L.N. 514 of 2004

MALTA MARITIME AUTHORITY ACT (CAP. 352)

Towage (Tariff of Rates) Regulations, 2004

IN exercise of the powers conferred by article 52 of the Malta Maritime Authority Act, the Minister for Competitiveness and Communications, in consultation with the Malta Maritime Authority, has made the following regulations:-

Citation and commencement.

1. These regulations may be cited as the Towage (Tariff of Rates) Regulations, 2004, and shall come into force on 1st January, 2005.

Tariff of rates.

2. The charges for tug assistance to vessels entering, leaving or shifting in ports, including the Grand Harbour, Marsamxett Harbour or Marsaxlokk Harbour shall be at the rates specified in the Schedule to these regulations.

Computation of time.

3. (1) The time for which the rates are applicable in accordance with the Schedule hereto shall start running either from the time the tug is ordered to commence work or from the time of leaving berth, whichever is the earlier, and the time of completion shall be that when the tug reaches berth.

(2) Subject to the provisions of sub-regulation (1) of this regulation, the time spent by the tug proceeding from berth to vessel to commence operations or from vessel following the end of operation to berth shall be calculated on the basis of a set rate irrespective of the actual time taken, if the service is provided within –

(a) Grand Harbour, at 20 minutes;

(b) Marsamxett Harbour, at 30 minutes;

(c) Marsaxlokk Harbour, at 20 minutes;

(d) Grand Harbour or Marsaxlokk Harbour, if the tug or tugs are based at the other harbour within 60 minutes;

(e) Other ports, actual time from berth to berth.

Ordering of tugs.

4. The ordering of tugs shall take place as follows:

(a) for movements to take place between 1600 hours of one day and 0800 hours of the next following day, the order shall be made before 1200 hours;

(b) for movements to take place between 0800 hours and 1600 hours of the same day or at any time on Saturdays, Sundays and Public Holidays, the order shall be made before 1700 hours of the preceding day;

(c) for movements to take place at Marsaxlokk, the order shall be placed at least three hours before the commencement of the operations:

Provided that when additional tugs are required over and above the tugs continuously manned in that Harbour the order for the additional tugs so required shall be placed at least six hours before the commencement of the operation;

(d) if orders for tugs are not placed in accordance with the provisions of paragraphs (a), (b) and (c) hereof, tug assistance shall be rendered subject to the other provisions of these regulations and to note (9) of the Schedule hereto.

Exemption from Ttowage.

5. The Malta Maritime Authority may exempt from towage any ship in any particular case.

Cancellation of order for a tug.

6. (1) When normal rates are applicable under Column 2 of the Schedule hereto, no charge shall be made in the case of tugs continuously manned in that harbour if an order for the service of a tug is cancelled and notice of such cancellation is given at least two hours before the time such service was due to commence.

Provided that in the case of additional tugs being used over and above the tugs continuously manned in that Harbour, the notice of such cancellation shall be of at least four hours.

(2) If the notice of cancellation is not given as provided in sub-regulation (1) of this regulation, there shall be charged half the hourly rate specified in Column 2 of the Schedule.

(3) Where a tug is ordered for service between 1600 hours of one day and 0800 hours of the next following day and such order is cancelled –

(i) if the order is cancelled during normal working days, not being a Saturday, Sunday or a public holiday, between 0800 hours and 1600 hours and such cancellation is made not later than two hours before the time the service is due to commence, no charge shall be made: provided that if notice of cancellation is not given as aforesaid there shall be charged the minimum rate of one hour as per Column 2 or Column 3 of the Schedule to these regulations, as applicable and including reference to Note (3) thereof;

(ii) if the order is cancelled between 1600 hours and 0800 hours of the next following day or at any time on a Saturday, Sunday or public holiday, there shall be charged the minimum rate of one hour as per Column 3 or Column 4 of the Schedule to these regulations, as applicable and including the references to Notes (3) and (4) thereof.

7. The Towage (Tariff of Rates) Regulations, 1990 are hereby repealed. Repeals L.N. 192 of 1990.

SCHEDULE

(Regulation 2)

Rates per tug per hour or part thereof

Column 1	Column 2	Column 3	Column 4
	Normal Rates (Vide Note 2)	Rates applicable between 1600 hours and 2100 hours. (Vide Note 3)	Rates applicable between 2100 hours of one day and 0800 hours of the next following day and at any time on Saturdays, Sundays and Public Holidays. (Vide Note 4)
	Lm	**Lm**	**Lm**
For vessels up to 3,000gross tons (gt)	70	88	105
For vessels of gross tons (gt) between			
3,001 and 6,000	95	119	143
6,001 and 10,000	125	156	188
10,001 and 13,000	155	194	233
13,001 and 16,000	185	231	278
16,001 and 20,000	230	288	345
20,001 and 24,000	270	338	405
24,001 and 35,000	310	388	465
35,001 and 45,000	340	425	510
45,001 and 60,000	375	469	563
60,001 and 80,000	420	525	630
80,001 and 100,000	465	581	698
100,000 and 150,000	500	625	750
150,000 and 200,000	550	688	825
For vessels exceeding 200,000 gross tons (gt)	600	750	900

Notes:

(1) Subject to availability of the number of continuously manned tugs based at Grand Harbour and Marsaxlokk respectively and subject to the prioritisation of shipping movements in ports, towage services shall be delivered within one hour's notification of actual commencement of the operation

(2) Normal rates in accordance with the charges computed under Column 2 shall apply on normal working days – Monday to Friday – between 0800 hours and 1600 hours, excluding public holidays:

Provided that when additional tugs are required over and above the tugs continuously manned in Grand Harbour or Marsaxlokk respectively, the charges computed at the rates under Column 3 or the charges computed at the rates under Column 2 increased by Lm115 per tug, whichever is the greater, shall be applicable for the additional tugs so required.

(3) For services between 1600 hours and 2100 hours there shall be applicable either the charges computed at the rates under Column 3 or the charges computed at the rates under Column 2 increased by Lm115 per tug, whichever is the greater.

(4) For services between 2100 hours of one day and 0800 hours of the next following day or at any time on a Saturday, Sunday or public holiday, there shall be applicable either the charges computed at the rates under Column 4 or the charges computed at the rates under Column 2 increased by Lm225 per tug, whichever is the greater.

(5) Subject to the provisions of regulation 6 the minimum charge shall in no case be less than the rate calculated for two hours.

(6) The rates payable in respect of tugs assisting a vessel on stand-by but not actually involved in the manoeuvring of the ship shall be sixty per centum of the tariff.

(7) The rates payable for the assistance of disabled vessels shall be increased by fifty per centum, subject to a minimum of Lm450 per tug for vessels up to 3,000 gross tons (gt) and Lm750 per tug for vessels exceeding 3,000 gross tons (gt), provided that this additional charge shall not apply to non self-propelled barges and other vessels, both under forty-five (45) meters in length.

"Disabled vessel" means any vessel which because of some circumstances is unable to manoeuvre safely and under its own control and includes.

- vessels arriving off Malta or leaving Malta on tow;
- vessels with engine breakdown (partial or otherwise), including loss of power or engines regardless of percentage loss, and including cases where only one of a number of engines are operational;
- vessels with rudder trouble (partial of otherwise), including rudder locked in a particular position;
- vessels with loss of steering abilities, regardless of limitations;
- vessels with generator failure;

- vessels with any other defect which affects the capability of the vessel when manoeuvring, including loss of propeller;
- cold moves or dead ships;
- oil rigs and other craft/floating objects not of a normal design of a ship.

This applies to any tug assistance to such vessels/crafts entering, shifting or leaving the Maltese Harbours, and within Malta's territorial limits.

Provided that the definition of "Disabled vessel" shall not apply to breakdowns or defects of a temporary nature which occur during the performance of a normal towage operation, when such breakdown or defect lasts for 30 minutes or less.

(8) Subject to the provisions of regulation 2, the rates payable for the assistance of vessels with 50% and over transhipment cargo calling at the Malta Freeport facilities at Marsaxlokk and for vessels calling at Marsaxlokk in connection with oil blending and storage operations for transhipment or re-export purposes only, shall be calculated at a minimum rate of one hour or, if in excess of one hour, the actual time of operation to the nearest quarter of an hour.

(9) Subject to the provisions of regulation 4, when a tug is ordered for service between 1600 hours of one day and 0800 hours of the next following day or at any time on a Saturday, Sunday or public holiday without giving at least three hours notice, an extra charge of Lm150 per tug shall be made.

(10) Where tow ropes are provided by the tug an extra charge of Lm25 per tug shall be made.

(11) The rates applicable for vessels (including any type of craft or floating object) whose breadth moulded is in excess of 25% of its length overall, shall be increased by one hundred per centum (100%).

(12) "Gross tonnage (gt)" is calculated in accordance with the International Convention on Tonnage Measurements of Ships 1969 which became mandatory for all vessels in July 1994; provided that when the official Gross Tonnage Certificate of a vessel has not been issued and, or cannot be determined by a competent authority in accordance with the provisions of the relative Convention, the rate per tug per hour shall be determined by the length overall of the vessel on the basis of the gross tonnage of such vessels of the same or similar length overall.

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