L.N. 340 of 2003

MERCHANT SHIPPING ACT (CAP. 234)

Merchant Shipping (Prevention of Collisions) Regulations, 2003

IN exercise of the powers conferred by articles 292 and 374 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:

Title.

1. The title of these regulations is the Merchant Shipping (Prevention of Collisions) Regulations, 2003.

Interpretation.

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

Cap. 234.

"the Act" means the Merchant Shipping Act;

"the Collisions Convention" means "the Convention on the International Regulations for Preventing Collisions at Sea" signed in London on the 20th October, 1972 including any amendment or Protocol related thereto as may from time to time be ratified, acceded to or accepted by the Government of Malta and other instruments, standards and specifications of a mandatory nature related thereto adopted or developed by the International Maritime Organisation or in terms of regulation 3 (2) (a) hereof.

(2) Unless otherwise defined in these regulations or unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning assigned to them in the Collisions Convention.

Collisions Convention given force of law in Malta.

3. (1) The Collisions Convention as may from time to time be in force, shall, unless otherwise provided in these regulations 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 ships and to all other ships while they are in Maltese waters as determined by the said Convention.

(2) The Registrar-General may either on a case by case basis or through the issue of Merchant Shipping Notices –

(a) determine, lay down, prescribe, set or specify what may be required to be determined, laid down, prescribed, set or specified by these regulations or by the Collisions Convention, or expound on the requirements of these regulations or of such Convention or clarify their applicability or interpretation; and

(b) extend any of the provisions of the Collisions Convention to other classes of Maltese ships or, to other classes of ships when they are in Maltese waters,

and in so doing, and without prejudice to the generality of the foregoing, the Registrar-General shall be guided by the circulars, clarifications, codes, decisions, directives, guidelines, instruments, interpretations, manuals, notices, publications, recommendations, regulations, resolutions, rules or any other similar medium of the International Maritime Organisation or any other body or organization with an appropriate knowledge or competence on the subject matter.

Duty to ensure compliance.

4. 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 regulations and the applicable requirements of the Collisions Convention and such person, if in fault, shall be liable to the penalties provided for in the Act.

Provisions of rules and regulations inconsistent with the Collisions Convention.

5. Save as provided for in these regulations where any provisions of any rules and regulations made under the Act are inconsistent with the provisions of the Collisions Convention, the provisions of that Convention shall, unless specifically provided for in such rules or regulations, apply.

Repeals Legal Notice 3 of 1997.

6. The Merchant Shipping (Prevention of Collisions) Regulations, 1997, are hereby repealed.

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