L.N. 222 of 2004

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Licensing of Shipping Organisations) Regulations, 2004

IN exercise of the powers conferred by articles 84Z(8)(c) and 374 of the Merchant Shipping Act, the Minister for Competitiveness and Communications has made the following regulations:–

Title and scope.

1. (1) These regulations may be cited as the Merchant Shipping (Licensing of Shipping Organisations) Regulations, 2004.

(2) The purpose of these regulations is to provide for the licensing of shipping organisations for the purposes of article 84Z of the Merchant Shipping Act, hereinafter referred to as "the Act".

Application for licence.

2. Without prejudice to any other provision of law, an organisation which may qualify as a shipping organisation in terms of article 84Z(1) of the Act may file an application to be so licensed with the Registrar-General duly signed by an authorised officer, representative or attorney of the applicant organisation giving such information, details and documents as may be required by the Registrar-General in order that he may ensure that all requirements for the qualification of the applicant as a shipping organisation are duly satisfied.

Licence.

3. Subject to the provisions of regulation 5 hereof, the Registrar-General shall, if satisfied that the applicant qualifies as a shipping organisation for the purposes of article 84Z of the Act, and on payment of the prescribed fee, issue a licence in favour of the applicant organisation, authorizing it for the purposes of the Act, to carry on any one or more of the activities contemplated in the said article 84Z.

Term and renewal of licence.

4. A licence issued in terms of regulation 3 hereof shall be valid for a period of one year from the date of issue and, subject to the provisions of regulation 5 hereof, the Registrar-General shall, on application and on payment of the prescribed fee, renew such licence annually for a period of one year.

Refusal to issue or renew a licence and revocation of licence.

5. (1) The Registrar-General may refuse to issue or renew a licence in terms of these regulations and, may revoke a licence so issued or renewed if it appears to him, after giving reasonable opportunity to the applicant or to the licensee, as the case may be, to make relevant representations, that the applicant organisation, or the licensee, as the case may be, does not qualify or no longer qualifies as a shipping organisation in terms of article 84Z of the Act, or if he has reason to believe that the applicant organisation cannot ensure due observance of the laws of Malta particularly those related to merchant shipping.

(2) The Minister may, in the interest of Maltese shipping or in the national interest, direct the Registrar-General not to issue a licence in terms of these regulations, or not to renew a licence issued in terms of these regulations, or to revoke such licence.

Appeal.

6. (1) The applicant organisation, or the licensee, as the case may be, may, within fifteen days from the date on which a decision taken by the Registrar-General in terms of regulation 5 hereof is notified to him, appeal to the Minister for the reconsideration of such decision.

(2) The Minister shall make his decision which shall be final and from which there shall be no appeal after having taken into consideration any representations the Registrar-General may have made in support of his decision.

(3) The decision of the Minister shall be notified forthwith to the appellant and to the Registrar-General.

Presumption.

7. Until such time as a licence issued in terms of these regulations has expired or has been finally revoked, it shall for all intents and purposes of law be presumed that the licensee is a shipping organisation according to law, and it shall not be open to any person, authority or court of law to question the validity of the licence or the qualification of the licensee as a shipping organisation.

Register of Licences.

8. (1) The Registrar-General shall maintain a Register of Licences recording the status of all licences, as well as all decisions taken in respect of such licences in terms of these regulations.

(2) The Register of Licences shall be available for public inspection on payment of such fee as may be prescribed and on application to the Registrar-General at all reasonable time during the hours of his official attendance.

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