L.N. 75 of 2002

PETROLEUM (IMPORT, STORAGE AND SALE) ORDINANCE (CAP. 25)

MALTA MARITIME AUTHORITY ACT (CAP. 352)

BUNKERING (FUELS) TAX ACT (CAP. 381)

Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering (Amendment) Regulations, 2002

IN exercise of the powers conferred by article 7 of the Petroleum (Importation, Storage and Sale) Ordinance, by article 28 of the Malta Maritime Authority Act and by article 7 of the Bunkering (Fuels) Tax Act, the Minister for Transport and Communications, after consultation with the Malta Maritime Authority, has made the following regulations:-

Citation and commencement

1. (1) The title of these regulations is the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering (Amendment) Regulations, 2002 and shall be read and construed as one with the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations, 1996, hereinafter referred to as "the principal regulations". L.N. 1 of 1996

(2) The purpose of these regulations is to implement Council Directive 93/75/EEC of 13th September, 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods, and as amended

(3) These regulations shall come into force on a date determined by the Minister by notice in the Gazette, except for regulations 10 and 11 which shall be deemed to have come into force on 1st January, 2002.

Amends regulation 3 of the principal regulations

2. Regulation 3 of the principal regulations shall be amended as follows

(a) immediately after the definition "combination carrier" there shall be inserted the following definition:

"competent authority" means any authority designated as such by a Community member state in conformity with Council Directive 93/75/EEC; provided that for Malta the designated competent authority shall be the Malta Maritime Authority.".

(b) in the definition of "cargo handling operations" for the words "for the purpose of changing the modes and means of transport;" there shall be substituted the words "for the purpose of changing the modes and means of transport:" and immediately thereafter there shall be added the following proviso:

"Provided that cargo shall not include bunkers, stores, and equipment on board ships;";

(c) for the definition "dangerous cargoes" there shall be substituted the following:

" "dangerous goods" means goods classified in the IMDG Code including radioactive materials as referred in the INF Code, in Chapter 17 of the IBC and in Chapter 19 of the IGC Code; and any reference to "dangerous cargoes" in the principal regulations shall be construed accordingly;":

(d) immediately after the definition "petroleum" there shall be inserted the following new definition:

" "polluting goods" means

i) oil as defined in Marpol Convention Annex I;

ii) noxious liquid substances as defined in Marpol Convention Annex II and identified as such in the IBC Code;

iii) harmful substances as defined in Marpol Convention Annex III and identified as marine pollutants in the IMDG Code;

and shall be read and construed together with the definition of "dangerous goods";":

(e) immediately after the definition "ship" there shall be inserted the following definition:

" "shipper" means any person by whom or in whose name or on whose behalf a contract of carriage of goods by sea has been concluded with a carrier;".

(f) immediately after the definition "IMO Code for Existing Ships Carrying Liquefied Gases" there shall be inserted the following definitions:

" "IMO Resolution A.851(20)" means the International Maritime Organisation Resolution 851(20) adopted by the Assembly at its 20th session on 27th November, 1997 and entitled 'General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants';

"INF Code" means the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships (INF Code) as it is in force on the 1st January, 1998 and any subsequent amendments;".

Amends regulation 4 of the principal regulations

3. Regulation 4 of the principal regulations shall be amended as follows:

(a) the present regulation shall be renumbered as sub-regulation (1) thereof; and

(b) immediately after sub-regulation (1) as renumbered there shall be added the following new sub-regulation:

"(2) These regulations shall not apply to warships and other official ships used for non-commercial purposes ".

Amends regulation 7 of the principal regulations

4. Regulation 7 of the principal regulations shall be amended as follows:

(a) sub-regulation (2) thereof shall be renumbered as sub-regulation (3); and

(b) immediately after sub-regulation (1) thereof, there shall be inserted the following new sub-regulation:

"(2) When a ship is involved in a marine casualty or in any incident or circumstance which poses a threat to the Maltese coastline, or related interest, the master of the ship concerned shall provide immediate information to the Director as to the particulars of the incident and the information in Schedule A to these regulations. The notification provided for in this paragraph shall be effected in accordance with IMO Resolution A.851(20) and shall be made at least in all circumstances set out in that Resolution:

Provided that the obligation to report the information in Schedule A is satisfied if the ship indicates which competent authority within the European Union is holding the information.".

Amends regulation 9 of the principal regulations

5. Regulation 9 of the principal regulations shall be renumbered as sub-regulation (1) thereof and immediately thereafter there shall be added the following new sub-regulation:

"(2) No dangerous or polluting goods shall be offered for carriage or taken on board any vessel unless a declaration has been delivered to the master or owner containing the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes, the quantities of such goods and, if in portable tanks or freight containers, their identification marks. It shall be the duty of the shipper to deliver to the master or owner the declaration required by this regulation and to ensure that the shipment offered for carriage is indeed the one declared in the declaration."

Amends regulation 12 of the principal regulations

6. In the proviso to sub-regulation (1) of regulation 12 of the principal regulations, paragraphs (a), (b) and (c) shall be renumbered as paragraphs (b), (c) and (d) respectively, and immediately before paragraph (b) as renumbered there shall be inserted the following new paragraph:

"(a) the master, owner, or agent of a ship coming from a port located outside the Community and bound for a port or an anchorage located in Malta or its territorial waters shall, as a condition for the entry into that port or anchorage, notify the Director on or before departure from the loading port, all information listed in Schedule A to these regulations:".

Amends regulation 19 of the principal regulations

7. For regulation 19 of the principal regulations there shall be substituted the following:

"Pilotage

19.(1) The Master of any ship arriving in a port carrying dangerous or polluting goods, must employ a pilot for the purposes of berthing, unberthing or manoeuvering.

(2) The Master of any ship shall complete truly and accurately in duplicate a check list as reproduced in Schedule F to these regulations and make it available to the pilot for his information and to the Director.

(3) Pilots engaged in berthing, unberthing or manoeuvering ships shall immediately inform the Director

whenever they learn that there are deficiencies which may prejudice the safe navigation of the vessel.".

8. In regulation 22 of the principal regulations, sub-regulation (2) shall be renumbered as sub-regulation (3), and immediately following sub-regulation (1) there shall be inserted the following new sub-regulation: Amends regulation 22 of the principal regulations.

"(2) The Master, owner or agent of a ship leaving a port or the territorial or internal waters shall before departure give notice by facsimile or by electronic data transmission or in writing to the Director all information listed in Schedule A to these regulations.".

9. For Schedule A to the principal regulations there shall be substituted the following: Amends Schedule A of the principal regulations.

"**Schedule A**

(Regulation 12)

Notice of Expected Arrival and Departure of a Ship Carrying Dangerous or Polluting Goods

1. Name of Ship	2. Flag	3. Call Sign	4 IMO No.	5. G.T.	6. N.T.	7. D.W.T
8. Type of Ship	9. Length	10. Beam	11 Arrival Draft		12. Estimated Dep. Draft	
			F:	A:	F:	A:
13. Estimated Time of Arrival:			14. Last Port of Call			
a. Date	b. Time:		15. Next Port of Call:			
16. Estimated Time of Departure			17. Estimated Time of Arrival at Destination Port			
a. Date.	b. Time:		a. Date:	b. Time:		
18. Intended route:						
19. Ship's owner	20. Ship's Agent		21. Cargo owner			
22. Does ship have SBT or CBT	23. Operational I.G. system		24. Is slop disposal required			
	a Yes/No b O2 Levels:					
25 Number of persons on board:			26. Number of crew on board.			

(a) The correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes, and, if applicable, the ship class according to the INF Code, the quantities of such goods and their location on board and, if in portable tanks or freight containers, their identification marks

(b) Confirmation that a list of manifest appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on the vessel is kept on the navigation bridge or in the ship's operation centre ".

Amends Schedule D to the principle regulations

10. Schedule D to the principal regulations shall be amended as follows:

(a) in the title thereof, for the words "1st FEBRUARY, 1996" there shall be substituted the words "1st JANUARY, 2002";

(b) in item (viii) thereof, for the words "(CLC), 1969" there shall be substituted the words "(CLC), 1992"; and

(c) in item (ix) thereof, for the words "(Fund), 1971" there shall be substituted the words "(Fund), 1992".

Amends regulation 91 of the principal regulations

11. For regulation 91 of the principal regulatons there shall be substituted the following:

"Tankers and bunker barges in Grand Harbour

91. Notwithstanding any other regulaton herein:

(a) A tanker carrying only non-volatile petroleum or sulphuric acid may enter Grand Harbour for the purpose of discharging at a marine terminal or facility

(b) A bunker barge or a tanker, with her last cargo being a non-volatile petroleum cargo, or with her tanks in the inert or gas free condition, may be allowed to enter Grand Harbour to load non-volatile petroleum from a marine terminal or facility."

Adds Schedule F to the principal regulations

12. Immediately after Schedule E to the principal regulations there shall be added the following new Schedule F:

"Schedule F

(Regulation 19)

Check List For Vessels

A. Vessel identification

Name of vessel:	Owner:	Year built:
Flag:	Call sign:	Gross tonnage:
Port of registry:	Length overall:	IMO Identification No:

Sea areas in which the ship is certified to operate:

Classification society:

Class notation:	Hull:	Machinery:

Propulsion machinery:	Output:

Agent:

Draught:	Forward:	Amidships:	Aft:

Volume/mass of dangerous or polluting cargo:

B. Safety installations aboard

	In good Working order Yes	No	Deficiences
1. Construction and technical equipment			
Main and auxiliary engines	❑	❑	_____
Main steering gear	❑	❑	_____
Auxiliary steering gear	❑	❑	_____
Anchor gear	❑	❑	_____
Fixed fire-extinguishing system	❑	❑	_____
Inert gas system (if applicable)	❑	❑	_____
2. Navigational equipment			
Manoeuvering characteristics available	❑	❑	_____
First radar installation	❑	❑	_____
Second radar installation	❑	❑	_____
Gyro compass	❑	❑	_____
Standard magnetic compass	❑	❑	_____
Radio direction-finding apparatus	❑	❑	_____
Echo-sounding device	❑	❑	_____
Other electronic position-fixing aids	❑	❑	_____
Equipment for measuring speed and distance (log):			
- Speed through the water	❑	❑	_____
- Speed over ground	❑	❑	_____
3. Radio equipment			
Radiotelegraphy equipment	❑	❑	_____
Radiotelephony equipment	❑	❑	_____

GMDSS radio equipment	❑	❑	_____
Radio equipment for life-saving appliances	❑	❑	_____

C. Documents

	Certificates/ documents Valid on board Yes	No	Remarks
International Tonnage Certificate (1969)	❑	❑	_____
Passenger Ship Safety Certificate	❑	❑	_____
Cargo Ship Safety Certificate	❑	❑	_____
Cargo Ship Safety Construction Certificate	❑	❑	_____
Cargo Ship Safety Equipment Certificate	❑	❑	_____
Cargo Ship Safety Radio Certificate	❑	❑	_____
Cargo Ship Safety Radiotelegraphy Certificate[1]	❑	❑	_____
Cargo Ship Safety Radiotelephony Certificate[1]	❑	❑	_____
Exemption Certificate (SOLAS)	❑	❑	_____
International Load Line Certificate	❑	❑	_____
International Load Line Exemption Certificate	❑	❑	_____
Class Certificate	❑	❑	_____
Certificate of insurance or other financial security in respect of civil liability for oil pollution damage	❑	❑	_____
Document of compliance with the special requirements for ships carrying dangerous goods (SOLAS)	❑	❑	_____

[1]These certificates are relevant only for ships constructed before 1 February 1995.

_____ Date

_____ Signature of the master or, if he is indisposed, of the deputy".

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