

L.N. 255 of 2005**MERCHANT SHIPPING ACT
(CAP. 234)****Merchant Shipping (Specific Stability Requirements for Ro-Ro
Passenger Ships) Rules, 2005**

IN exercise of the powers conferred by article 207 of the Merchant Shipping Act, the Minister for Competitiveness and Communications has made the following rules:–

1. (1) The title of these rules is the Merchant Shipping (Specific Stability Requirements for Ro-Ro Passenger Ships) Rules, 2005. Short title and scope.

(2) These rules adopt the measures contained in Directive 2003/25/EC of the European Parliament and of the Council of the 14th April 2003, in its up-to-date version, hereinafter referred to in these rules as Directive 2003/25.

2. (1) In these rules, unless the context otherwise requires – Interpretation.

“the Act” means the Merchant Shipping Act; Cap. 234.

“administration of the flag State” in the case of Maltese ships means the Registrar-General and in the case of other ships means the competent authority of the State whose flag a ro-ro passenger ship is entitled to fly;

“Maltese ship” has the same meaning as is assigned to it in article 3 of the Act;

“Member State” means a member State of the European Union.

(2) Unless otherwise defined in these rules or unless the context otherwise requires, words and expressions used in these rules shall have the same meaning assigned to them in Directive 2003/25.

Directive 2003/25
given force of law
in Malta.

3. Directive 2003/25 shall, unless otherwise provided in these rules and notwithstanding the provision of any other law, form part of and be enforceable as part of the Law of Malta and shall apply to all Maltese ro-ro passenger ships operating to or from a port of a member State on a regular service when engaged on international voyages and to all other ro-ro passenger ships operating to or from a Maltese port on a regular service, regardless of their flag, when engaged on international voyages.

Prohibition to
operate.

4. (1) No Maltese ro-ro passenger ship shall operate or attempt to operate to or from a port of a member State on a regular service on international voyages, unless duly certified as prescribed by Directive 2003/25.

(2) No ro-ro passenger ship shall operate or attempt to operate to or from a Maltese port on a regular service on international voyages, unless duly certified by the administration of its flag State, as prescribed by Directive 2003/25.

(3) The appropriate authority for the purpose of issuing certificates with regards to Maltese ships, in terms of Directive 2003/25 shall be the Registrar-General or, an organisation or body authorised in terms of article 367 of the Act or an official surveyor of ships appointed in terms of that article, duly authorised by the Registrar-General who shall, subject to the provisions of these rules and such Directive, determine the conditions of issue and validity of such certificates.

Duty to ensure
compliance.

5. It shall be the duty of the owner, of the company which has assumed the operation of the ship and of the master to ensure that the ship is in compliance with the provisions of these rules and the applicable requirements of Directive 2003/25 and such person, if in fault, shall be liable to the penalties provided for in the Act, and if no such penalty is provided, such person shall for each offence be liable to a fine (*multa*) not exceeding five hundred units.