (4) thereof; and

(e) the words “subsections (1) and (2)” in subsection (3) thereof as renumbered shall be deleted and substituted by the words “subsection (1)”.

51. Section 103 of the principal Act, shall be deleted and substituted by the following new section:

Substitution of
section 103 of the
principal Act.

“Passengers’
list.

103. (1) The master of every Maltese ship and the master of every ship carrying passengers on any voyage to Malta from a place outside Malta, or from Malta to any place outside Malta, shall furnish to such person as the Minister may by regulations direct a return giving the total number of persons on board as well as such other information relative to such persons as may be prescribed, in such form and manner and within such time as may be prescribed.

(2) The Minister may by such regulations exempt any passenger ship or any passenger ship undertaking such voyage or voyages as may be prescribed in the regulations generally or in respect of any voyages or classes of voyages from the provisions of such regulations.

(3) Any passenger to which regulations under subsection (1) of this section refer shall furnish the master with such information required by the master for making any such return.

(4) If -

(a) the master of a ship fails to make a return as required by this section or makes a false return,

(b) any passenger refuses to give information required by the master of the ship for the purpose of the return, or for that purpose gives the master information

which he knows to be false or recklessly gives information which is false,

the master, or as the case may be, the passenger, shall be guilty of an offence against this section and shall on conviction be liable to a fine (*multa*) not exceeding five hundred units in the case of the master, and not exceeding one hundred units in the case of a passenger.

(5) The Minister may extend the provisions of these regulations to the owner, bareboat charterer, manager, or any other person or organisation who may have assumed responsibility for operating the passenger ship from the owner, the obligations of the master with regard to such regulations, and may moreover provide that any person or organisation to whom such obligations may have been so extended preserve and keep such records for such period and in such manner as may be prescribed and supply such periodic or other returns thereof as may be prescribed, and the provisions of subsection (4) hereof shall apply *mutatis mutandis* to such person or organisation as they apply to the master.

(6) The provisions of this section and of any regulations made hereunder shall not apply to ships of war and troop ships and to pleasure yachts unless such pleasure yachts are or will be crewed and carry more than twelve passengers for commercial purposes.”.

Substitution of
sections 106 to 111
of the principal Act.

52. Sections 106 to 111, both inclusive, of the principal Act, shall be deleted and substituted by the following new sections:

“Conditions for admission to employment

Employment
of children
and persons
under
eighteen
years.

106. (1) Subject to the provisions of this section and notwithstanding the provisions of any other law or of any regulations, rules and orders made or deemed to be made thereunder, no person under the age of sixteen years shall be employed in any Maltese ship.

(2) The Minister may make regulations –

(a) prescribing circumstances and capacities in which and the conditions subject to which persons under the age of sixteen years but who have attained such age

as may be prescribed in the regulations may be employed in a Maltese ship;

(b) prescribing circumstances and capacities in which persons over the age of sixteen years but under the age of eighteen years or under such lower age as may be specified in the regulations may not be employed in a Maltese ship or may be so employed only subject to such conditions as may be specified in the regulations.

(3) Regulations made for the purposes of this section may make different provision for different employments and different descriptions of ship and any other different circumstances.

Registration of
persons under
eighteen years
who are
members of
the crew.

107. (1) There shall be included in every agreement with the crew a list of all persons under the age of eighteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if persons under the age of eighteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection by the Minister or an officer authorised by the Minister in that behalf or an appropriate inspector, or any other person having power to enforce compliance with the provisions of this Act.

(2) There shall be included in every agreement with the crew a short summary of the provisions of this section and of section 106 of this Act.

Medical
examination.

108. (1) Subject to the provisions of this section, no person shall be employed in any capacity in any Maltese ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the person is fit to be employed in that capacity.

(2) The provisions of subsection (1) of this section shall not apply to the employment of a person authorised to be so employed on the ground of urgency by the shipping master or by a Maltese consular officer, but a person in whose case any such authorisation is given shall not be employed

for more than a single voyage, except in accordance with and subject to the provisions of subsection (1) of this section.

(3) The Minister may make regulations as appear to him to be necessary for the medical examination of all persons seeking employment in any capacity on board ships and the issue of medical certificates in respect of such persons.

(4) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may, in particular –

(a) prescribe the nature of the medical examination or examinations to be made and the particulars to be included in the medical certificates;

(b) prescribe the period of validity of medical certificates;

(c) provide for the acceptance, in substitution of a medical certificate, of evidence in a prescribed form that the required certificate has been issued; and

(d) provide for any other matter affecting the medical examination or examinations to be made and the medical certificates to be issued or recognised.

(5) For the purposes of this section, “duly qualified medical practitioner” means a medical practitioner authorized by law to practice as a legally qualified medical practitioner in Malta or unless otherwise prescribed in the country in which such certificate is issued.

Penalties.

109. (1) If any person is employed in any ship in contravention of any of the provisions of sections 106 and 108 of this Act or in contravention of any regulations made under these sections, the master or owner of the ship shall be liable to a fine (*multa*) not exceeding five hundred units, or, in the case of a second or subsequent offence, not exceeding one thousand units; and where a person under the age of sixteen years or a person under the age of eighteen years is taken into employment in any ship in contravention of the aforesaid provisions of this Act on the production by, or with the privity of, the parent of a false or forged certificate or on a fake representation by the parent that the person is of an age at which such employment is not in contravention of the

said provisions, that parent shall be liable to a fine (*multa*) not exceeding five hundred units.

(2) If the master of a ship fails to comply with any of the provisions of section 107 of this Act, or on being so required by the Minister or an officer authorised by the Minister in that behalf or an appropriate inspector, or any other person having power to enforce compliance with the provisions of this Act, refuses or neglects to produce for inspection by that officer any register as is required to be kept by him under the section aforesaid or any certificate delivered to him under sections 106 or 108 of this Act or in terms of any regulations made under these sections, he shall be liable to a fine (*multa*) not exceeding five hundred units.”.

53. Section 112 of the principal Act, shall be deleted.

Deletion of section 112 of the principal Act.

54. Section 114 of the principal Act, shall be amended as follows:

Amendment of section 114 of the principal Act.

(a) for subsection (2) thereof there shall be substituted the following new subsection:

“(2) The agreement with the crew shall show the place at which it is made, the surname and other names of the seaman, his birthplace, and his age or the date of his birth, and shall contain as terms thereof the following particulars:

(a) the name of the ship on board which the seaman undertakes to serve;

(b) either the nature and, as far as is practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, which shall not exceed twelve months, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(c) the number and description of the crew;

(d) if possible, the place and date at which each seaman is to be on board or to begin work;

(e) the capacity in which each seaman is to serve;

(f) the amount of wages which each seaman is to receive;

(g) the agreed leave, being agreed leave not less favourable to the crew than that, if any, prescribed under this Act;

(h) any regulations as to conduct on board and as to fines (*multa*) and other lawful punishment for misconduct which have been approved by the Minister as regulations proper to be adopted and which the parties agree to adopt;

(i) any regulations as to the provisions to be provided for seamen employed in Maltese ships;

(j) a list of persons under the age of eighteen years and the dates of their births.”; and

(b) immediately after subsection (3) thereof there shall be added the following new subsection:

“(4) Saving any other provision of this Act, an agreement with the crew under this section shall be terminated by –

(a) the mutual consent of the parties thereto; or

(b) the death of the seaman; or

(c) the loss or total unseaworthiness of the ship;
or

(d) the sale of the ship; or

(e) the expiration of time.”.

Amendment of
section 115 of the
principal Act.

55. Section 115 of the principal Act, shall be amended as follows:

(a) the words “made in Malta” shall be deleted;

(b) in paragraph (a) thereof the words “in the presence of the shipping master” shall be deleted;

(c) in paragraph (b) thereof the word “shipping” shall be deleted;

(d) paragraph (c) thereof shall be amended as follows:

(i) the word “shipping” shall be deleted; and

(ii) for the words “delivered to the master,” there shall be substituted the words “delivered to the shipping master,”;

(e) in paragraph (d) thereof the words “the engagement shall, when practicable, be made before the shipping master and, when not practicable,” shall be deleted;

(f) paragraph (f) thereof shall be deleted and substituted by the following new paragraph:

“(f) a running agreement shall not extend beyond the twelve months’ period of time next following the date of the making of the agreement or the first arrival of the ship at her port of destination after the termination of that period;”;

(g) paragraphs (g) and (h) thereof shall be deleted;

(h) paragraph (i) thereof shall be renumbered as paragraph (g) thereof;

(i) in paragraph (g) thereof as renumbered for the words “on every return to a port in Malta before the final termination of the agreement,” there shall be substituted the words “on every return to the port where the crew was engaged before the final termination of a running agreement,”;

(j) for paragraphs (j) and (k) thereof there shall be substituted the following new paragraphs:

“(h) the duplicate of the agreement retained by the master on the first engagement of the crew as well as any endorsements made on the agreement shall, on the expiration of the agreement, be delivered to the shipping master who shall retain same for a period of five years after the expiration of the agreement;

(i) the duplicate of the agreement delivered to the shipping master on the first engagement of the crew shall be kept by the shipping master until he receives the other duplicate of the agreement retained by the master on the expiration of same.”.

56. Section 116 of the principal Act, shall be deleted and substituted by the following new section:

Substitution of
section 116 of the
principal Act

"Terms not to be contrary to the provisions of this Act.

116. To the extent that any terms or conditions adopted by the parties to an agreement with the crew are contrary to the provisions of this Act in matters relating to wages and conditions of employment of seamen and masters on board ships such terms and conditions shall have no effect and the relevant provisions of this Act shall be deemed to apply."

Amendment of section 119 of the principal Act.

57. The words " , if in Malta, of the shipping master, and if elsewhere, of a registrar or of a Maltese consular officer or, where there is no such officer," in section 119 of the principal Act, shall be deleted.

Deletion of section 121 of the principal Act.

58. Section 121 of the principal Act, shall be deleted.

Substitution of section 122 of the principal Act.

59. Section 122 of the principal Act, shall be deleted and substituted by the following new sections:

"Deposit of list of the crew.

122. The master shall, every time there are changes in the crew of a Maltese ship, deliver to the Registrar General a list of the crew or a copy thereof:

Provided that the Registrar General may exempt any ship or class of ships from the requirement of this section, either absolutely or subject to such conditions as he thinks fit.

Use of English language.

122A. (1) Except where otherwise provided in this Act, all correspondence, documents, forms or other writings shall be in the English language:

Provided that a foreign language version of any document may be appended to the English language version thereof.

(2) All written signs displayed on board a Maltese ship shall be in the English language with, if it is considered necessary by the master, a foreign language version appended thereto.

Crew's knowledge of English.

122B. (1) Where in the opinion of an appropriate inspector the crew of a Maltese ship consists of or includes persons who do not understand orders given to them in the course of their duty because of their insufficient knowledge of English and the absence of adequate arrangements for transmitting the orders in a language of which they have sufficient knowledge, the appropriate inspector shall inform the master of his opinion and the ship shall not go to sea and may be detained.

(2) If a ship goes to sea or attempts to go to sea in contravention of this section, the master or owner of the ship shall be liable to a fine (*multa*) of five hundred units.

Conditions
of service
regulations.

122C. (1) Subject to the provisions of this section and notwithstanding the provisions of any other law or of any regulations, rules and orders made or deemed to be made thereunder, the conditions of service of persons employed on Maltese ships and of Maltese citizens serving in foreign ships shall be governed by regulations made by the Minister under this section.

(2) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may, in particular, make provision in respect of: –

- (a) apprenticeship in a calling aboard a ship;
- (b) the engagement of persons on Maltese ships and the engagement by foreign ships of Maltese citizens;
- (c) the implementation of any international convention relating to the employment, welfare, security, certification or status of seafarers;
- (d) the avoidance of agreements made contrary to such regulations;
- (e) wages in general, and the rights related thereto of persons employed in Maltese ships, securing safe working conditions, health and welfare for seafarers and apprentices employed in ships;
- (f) the minimum wage payable to persons employed on Maltese ships;
- (g) the annual leave and holidays entitlement of persons employed on Maltese ships;
- (h) the maximum hours of work or the minimum hours of rest for persons employed on Maltese ships;
- (i) the maintenance of records of daily hours of work or of daily hours of rest of persons employed on Maltese ships;

(j) the maximum duration of service periods on board Maltese ships following which a seafarer is entitled to repatriation;

(k) the posting on board Maltese ships of a table containing the shipboard working arrangements;

(l) the employment of persons under the age of eighteen years:

Provided that unless specified in regulations made under this section the minimum wage shall be that prescribed in the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187) of the International Labour Organisation, including any revisions thereof.

(3) Regulations made under this section may provide that a person who contravenes the provisions thereof shall be liable to such penalty as may be provided for in the regulations, being a penalty of not more than one thousand units.”.

Amendment of section 125 of the principal Act.

60. Subsection (1) of section 125 of the principal Act, shall be deleted and substituted by the following new subsection:

“(1) When a seaman serving in a Maltese ship under an agreement with the crew is on the termination of his engagement discharged, he shall be discharged in manner provided by this Act:

Provided that this subsection shall not apply where the seaman is proceeding on temporary leave while remaining in the service of the owner of the ship.”.

Deletion of section 127 of the principal Act.

61. Section 127 of the principal Act, shall be deleted.

Substitution of section 129 of the principal Act.

62. Section 129 of the principal Act, shall be deleted and substituted by the following new section:

“Discharge of seaman on change of ownership.

129. (1) Where a Maltese ship is transferred or disposed of, any seaman or apprentice belonging to that ship shall be discharged unless he consents in writing to complete the voyage of the ship if it is continued.

(2) Where a seaman or apprentice is discharged under this section the provisions of this Act as to the certificate of discharge and the return of the seaman to a proper return

port shall apply as if his service had terminated otherwise than by his consent to be discharged during the currency of the agreement.”.

63. Immediately after section 129 of the principal Act, there shall be added the following new section:

Addition of new section 129A to the principal Act.

“Owner responsible for return of seaman left behind at a port other than the port of engagement.

129A. (1) Except as hereinafter provided, every agreement with the crew shall be deemed to provide that the seaman or apprentice, if the agreement terminates at a port other than the port of engagement (whether by effluxion of time, or by any act of the parties, or by shipwreck or sale of the ship, or by the inability of the seaman or apprentice to proceed in the ship by reason of sickness or injury or any other cause whatsoever) be returned to a proper return port at the expense of the master or owner of the ship, and such master or owner, whether principal or agent, shall make such arrangements as may be necessary and defray all expenses incurred for the return of such seaman or apprentice and such liability shall include the cost of any maintenance and medical treatment which is necessary for the seaman or apprentice until his arrival at a proper return port, and such seaman or apprentice shall not become a charge upon the Government of Malta.

(2) A seaman or an apprentice who has been left behind or discharged from his ship as a result of his desertion, or his imprisonment, or his inability to proceed in the ship owing to sickness or infirmity willfully concealed at the time of the engagement, shall not be entitled to be returned at the expense of the owner or master under subsection (1) of this section but such master or owner, whether principal or agent, shall make all arrangements necessary and defray all expenses incurred for the return of the seaman or apprentice to a proper return port as if he was so entitled, and such master or owner may be reimbursed his expenses out of any wages owing to the seaman or apprentice at the time he left the ship or out of the proceeds from the sale of any of his effects left on board or, if this should not prove sufficient by ordinary process of law, but such seaman or apprentice shall not become a charge upon the Government.

(3) A registrar or a Maltese consular officer may demand a guarantee from the master or owner (whether principal or agent) of a ship from which a seaman or an apprentice is to be discharged or left behind, for the proper

discharge of any obligations imposed by this section, and if this is refused he may withhold his consent to the discharge.

(4) Where a seaman or an apprentice becomes eligible to receive, and receives, medical aid or periodical payments at the expense of his employer under the terms of any law providing for compensation to injured or sick workmen such receipt shall be in full or part payment as the case may be of the entitlement under this section and not in addition thereto.

(5) This section shall apply in respect of a foreign ship that engages a seaman or an apprentice in Malta; and "owner" in such a case includes any person appointed or nominated by the owner or the charterer if the ship is on demise charter, to act as his agent and who was so acting at the time the seaman or apprentice was engaged."

Amendment of section 130 of the principal Act.

64. Section 130 of the principal Act, shall be amended as follows:

(a) in subsection (1) thereof, the words "at a port out of Malta" shall be deleted; and

(b) subsection (3) thereof shall be deleted.

Deletion of section 132 of the principal Act.

65. Section 132 of the principal Act, shall be deleted.

Amendment of section 133 of the principal Act.

66. Subsection (2) of section 133 of the principal Act, shall be deleted and substituted by the following new subsection:

"(2) The said account shall be delivered not less than twenty-four hours before his discharge or payment off."

Amendment of section 134 of the principal Act.

67. Section 134 of the principal Act, shall be amended as follows:

(a) for subsection (1) thereof there shall be substituted the following new subsection:

"(1) Where a seaman is discharged, and the settlement of his wages completed, he shall sign a release, in a form approved by the Minister, of all claims in respect of the past voyage or engagement and the release shall also be signed by the master or owner of the ship.";

(b) in subsection (3) thereof, the words “retained by” shall be deleted and substituted by the words “delivered to and retained by”;

(c) subsection (4) thereof shall be deleted;

(d) subsection (5) thereof shall be renumbered as subsection (4) thereof; and

(e) subsection (6) thereof shall be deleted.

68. Section 137 of the principal Act, shall be amended as follows: Amendment of section 137 of the principal Act.

(a) in subsection (1) thereof the words “shall, if the offender is discharged in Malta, be paid to the shipping master, and, in the case of discharge at any place outside Malta, be paid to the officer whose sanction therefor is required by this Act or, if there is no such officer at the place of discharge,” shall be deleted;

(b) subsection (2) thereof shall be deleted; and

(c) subsections (3) and (4) thereof shall be renumbered as subsections (2) and (3) thereof.

69. Immediately after section 137 of the principal Act, there shall be added the following new section: Addition of new section 137A to the principal Act.

“Rate of exchange. 137A. Where a seaman has agreed with the master of a Maltese ship for payment of his wages in a specific currency, any payment of or on account of his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement for the time being current at the place where the payment is made.”.

70. Section 148 of the principal Act, shall be amended as follows: Amendment of section 148 of the principal Act.

(a) for subsections (2) and (3) thereof there shall be substituted the following new subsection:

“(2) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may in particular –

(a) prescribe the minimum space per person which shall be provided by way of sleeping accommodation for seamen and apprentices and the maximum number of persons by whom a specified part of such sleeping accommodation may be used;

(b) prescribe the equipment to be provided for the sleeping accommodation, mess rooms, sanitary accommodation and galleys in a ship;

(c) regulate the spaces in the ship in which the crew accommodation or any part thereof may be located and the standards to be observed in the construction, equipment and furnishing of any such accommodation;

(d) provide for the protection of the crew against injury, condensation, heat, cold and noise on a ship;

(e) prescribe the water, heating, lighting, ventilation and sanitary facilities to be provided on a ship;

(f) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation, and authorise the surveyor to inspect any such works;

(g) provide for the maintenance and repair of any such accommodation and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed; and

(h) provide for the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining tonnage.

(3) Regulations made under this section may –

(a) make different provision with respect to different classes of ships or with respect to ships which were registered in Malta at different dates or the construction of which was begun at different dates and with respect to crew accommodation provided for seamen and apprentices of different descriptions;

(b) exempt any ship or class of ships from any requirements of the regulations, either absolutely or subject to such conditions as the Minister thinks fit;

(c) require the master of a ship or any officer authorised by him for the purpose to carry out such inspections of the crew accommodation as may be prescribed.”;

(b) for the words “one hundred” in subsection (4) thereof, there shall be substituted the words “five hundred”; and

(c) immediately after subsection (4) thereof there shall be added the following new subsection:

“(5) Regulations under this section may be made by reference in whole or in part to the requirements of the Accommodation of Crews Convention (Revised), 1949 (No.92) and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) both of the International Labour Organisation, including any revisions thereof.”.

71. Sections 149 and 150 of the principal Act, shall be deleted and substituted by the following new sections:

Substitution of sections 149 and 150 of the principal Act.

“Provisions and water.

149. (1) The Minister may make regulations requiring provisions and water to be provided for persons employed in Maltese ships or any class of ships as may be specified in the regulations.

(2) The Minister may exempt any ship or class of ships from any requirements of regulations made under this section, either absolutely or subject to such conditions as he thinks fit.

(3) Where the provisions of any regulations made under this section are not complied with in the case of a ship the master or owner shall be liable, in addition to paying compensation under section 150A of this Act, to a fine (*multa*) not exceeding one thousand units unless he proves that the failure to comply was not due to his neglect or default.

(4) Where a person empowered under this Act to inspect the provisions and water to be supplied to the persons employed in a Maltese ship is not satisfied that they are in

accordance with regulations made under this section, he shall inform the master of the ship of his opinion, and the ship's certificate of registry, whether provisional or otherwise, may be suspended until the defects are remedied.

Complaint
as to
provisions
or water.

150. (1) Where three or more members of the crew of a Maltese ship consider that the provisions or water provided for the use of the crew are, at any time, of bad quality or deficient in quantity, they may complain thereof to a registrar or a Maltese consular officer or an appropriate inspector, who may either examine the provisions or water complained of, or cause them to be examined.

(2) Where the person making an examination under this section finds that the provisions or water are of bad quality or deficient in quantity, he shall communicate that fact in writing to the master of the ship, and if the master does not replace them with provisions or water fit for human consumption within a reasonable time or, without reasonable excuse, permits them to be used, he shall be liable to a fine (*multa*) not exceeding one thousand units unless he proves that the failure to replace them or permit them to be used was not due to his neglect or default.

(3) The person making the examination shall enter a statement of the result of the examination in the official log book and send a report thereof to a registrar, and that report shall be admissible in evidence in the manner provided by this Act.

(4) Where the person making the examination certifies in his statement that there was no reasonable ground for complaint, each of the complainants is liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance
for short
or bad
provisions.

150A. (1) If during the voyage of a Maltese ship the allowance of provisions provided for a person is less than that prescribed or any of those provisions are of bad quality, the person shall receive by way of compensation for the deficiency or bad quality, for so long as it lasts, such amounts as may be prescribed to be paid to him in addition to, and to be recoverable as, wages.

(2) Where the deficiency occurred because the provisions could not be procured or supplied in proper

quantities and proper equivalent substitutes were supplied in lieu thereof, those circumstances shall be taken into consideration for the purposes of subsection (1) and the compensation reduced or denied accordingly.”.

72. Section 152 of the principal Act, shall be deleted and substituted by the following new section:

Substitution of section 152 of the principal Act.

“Medical stores regulations.

152. (1) The Minister may make regulations protecting the health of persons on board Maltese ships and requiring Maltese ships to carry such medicines, medical stores, equipment, facilities, appliances and books containing instructions and advice, as may be specified in the regulations, and the regulations may make different provisions for different descriptions of ships or different circumstances.

(2) The owner and master of every Maltese ship shall ensure that the ship carries medicines, medical stores, equipment, facilities, appliances and books in accordance with the scales laid down under subsection (1) of this section.

(3) Where an appropriate inspector is of the opinion that the medicines, medical stores, equipment, facilities, appliances and books on a Maltese ship are deficient in quantity or quality or are placed in improper receptacles, he shall give notice in writing to the master, owner or agent of the ship, and the ship’s certificate of registry, whether provisional or otherwise, may be suspended until the default has been remedied:

Provided that if the master or owner of the ship fails to remedy the default and comply with the requirements of this section, the master or owner shall be liable to a fine (*multa*) not exceeding five hundred units unless he proves that the non-compliance was not caused through his inattention, neglect or wilful default.”.

73. For section 153 of the principal Act, there shall be substituted the following:

Substitution of section 153 of the principal Act.

“Occupational safety regulations.

153. (1) Notwithstanding the provisions of any other law the Minister may make regulations for securing, as far as is practicable, safe working conditions and safe means of access for persons employed in Maltese ships.

(2) Without prejudice to the generality of subsection (1) and to any provision of this Act, or any regulations, rules or orders made thereunder, regulations under this section may –

(a) make provisions for –

- (i) the structural features of the ship,
- (ii) any machinery or equipment used on board,
- (iii) special safety measures on and below deck,
- (iv) any loading equipment,
- (v) fire-fighting and fire prevention,
- (vi) any anchors, chains and lines,
- (vii) dangerous cargo and ballast, and
- (viii) personal protective equipment;

(b) require the maintenance, inspection and testing of any equipment and impose conditions on its use;

(c) require, prohibit, or regulate the use of any material or process;

(d) require the provision and use of any protective clothing or equipment;

(e) limit the hours of employment of masters, seamen and apprentices in any specified operation or in any specified circumstances;

(f) make provision for the discharge by persons appointed from among the persons employed in a ship, of functions in connection with the arrangements to be made under regulations; and

(g) make provision specifying the respective responsibilities and duties of the Authority, owners,

masters, seamen, pilots and apprentices in the prevention of accidents at sea.

(3) Regulations made under this section may provide that a person who contravenes the provisions thereof shall be liable to such penalty as may be provided for in the regulations, being a penalty of not more than one thousand units.”.

74. Section 154 of the principal Act, shall be amended as follows: Amendment of section 154 of the principal Act.
- (a) subsection (1) thereof shall be deleted and substituted by the following new subsection:

“(1) The Minister may charge such persons as he may deem proper (in this Act referred to as “appropriate inspectors”) with ensuring compliance with the provisions of this Act relating to ships, their operation, crew, equipment, accommodation, provisions and water and conditions on board, and in so doing may in particular charge an appropriate inspector either with ensuring compliance with the provisions of this Act in general or of any particular provision or provisions thereof.”;

- (b) paragraph (b) of subsection (2) thereof shall be deleted and substituted by the following new paragraph:

“(b) require the production of all books, certificates (including certificates of competency), papers or documents which they consider important;”;

- (c) for the words “one hundred liri.” in subsection (3) thereof there shall be substituted the words “one hundred units.”; and

- (d) immediately after subsection (3) thereof there shall be added the following subsection:

“(4) The Minister may by regulations under this Act, provide that appropriate inspectors shall carry such identity card showing such details and containing such information as may be prescribed.”.

75. In section 164 of the principal Act, immediately after the words “until their departure for such port” there shall be inserted the words “and, in case of death, for burial expenses”.
- Amendment of section 164 of the principal Act.

Amendment of
section 167 of the
principal Act.

76. Section 167 of the principal Act, shall be amended as follows:

(a) for subsections (1) and (2) thereof there shall be substituted the following new subsections:

“(1) A seaman or apprentice may be sent to a proper return port by any reasonable route.

(2) Provision may be made for the return of a seaman or apprentice, if he is fit to work, by providing him with suitable employment on board a ship, proceeding to a proper return port, which is in want of men to make up its complement, or, if that is not practicable, by providing him with a passage in any ship or aircraft, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with the means to pay those expenses.”;

(b) subsection (4) thereof shall be renumbered as subsection (5) thereof;

(c) immediately after subsection (3) thereof there shall be added the following new subsection:

“(4) Where a seaman or apprentice is repatriated as a member of a crew, he shall be entitled to the appropriate remuneration for work done during the voyage.”; and

(d) subsection (5) thereof as renumbered shall be amended as follows:

(i) the word “Maltese” shall be deleted; and

(ii) for the words “proceed to a proper return port.” there shall be substituted the words “proceed to a proper return port or to a port in the vicinity thereof; but nothing in this section shall relieve the owner from the obligation and expense of returning the seaman or apprentice to his proper return port.”.

Addition of new
section 168A to the
principal Act.

77. Immediately after section 168 of the principal Act, there shall be added the following new section:

"Provision of
insurance
policy.
Cap. 318.

168A. (1) Subject to the provisions of this section and to other provisions of this Act, the provisions of the Social Security Act or any enactment replacing that Act, shall not apply in respect of foreign seamen employed on Maltese ships.

(2) The owner shall maintain an insurance policy issued by such insurer or class of insurers approved by the Registrar-General in respect of every member of the crew of his ship to cover:

(a) liability to pay hospital, medical, maintenance, funeral and other expenses incurred in relation to the injury to, or illness or death of, a member of the crew;

(b) liability to repatriate and to compensate a member of the crew for the loss of his employment caused in consequence of the actual or constructive total loss of the ship or of a major casualty rendering the ship unseaworthy and necessitating the signing off of the crew;

(c) liability to pay compensation or damages in accordance with Maltese Law and practice in relation to the injury to, or illness or death of, a member of the crew;

(d) liability for wages payable to an injured or sick member of the crew or on death to his estate;

(e) liability in respect of loss of or damage to the personal effects of a crew member.

(3) The Minister may make regulations as appear to him to be necessary regulating the maintenance of an insurance policy as required by subsection (2) of this section and the compensation to be paid in case of injuries or death sustained by members of the crew.

(4) In the case of a Maltese member of the crew, no benefits under the Social Security Act or any enactment replacing that Act, shall be forfeited because any compensation as is mentioned under subsections (2) and (3) of this section is granted to the crew member or his survivors.

(5) Regulations made under this section may provide that a person who contravenes the provisions thereof

shall be liable to such penalty as may be provided for in the regulations, being a penalty of not more than one thousand units.”.

Amendment of
section 195 of the
principal Act.

78. Immediately after subsection (1) of section 195 of the principal Act, there shall be added the following new proviso:

“Provided that the Minister may, by regulations amend, add to, vary, revoke or substitute the Fourth Schedule to this Act.”.

Amendment of
section 205 of the
principal Act.

79. Section 205 of the principal Act, shall be deleted and substituted by the following new section:

“Partial
application
to pleasure
yachts.

205. The provisions of sections 113 to 120 (both inclusive), of sections 121 to 122C. (both inclusive), of sections 125, 133, 137 and 148, and of sections 190 to 194 (both inclusive) of this Act and to the extent as may be prescribed, any other provision of this Part of this Act, as the Minister may by regulations prescribe, shall not apply to pleasure yachts.”.

Amendment of
section 206 of the
principal Act.

80. Section 206 of the principal Act, shall be amended as follows:

(a) subsection (2) thereof shall be deleted;

(b) subsections (3), (4), (5), (6) and (7) thereof shall be renumbered as subsections (2), (3), (4), (5) and (6) thereof;

(c) paragraph (a) of subsection (2) thereof as renumbered shall be amended as follows:

(i) in sub-paragraph (i) thereof, immediately after the words “with respect to fishing boats;” there shall be inserted the word “and”;

(ii) sub-paragraph (ii) thereof shall be deleted; and

(iii) sub-paragraph (iii) thereof shall be renumbered as sub-paragraph (ii) thereof; and

(d) paragraph (b) of subsection (2) thereof as renumbered shall be deleted and substituted as follows:

“(b) in the application of section 115 to such fishing boats as aforesaid, a fishing boat’s agreement may be made by the owner instead of by the master and the provisions of

this Act with respect to the making of the agreement shall apply accordingly.”.

81. Immediately before section 207 of the principal Act, there shall be added the following new section:

Addition of new section 206A to the principal Act.

“Application of the Safety Convention.

206A. (1) The Safety Convention shall, unless otherwise provided in any rules made under sections 207 to 212 (both inclusive) of this Act, apply to all Maltese ships and to all other ships while they are in Maltese waters as if the requirements thereof were imposed on such ships by rules made under those sections.

(2) For the purposes of subsection (1) of this section, the term “the Safety Convention” shall have the same meaning as is assigned to it in section 213 of this Act.”.

82. Subsection (2) of section 207 of the principal Act, shall be amended as follows:

Amendment to section 207 of the principal Act.

(a) for the words “within a port in Malta.” in paragraph (b) thereof there shall be substituted the words “in Maltese waters;”;

(b) immediately after paragraph (b) thereof there shall be added the following new paragraph:

“(c) such other ships as the Minister may prescribe.”.

83. For paragraph (b) of subsection (2) of section 208 of the principal Act, there shall be substituted the following:

Amendment of section 208 of the principal Act.

“(b) all other ships while they are in Maltese waters.”.

84. Section 209 of the principal Act, shall be amended as follows:

Amendment of section 209 of the principal Act.

(a) for subsection (2) thereof there shall be substituted the following:

“(2) This section applies to:

(a) Maltese ships;

(b) all other ships while they are in Maltese waters.”; and

- (b) subsection (3) thereof shall be deleted and subsection (4) shall be renumbered as subsection (3) thereof.

Amendment of
section 210 of the
principal Act.

85. For subsection (2) of section 210 of the principal Act there shall be substituted the following:

“(2) This section applies to:

- (a) Maltese ships;
- (b) all other ships while they are in Maltese waters.”.

Amendment of
section 213 of the
principal Act.

86. Section 213 of the principal Act, shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

“(2) Any reference in subsection (1) of this section to an international convention or protocol shall include reference to any amendment to such convention or protocol ratified, acceded to or accepted by the Government of Malta.”.

Addition of a new
section 221A to the
principal Act.

87. Immediately after section 221 of the principal Act, there shall be added the following new section:

“Cargo ship
safety
certificate.

221A. Where the Minister is satisfied that a cargo ship satisfies the requirements of the foregoing provisions of this section for the issue of a cargo ship safety construction certificate, a safety equipment certificate, and a radio certificate, he may issue in respect of such ship in lieu of such certificates a cargo ship safety certificate and such certificate shall for the purposes of this Act be deemed to be a cargo ship safety construction certificate, a safety equipment certificate and a radio certificate in respect of such cargo ship, and any reference in this Act to such certificates shall be deemed to include a reference to a cargo ship safety certificate.”.

Amendment of
section 226 of the
principal Act.

88. Section 226 of the principal Act, shall be amended as follows:

(a) subsection (1) thereof shall be deleted and substituted by the following new subsection:

“(1) A passenger ship certificate shall remain in force for a period not exceeding one year from its date of issue, and all other certificates referred to in the foregoing provisions of this section shall remain in force for a period which shall not exceed five years.”;

(b) subsections (2) and (3) thereof shall be deleted;

(c) subsections (4), (5), (6) and (7) thereof shall be renumbered as subsections (2), (3), (4) and (5) thereof; and

(d) subsection (3) thereof as renumbered shall be deleted and substituted by the following new subsection:

“(3) The Minister may grant an extension of any certificate granted under the foregoing provisions of this Part of this Act in respect of any Maltese ship for a period not exceeding three months from the date when a certificate would, but for the extension, have expired.”.

89. Section 251 of the principal Act, shall be amended as follows:

Amendment to
section 251 of the
principal Act.

(a) the words “(in this Act referred to as “the Load Line Convention”).” in subsection (1) thereof, shall be deleted and substituted by the words “or any other international convention or protocol relating to load lines ratified or acceded to by the Government of Malta (in this Act referred to as “the Load Line Convention”).”; and

(b) immediately after subsection (6) thereof, there shall be added the following new subsection:

“(7) Any reference in subsection (1) of this section to an international convention or protocol shall include reference to any amendment to such convention or protocol ratified, acceded to or accepted by the Government of Malta.”.

90. Sections 278 to 283, both inclusive, of the principal Act, shall be deleted and substituted by the following new sections:

Substitution of
sections 278 to 283
of the principal Act.

“Unseaworthy
ship.

278. (1) For the purposes of sections 278 to 283C of this Act a ship is an “unseaworthy ship” or “unsafe ship” or is in an “unseaworthy state” if, having regard to the nature of the service for which it is intended, the ship is, by reason of the matters mentioned in subsection (2) of this section, unfit

to proceed to sea without danger to human life, property or the marine environment.

(2) The matters referred to in subsection (1) of this section are –

(a) the condition, or the unsuitability for its purpose, of –

(i) the ship or its hull or equipment or machinery, or

(ii) any part of the ship or its hull or equipment or machinery;

(b) undermanning;

(c) overloading or unsafe or improper loading;

(d) unfamiliarity by the master or the crew with essential shipboard procedures relating to the safety of ships;

(e) any other matter relevant to the safety of the ship including without prejudice to the generality of the foregoing the fact that the ship is in contravention of any regulation made under Part VA of this Act;

and are referred to in sections 278 to 283C of this Act, in relation to any ship, as “the matters relevant to its safety”.

(3) In sections 278 to 283C of this Act, “proceed to sea” shall, in a case where the service for which the ship is intended consists of going on voyages or excursions that do not involve proceeding to sea, be construed as “going on such voyage or excursion”.

Offence to
send
unseaworthy
ships to sea.

279. (1) If any person sends or attempts to send, or is a party to sending or attempting to send, a ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, be liable in respect of each offence to imprisonment for a period not exceeding two years or to a fine (*multa*) not

exceeding one thousand units or to both such imprisonment and fine (*multa*).

(2) If the master of a ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, be liable in respect of each offence to imprisonment for a period not exceeding two years or to a fine (*multa*) not exceeding one thousand units or to both such imprisonment and fine (*multa*).

(3) The provisions of subsection (1) of this section shall apply *mutatis mutandis* to any person who sends or attempts to send, or is a party to sending or attempting to send, a foreign ship to sea from any port in Malta.

Obligations
as to
seaworthiness
in relation to
the crew.

280. (1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master and every person charged with the loading of the ship, or the preparing of the ship for sea, or of the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

Power to
detain
unsafe
ships.

281. (1) Where it appears to the Registrar-General that a Maltese ship, being in any port in or outside Malta, or a foreign ship, being at a port in Malta, is an unsafe ship, the Registrar-General may –

(a) in the case of a Maltese ship wherever she may be, suspend her certificate of registry and prohibit her from proceeding to sea; or

(b) in the case of a Maltese ship at a port in Malta, or a foreign ship, cause her to be detained, until he is satisfied that she is fit to proceed to sea.

(2) Where the ship is detained pursuant to subsection (1) of this section, the Registrar-General may adopt any measures or means he thinks suitable or necessary to prevent the ship from sailing while it is unseaworthy.

(3) Where a ship has been detained under subsection (1) of this section –

(a) a detention notice specifying the grounds of the detention of such ship and prohibiting the ship from proceeding to sea until it is released shall forthwith be served on the master of the ship;

(b) in the case of a foreign ship, a copy of such detention notice shall forthwith be sent to the nearest consular officer of the country to which the ship belongs;

(c) the Registrar-General may at any time, if he thinks it expedient, refer the matter to the court of survey; and

(d) the Registrar-General may at any time, if he is satisfied that such ship is no longer unsafe, order her to be released either upon or without any conditions.

(4) A ship detained under this section shall not be released by reason of her Maltese register being subsequently closed.

References
of
detention
notices to
court of
survey.

282. (1) Any question as to whether any of the matters specified in relation to a ship in a detention notice in pursuance of section 281 of this Act in connection with any opinion formed by the Registrar-General constituted a valid basis for that opinion shall, if the master or owner of the ship so requires by a notice given to the Registrar-General within ten days from the service of the detention notice, be referred to the court of survey.

(2) Where a notice is given by the master or owner of the ship in accordance with subsection (1) of this section, the giving of the notice shall not suspend the operation of the detention notice unless, on the application of the person requiring the reference, the court of survey so directs.

(3) The court of survey shall have regard, in coming to its decision, to any other matter not specified in the detention notice which appear to it to be relevant to whether the ship was or was not an unsafe ship.

(4) Where on a reference under this section the court of survey decides as respects any matter to which the reference relates, that in all the circumstances the matter did not constitute a valid basis for the Registrar-General's opinion, it shall either cancel the detention notice or affirm it with such modifications as it may in the circumstances think fit; and in any other case the court of survey shall affirm the notice in its original form.

(5) The court of survey shall include in its decision a finding whether there was or was not a valid basis for the detention of the ship as an unsafe ship.

(6) Where the owner or master of a foreign ship, being at a port in Malta, appeals to the court of survey, the consular officer referred to in section 281 of this Act, on his request, may appoint a competent person to be assessor in lieu of the assessor who, if the ship were a Maltese ship, would be appointed otherwise than by the Minister.

Compensation
in
connection
with invalid
detention of
ship.

283. (1) If on a reference under section 282 of this Act relating to a detention notice in relation to a ship –

(a) the court of survey decides that any matter did not constitute a valid basis for the Registrar-General's opinion, and

(b) it appears to the court of survey that there were no reasonable grounds for the Registrar-General to form that opinion,

the court of survey may award the owner of the ship such compensation in respect of any loss suffered by him in consequence of the detention of the ship as the court of survey thinks fit.

(2) Any compensation awarded under this section shall be payable by the Authority.

Liability for
costs.

283A. (1) If a ship is detained or has her certificate of registry suspended in accordance with section 281 of this

Act, the owner of the ship shall be liable to pay to the Registrar-General his costs of and incidental to the detention of the ship.

(2) For the purposes of this section the costs of and incidental to any measures or means adopted in terms of subsection (2) of section 281 of this Act and to any proceedings before a court of survey, shall be part of the costs of the detention of the ship, and any dispute as to the amount of these costs shall be referred to the Registrar of Courts who shall, on request by the Registrar-General, ascertain and certify the proper amount of those costs.

Owner and master liable in respect of unsafe ship.

283B. (1) If a Maltese ship, being in any port in or outside Malta, or a foreign ship, being at a port in Malta, is unsafe, then, subject to subsections (4) and (5) of this section, the master and the owner of the ship shall each be guilty of an offence.

(2) Where, at the time when a ship is unsafe, any responsibility of the owner with respect to the matters relevant to its safety have been assumed (whether wholly or in part) by any person or persons other than the owner, and have been so assumed by that person or (as the case may be) by each of those persons either –

(a) directly, under the terms of a charter-party or management agreement made with the owner, or

(b) indirectly, under the terms of a series of charter-parties or management agreements,

the reference to the owner in subsection (1) of this section shall be construed as a reference to that other person or (as the case may be) to each of those other persons.

(3) A person guilty of an offence under this section shall be liable to a fine (*multa*) not exceeding one thousand units or to imprisonment for a period not exceeding two years or to both such fine (*multa*) and imprisonment.

(4) It shall be a defence in proceedings for an offence under this section to prove that at the time of the alleged offence –

(a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters relevant to its safety which are specified in the charge; or

(b) it was reasonable for such arrangements not to have been made.

(5) It shall also be a defence in proceedings for an offence under this section to prove –

(a) that, under the terms of one or more charter-parties or management agreements entered into by the accused, the relevant responsibilities, namely –

(i) where the accused is the owner, his responsibilities with respect to the matters relevant to the ship's safety, or

(ii) where the accused is liable to proceedings under this section by virtue of subsection (2) of this section, so much of those responsibilities as had been assumed by him as mentioned in that subsection,

had at the time of the alleged offence been wholly assumed by some other person or persons party thereto; and

(b) that in all the circumstances of the case the accused had taken such steps as it was reasonable for him to take, and exercised such diligence as it was reasonable for him to exercise, to secure the proper discharge of the relevant responsibilities during the period during which they had been assumed by some other person or persons as mentioned in paragraph (a) of this section;

and, in determining whether the accused had done so, regard shall be had in particular to the matters mentioned in subsection (6) of this section.

(6) Those matters are –

(a) whether prior to the time of the alleged offence the accused was, or in all the circumstances ought reasonably to have been, aware of any deficiency in the discharge of the relevant responsibilities; and

(b) the extent to which the accused was or was not able, under the terms of any such charter-party or management agreement as is mentioned in paragraph (a) of subsection (5) of this section –

(i) to terminate it, or

(ii) to intervene in the management of the ship, in the event of any such deficiency, and whether it was reasonable for the accused to place himself in that position.

(7) In this section –

“management agreement”, in relation to a ship, means any agreement (other than a charter-party or a contract of employment) under which the ship is managed, either wholly or in part, by a person other than the owner (whether on behalf of the owner or on behalf of some other person); and

“relevant responsibilities” shall be construed in accordance with subsection (5) of this section.

(8) References in this section to responsibilities being assumed by a person under the terms of a charter-party or management agreement are references to their being so assumed by him whether or not he has entered into a further charter-party or management agreement providing for them to be assumed by some other person.

Owner liable
for unsafe
operation of
ship.

283C. (1) It shall be the duty of the owner of a ship to which this section applies to take all reasonable steps to secure that the ship is operated in a safe manner.

(2) This section applies to a Maltese ship, being in any port in or outside Malta, and to a foreign ship, which is within the territorial waters of Malta while proceeding to or from a port in Malta, unless such ship would not be so proceeding but for weather conditions or any other unavoidable circumstances.

(3) If the owner of a ship to which this section applies fails to discharge the duty imposed on him by subsection (1) of this section, he shall be liable to a fine (*multa*) not exceeding one thousand units or to imprisonment for a period not exceeding two years or to both such fine (*multa*) and imprisonment.

(4) Where any such ship –

(a) is chartered by demise, or

(b) is managed, either wholly or in part, by a person other than the owner under the terms of a management agreement within the meaning of section 283B,

any reference to the owner of the ship in subsection (1) or (3) of this section shall be construed as including a reference –

(i) to the charterer under the charter by demise, or

(ii) to any such manager as is referred to in paragraph (b) above, or

(iii) (if the ship is both chartered and managed as mentioned above) to both the charterer and any such manager,

and accordingly the reference in subsection (1) of this section to the taking of all reasonable steps shall, in relation to the owner, the charterer or any such manager, be construed as a reference to the taking of all such steps as it is reasonable for him to take in the circumstances of the case.”.

91. Immediately after Part V of the principal Act there shall be added the following new Part:

Adds new Part VA and section 308A to the principal Act.

“PART VA PREVENTION OF POLLUTION FROM SHIPS

Prevention of
pollution
from ships.

308A. (1) The Minister may make regulations as appear necessary to give effect to any provision of any of the following which have been ratified or acceded to or accepted by the Government of Malta –

(a) the International Convention for the Prevention of Pollution from Ships signed in London on the 2nd November, 1973 and the Protocol thereto signed in London on the 17th February, 1978 (including protocols, annexes and appendices thereto);

(b) the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil signed in London on the 2nd November, 1973;

(c) the International Convention on Oil Pollution Preparedness, Response and Cooperation signed in London on the 30th November, 1990;

(d) any international agreement not mentioned in paragraphs (a) to (c) above which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships or which regulates the liability of any person arising from pollution of the sea or other waters;

and in paragraph (d) above the reference to an agreement includes an agreement which provides for the modification of another agreement, including the modification of an agreement mentioned in paragraphs (a) to (c) above.

(2) Any reference in subsection (1) of this section to an international agreement or convention or protocol shall include reference to any amendment to such agreement or convention or protocol ratified, acceded to or accepted by the Government of Malta.

(3) The powers conferred by subsection (1) of this section to make provision for the purpose of giving effect to an agreement include power to provide for the provision to come into force notwithstanding that the agreement may not be in force.”.

Substitution of
section 312 of the
principal Act.

92. Section 312 of the principal Act, shall be deleted and substituted by the following new section:

“Shipping
casualties.

312. A shipping casualty shall be deemed to occur where –

(a) any ship is or is supposed to have been lost, abandoned, stranded or materially damaged;

(b) any ship or any ship's boat or any cargo from that ship has caused or is supposed to have caused, any loss, abandonment, stranding or material damage, including loss of life of any person or injury sustained by any person;

(c) loss of life of any person has occurred on board any ship or any ship's boat;

(d) any person has sustained injury on board any ship or any ship's boat;

(e) the Minister by regulations has so prescribed.”.

93. Subsection (1) of section 313 of the principal Act, shall be deleted and substituted by the following new subsection: Amendment of section 313 of the principal Act.

“(1) A preliminary inquiry respecting a shipping casualty may be held by such person as is appointed by the Minister where –

(a) a shipping casualty involves or is supposed to involve a Maltese ship; or

(b) a shipping casualty involves or is supposed to involve any ship and such casualty has occurred on the coasts of Malta, including any port installation or ship repair facility, or at sea within the territorial jurisdiction of Malta, or where any witness is found in Malta; or

(c) the Minister by regulations has so prescribed.”.

94. For the words “as it may” in subsection (1) of section 364 of the principal Act, there shall be substituted the words “as the Authority may”. Amendment of section 364 of the principal Act.

95. Immediately after subsection (4) of section 367 of the principal Act, there shall be added the following new subsection: Amendment of section 367 of the principal Act.

“(5) (a) The Minister may make regulations prescribing the criteria in accordance with which organizations or bodies of surveyors may be recognised for the purposes of this section.

(b) Without prejudice to the provisions of paragraph (a) hereof the Minister may by order make a list of organizations or bodies of surveyors which are recognised by any other State or any international body as meeting the minimum criteria as may be

set out in any regulation made under paragraph (a) hereof, and may by a subsequent order, amend, delete or substitute any such order.

(c) Any organization or body appearing on a list as provided for in paragraph (b) hereof shall be recognised for the purposes of this section.”.

Amendment of section 368 of the principal Act.

96. The words “any certificates of the master, mate or engineer” in subsection (1) of section 368 of the principal Act shall be deleted and substituted by the words “any books, certificates (including certificates of competency), papers or documents”.

Amendment of section 371 to the principal Act.

97. Immediately after the words “Maltese consular officer,” in subsection (1) of section 371 of the principal Act, there shall be inserted the words “or an appropriate inspector,”.

Addition of new section 372C. to the principal Act.

98. Immediately after section 372B of the principal Act, there shall be added the following new section:

“Value of unit.

372C. The term “unit” with reference to any fine (*multa*) that may be imposed under this Act shall be equivalent to one lira or to such other sum as the Minister with the concurrence of the Minister responsible for justice may by order from time to time determine.”.

Addition of new section 375 to the principal Act.

99. Immediately after section 374 of the principal Act, there shall be added the following new section:

“Ratification etc of certain treaties etc relating to merchant shipping. Cap. 304.

375 (1) For the purposes of the Ratification of Treaties Act, the Government of Malta is hereby empowered to ratify, or accede to the treaties or conventions (including protocols, annexes and appendices thereto) referring to merchant shipping listed in subsection (2) of this section, and the Minister may upon the ratification or accession of any of the said treaties or conventions make regulations giving effect to the provisions thereof, and such power shall include the power to provide that any provision of this Act inconsistent with the provisions of any such treaty or convention shall no longer apply.

(2) The treaties and conventions to which subsection (1) refers are the following:

(a) Convention on Limitation of Liability for Maritime Claims signed in London on the 19th November, 1976;

(b) Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 signed in London on the 2nd May, 1996;

(c) Athens Convention relating to the Carriage of Passengers and their Luggage by Sea signed in Athens on the 13th December, 1974;

(d) Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 signed in London on the 19th November, 1976;

(e) Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 signed in London on the 29th March, 1990;

(f) International Convention on Salvage signed in London on the 28th April, 1989;

(g) Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation signed in Rome on the 10th March, 1988;

(h) Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf signed in Rome on the 10th March, 1988;

(i) International Convention on Maritime Search and Rescue signed in Hamburg on the 27th April, 1979;

(j) International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea signed in London on the 3rd May, 1996;

(k) International Convention for Safe Containers signed in Geneva on the 2nd December, 1972;

(l) Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Torremolinos on the 2nd April, 1993;

(m) International Convention on Maritime Liens and Mortgages signed in Geneva on the 6th May, 1993;

(n) International Convention on Arrest of Ships, 1999 signed in Geneva on the 12th March, 1999;

(o) Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) signed in Geneva on the 13th October, 1976;

(p) Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 signed in Geneva on the 22nd October, 1996;

(q) Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) signed in Geneva on the 13th October, 1970;

(r) Accommodation of Crews Convention (Revised), 1949 (No. 92) signed in Geneva on the 8th June, 1949;

(s) Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) signed in Geneva on the 14th October, 1970;

(t) Repatriation of Seamen Convention, 1926 (No. 23) signed in Geneva on the 7th June, 1926;

(u) Repatriation of Seafarers Convention (Revised), 1987 (No. 166) signed in Geneva on the 24th September, 1987;

(v) Food and Catering (Ships' Crews) Convention, 1946 (No. 68) signed in Seattle on the 6th June, 1946;

(w) Labour Inspection (Seafarers) Convention, 1996 (No. 178) signed in Geneva on the 22nd October, 1996;

(x) Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180) signed in Geneva on the 22nd October, 1996;

(y) Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55) signed in Geneva on the 6th October, 1936;

(z) Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164) signed in Geneva on the 24th September, 1987.

(3) The Minister shall upon the ratification or accession of any treaty or convention to which this section refers publish a notice in the Gazette stating the date on which such treaty or convention shall come into force with regard to Malta.

(4) The House of Representatives may by resolution add to the list of treaties or conventions in subsection (2) hereof.

(5) Any reference in this section to a treaty or a convention or a protocol shall include reference to any amendment to such treaty or convention or protocol ratified, acceded to or accepted by the Government of Malta.”.

100. For the Second Schedule to the principal Act there shall be substituted the following:

Substitution of the Second Schedule to the principal Act.

“SECOND SCHEDULE

[Section 69]

DOCUMENTS TO BE IN THE FORM PRESCRIBED BY THE MINISTER

1. Provisional Certificate of Registry
2. Certificate of Registry
3. Renewal Certificate of Registry
4. Provisional Certificate of Bareboat Charter Registry
5. Certificate of Bareboat Charter Registry
6. Renewal Certificate of Bareboat Charter Registry
7. Certificate of Surveyor
8. Declaration of ownership by individual owner
9. Declaration of ownership by individual transferee
10. Declaration of ownership on behalf of body corporate as owner
11. Declaration of ownership on behalf of body corporate as transferee

12. Declaration of owner taking by transmission
13. Declaration by mortgagee taking by transmission
14. Declaration of bareboat charter by individual charterer
15. Declaration of bareboat charter on behalf of body corporate as charterer
16. Bill of Sale
17. Mortgage
18. Transfer of Mortgage
19. Special Privilege”.

Amendment of the
Civil Code, Cap. 16.

101. The Civil Code shall be amended as follows:

(a) immediately after article 1717 thereof there shall be inserted the following new article:

“Certain
contracts not
to be deemed
as gaming
and betting.

1717A. No debt or other obligation arising under any contract of differences, interest cap agreement, swap, foreign currency exchange or other similar agreement the purpose or intended purpose of which is to secure a profit or avoid a loss (by reference to fluctuations in the value or price of property of any description or in an index or other factor designated for such purpose in the contract) shall be void or unenforceable by reason of the provisions of this Title or of any other law related to gaming or betting.”; and

(b) immediately after section 1855 thereof there shall be added the following new section:

“Debts
secured by
mortgage of
ship.

1855A. (1) The provisions of this Title or of any other part of this Code or of any other law in so far as they limit or restrict the charging of interest and compound interest shall not apply to debts or other obligations secured by a mortgage registered or recognised under the Merchant Shipping Act; and it shall be lawful for the amount of interest due in respect of any such debt or other obligation to exceed the amount of capital due in respect of any such debt or other obligation.

(2) The Minister responsible for finance may, with the advice of the Central Bank of Malta, by order extend the provisions of subsection (1) of this section to such other debts and obligations as he may deem fit, subject to such conditions as he may in such order establish, and may in like manner from time to time, amend, revoke or substitute any order so made.”.

102. Section 18 of the Merchant Shipping (Amendment) Act, 1990, shall be amended as follows:

Amendment of the Merchant Shipping (Amendment) Act, 1990, Act No. XXXVII of 1990.

(a) for the words “certificate of proficiency and licence.” in section 89 therein there shall be substituted the words “certificate of proficiency and licence and any other similar document.”;

(b) immediately after subsection (1) of section 90 therein there shall be added the following new proviso:

“Provided that the Minister may in such regulations authorise the Registrar-General to exempt any ship or a class of ships from all or any of the requirements of such regulations.”; and

(c) section 91 therein shall be amended as follows:

(i) for the words “granted to or recognised” in paragraph (a) thereof there shall be substituted the words “granted, recognised or endorsed”;

(ii) paragraph (b) thereof shall be deleted and substituted by the following new paragraph:

“(b) the conditions for the issue, recognition or endorsement of certificates of competency granted, recognised or endorsed in accordance with this Act;”;

(iii) for the words “issued in accordance with” in paragraph (c) thereof there shall be substituted the words “issued, recognised or endorsed in accordance with”; and

(iv) the words “granted or recognised in accordance with this Act” in paragraph (d) thereof shall be deleted.

103. In the definition “ “work place” and “place of work” ” in section 19 of the Occupational Health and Safety (Promotion) Act, the words “vehicle, aircraft or vessel and include” shall be deleted and substituted by the words “or vehicle and except with regard to the crew thereof includes an aircraft or vessel including”.

Consequential amendment of the Occupational Health and Safety (Promotion) Act, Cap. 367.

104. Paragraph (b) of subsection (1) of section 431 of the Companies Act, shall be amended as follows:

Amendment of the Companies Act, Cap. 386.

(a) for the words “Provided that” in the proviso thereto there shall be substituted the words “Provided further that”; and

(b) immediately before the present proviso thereto there shall be inserted the following new proviso:

“Provided that the Minister may establish different dates on which the different provisions of this Act shall commence to apply with respect to such companies; and”.

Passed by the House of Representatives at Sitting No. 357 of 24th July, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives