L.N. 391 of 2002

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Tonnage) Regulations, 2002

IN exercise of the powers conferred by articles 81 and 374 of the Merchant Shipping Act, the Minister for Transport and Communications has made the following regulations:–

PART I
General

1. (1) The title of these regulations is the Merchant Shipping (Tonnage) Regulations, 2002. Citation and commencement.

(2) These regulations shall come into force on the 1st January, 2003.

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

"the Act" means the Merchant Shipping Act; Cap. 234.

"Administration" means the Government of the state whose flag the ship is flying;

"amidships" means the mid-point of the length (as defined below), except in the case of a ship of less than 24 metres in length when it means the mid-point of the length overall;

"breadth" means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material;

"break" means the space bounded longitudinally by a side to side upward step in the lowest line of the upper deck and another such step or the end of the ship, transversely by the sides of the

ship and vertically by the higher part of the deck and the lowest line of the upper deck continued parallel thereto;

"cargo spaces" means enclosed spaces which are appropriated for the transport of cargo to be discharged from the ship;

"Certifying Authority" means the Minister or any person authorised by the Minister for the purposes of these regulations and includes organizations or bodies of surveyors authorized by the Minister in that behalf;

"Contracting Government" means the Government of a country which has accepted the International Convention on Tonnage Measurement of Ships, 1969 signed in London on the 23rd June, 1969;

"Convention" means the International Convention on Tonnage Measurement of Ships, 1969 signed in London on the 23rd June, 1969;

"enclosed spaces" means all those spaces, other than excluded spaces, which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed spaces;

and, for the purposes of this definition, "excluded spaces" means, subject to sub-paragraph (f) below, any of the spaces specified in sub-paragraphs (a) to (e) below:

(a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartship line at a fore and aft distance from the opening equal to half the breadth of the deck at the line of the opening. Such end opening shall have a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening and shall extend from deck to deck or to a curtain plate of a depth not exceeding by more than 25 millimetres the depth of the adjacent deck beams, as specified in figure 1 of Schedule 1 hereto; provided that:

(i) where at any point the width of the enclosed space, because of any arrangement except covergence of the outside plating, as specified in figure 3 of Schedule 1 hereto, becomes

less than 90 per cent of the breadth of the deck at the line of the opening, the excluded space shall extend only to an athwartship line intersecting that point, as specified in figures 2 and 4 of Schedule 1 hereto;

(ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulwarks or open rails end of fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed spaces shall be excluded, as specified in figures 5 and 6 of Schedule 1 hereto;

(b) a space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, which ever is the greater, as specified in figure 7 of Schedule 1 hereto;

(c) a space in a side-to-side erection between opposite side of openings not less in height than 0.75 metres or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening, as specified in figure 8 of Schedule 1 hereto;

(d) a space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as specified in figure 9 of Schedule 1 hereto;

(e) a recess in the boundary bulkheads of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as specified in figure 10 of Schedule 1 hereto;

(f) notwithstanding the provisions of sub-paragraphs (a) to (e) inclusive, any space listed in those sub-paragraphs which fulfils

at least one of the following conditions shall be treated as an enclosed space:

(i) the space is fitted with shelves or other means for securing cargo or stores;

(ii) the openings are fitted with any means of closure;

(iii) the construction provides any possibility of such openings being closed;

"fishing vessel" means a vessel granted a license or permit to fish in terms of the Fisheries Conservation and Management Act, 2001;

Act II of 2001.

"foreign ship" means a ship which is not a Maltese ship;

"length" means the greater of the following distances:

(a) the distance between the fore side of the stem and the axis of the rudder stock; or

(b) a distance measured from the fore side of the stem, being 96 per cent of the distance between that point and the aft side of the stem,

the said points and measurements being taken respectively at and along a waterline at 85 per cent of the least moulded depth of the ship. In the case of a ship having a rake of keel the waterline shall be parallel to the designed waterline;

"length overall" means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and "fixed permanent structure" includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed;

"Load Line Rules" means the Merchant Shipping (Load Line) Rules, 1974; and includes in relation to any ship not registered in

L.N. 131 of 1974.

Malta any corresponding rules of the country in which the ship is registered;

"MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships, signed in London on 2nd November, 1973 and the Protocol thereto signed in London on 17th February, 1978;

"moulded depth" and in the case of a ship of less than 24 metres "depth", means the vertical distance measured from the top of the keel of a metal ship, or in wood or composite ships from the lower edge of the keel rabbet, to the underside of the upper deck at side, or, in the case of a ship which is not fully decked, to the top of the upper strake or gunwale, provided that –

(a) where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(b) in the case of a glass reinforced plastic ship where no keel member is fitted and the keel is of open trough construction, the distance is measured from the top of the keel filling, if any, or the level at which the inside breadth of the trough is 100 millimetres, whichever give the lesser depth;

(c) in ships having rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and

(d) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is measured, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part; and for the purposes of this definition:

(i) "upper deck" means the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation

of that line parallel to the upper part of the deck is taken as the upper deck; and

(ii) "weathertight" means that in any sea conditions water will not penetrate into the ship;

"moulded draught" means:

(a) for ships assigned load lines in accordance with the Load Line Rules, the draught corresponding to the Summer Load Line (other than timber load lines);

(b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with the SOLAS Convention (as defined below) or other international agreement where applicable or in accordance with the provisions of regulations implementing such Convention or agreement where applicable;

(c) for ships to which no load line has been assigned but the draught of which is restricted by the Minister, the maximum permitted draught; and

(d) for other ships, 75 per cent of the moulded depth amidships as defined in this regulation;

"oil tanker" means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes combination carriers; for the purposes of this definition, "combination carrier" means a ship designed to carry either oil or solid cargoes in bulk;

"passenger" means any person carried in a ship except:

(a) a person employed or engaged in any capacity on board the ship on the business of the ship;

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented; and

(c) a child under one year of age;

"pleasure yacht" means a vessel primarily used for sport or recreation;

"similar stage of construction" means the stage at which:

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;

"SOLAS Convention" means the International Convention for the Safety of Life at Sea, signed in London on 1st November, 1974 and the Protocol thereto signed in London on 17th February, 1978;

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, signed in London on 7th July, 1978;

"surveyor" means a surveyor appointed by a Certifying Authority.

(2) Any reference in these regulations to an international convention or its related protocol or code shall include reference to any amendments to such convention, protocol or code accepted by the Government of Malta.

PART II

Application, Ascertainment of Tonnage and Certification for Ships of 24 Metres in Length and Over

Application of Part II.

3. This Part of these regulations shall apply to ships (including fishing vessels and pleasure yachts), being ships of 24 metres in length or over, registered or to be registered as Maltese ships under Part II or Part IIA of the Act.

Ascertainment of Tonnage

Method of measurement.

4. (1) The owner and the master of a ship to be measured shall make it available for measurement by a surveyor and afford all necessary facilities for its inspection, survey and measurement and shall produce such plans, drawings, specifications and other documents relating to the ship that the surveyor may require for his use or retention.

(2) The gross and net tonnages shall be determined in accordance with regulations 6 and 7 of these regulations provided that in the case of novel types of craft with constructional features which render the application of the provisions of these regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Minister.

(3) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.

(4) Gross and net tonnages shall be expressed as whole numbers, decimals being rounded off downwards.

Calculation of volumes.

5. (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea shall be excluded from the total volume.

(4) The method and accuracy of the calculations shall be to the satisfaction of the Minister and shall be sufficiently detailed to facilitate checking.

Gross tonnage.

6. The gross tonnage (GT) of a ship shall be determined by the following formula: $GT = K_1 V$

where: V = total volume of all enclosed spaces of the ship in cubic metres; and

$K_1 = 0.2 + 0.02 \log_{10} V$ or as specified in Schedule 2.

Net tonnage.

7. The net tonnage (NT) of a ship shall be determined by the following formula:

$$NT = K_2 V_c \left(\frac{4d}{3D}\right)^2 + K_3 \left(N_1 + \frac{N_2}{10}\right)$$

where:

V_c = total volume of cargo spaces in cubic metres;

$K_2 = 0.2 + 0.02 \log_{10} V_c$ or as specified in Schedule 2;

$$K_3 = 1.25 \frac{GT + 10{,}000}{10{,}000}$$

where GT = gross tonnage calculated in accordance with regulation 6;

D = moulded depth amidships in metres;

d = moulded draught amidships in metres;

N_1 = number of passengers in cabins with not more than 8 berths; and

N_2 = number of other passengers;

Provided that:

(a) the factor

$$\left(\frac{4d}{3D} \right)^2$$

shall not be taken as greater than unity;

(b) the term

$$K_2 V_c \left(\frac{4d}{3D} \right)^2$$

shall not be taken less than 0.25 GT;

(c) N_1 and N_2 shall be taken as zero when $N_1 + N_2$ is less than 13; and

(d) NT shall not be taken as less than 0.30 GT.

Segregated ballast oil tankers.

8. Where segregated ballast tanks complying with Regulation 13 of Annex I of the MARPOL Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast tanks shall be calculated according to the following formula:

$K_1 \times V_b$

Where: $K_1 = 0.2+0.02 \log_{10} V$ or as specified in Schedule 2;

V= the total volume of all enclosed spaces of the ship in cubic metres; and

V_b = the total volume of segregated ballast tanks in cubic metres measured in accordance with regulation 5.

Certification

Issue of certificates.

9. If it is in order to do so, the Certifying Authority shall issue to the owner of every ship, the tonnages of which have been ascertained in accordance with regulations 6 and 7 of these regulations, an International Tonnage Certificate (1969) in the form set out in Schedule 3 to these regulations or as near thereto as circumstances permit, certifying the tonnages of the ship and containing the particulars to be shown thereon and such particulars, if any, as the Registrar-General may deem proper.

Cancellation of certificates

10. (1) Where alterations are made in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry under the terms of the ship's passenger certificate, assigned load line, or permitted draught of the ship such as would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) shall cease to be valid and shall be delivered up to and cancelled by the Certifying Authority.

(2) When a ship is transferred from the Malta Register the International Tonnage Certificate (1969) shall cease to be valid except when the transfer is to the Administration of a state which is a Contracting Government, in which case the certificate may remain in force for a period not exceeding three months or until the new Administration issues another International Tonnage Certificate (1969), whichever is the earlier. The Certifying Authority shall transmit to the Administration of that Government as soon as possible after the transfer

has taken place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

Change of net tonnage necessitating issue of certificate.

11. (1) When alterations in the values of V, V_c, d, N_1 or N_2 as defined in regulations 6 and 7 result in an increase in the net tonnage a new International Tonnage Certificate (1969) incorporating the increased net tonnage shall be issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with the SOLAS Convention or in accordance with the provisions of regulations implementing such Convention and load lines in accordance with the Load Line Rules, only one net tonnage shall be applied. Where the draught corresponding to the Summer load line differs from that corresponding to the deepest subdivision load line the net tonnage shall, subject to paragraph (a) of sub-regulation (3) hereof, be the greater of the two values determined in accordance with regulation 7 by applying the differing draughts.

(3) (a) Subject to sub-paragraph (b) below, where alterations in the values of V, V_c, d, N_1 or N_2 as defined in regulations 6 and 7, or changes in the position of the load lines result in a decrease in the net tonnage, a new International Tonnage Certificate (1969) incorporating the decreased net tonnage shall not be issued until twelve months have elapsed from the date on which the current certificate was issued.

(b) A new International Tonnage Certificate (1969) may be issued when:

(i) a ship which was registered elsewhere is reregistered in Malta:

(ii) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, which requires an alteration of the assigned load line; or

(iii) the ship is a passenger ship employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade.

Use of previous applicable gross tonnage.

12. (1) In the case of a ship –

(a) which is a ship the keel of which was laid or which was at a similar stage of construction before 18th July 1982; or

(b) which is a ship the keel of which was laid or which was at a similar stage of construction not later than 31st December 1985, not being a ship referred to in paragraph (a) hereof; or

(c) which is a cargo ship of less than 1600 tons gross tonnage when ascertained in accordance with regulation 13(3) of the Merchant Shipping (Tonnage) Regulations, 1989, the keel of which was laid or which was at a similar stage of construction before 18th July 1994, not being a ship referred to in paragraph (a) hereof,

the Minister may permit the continuing use of a gross tonnage ascertained in accordance with regulation 13(3) of the Merchant Shipping (Tonnage) Regulations, 1989 for the purpose of the application of the provisions of the SOLAS Convention, the MARPOL Convention and the STCW Convention or for the purpose of the application of the provisions of regulations implementing such Conventions.

(2) An International Tonnage Certificate (1969) may be annotated, under "Remarks", by the Certifying Authority-

(a) in the case of a ship to which sub-regulation (1)(a) refers, with the duly completed and signed entry-

"The ship is remeasured according to article 3(2)(d) of the 1969 Tonnage Convention

The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is: ..... RT, according to the regulations ....."; and

(b) in the case of a ship to which sub-regulation (1)(b) or (c) refers, with the duly completed and signed entry –

"The ship is additionally measured according to resolution A. 494(XII).

The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships, 1969, is: ..... RT, according to the regulations .....".

(3) Where such an entry has been made on an International Tonnage Certificate (1969) and the ship undergoes alterations or

modifications which affect its tonnage the old tonnage referred to in sub-regulation (1) shall be deleted.

(4) Where a gross tonnage has been ascertained and is to be used in accordance with paragraph (1), then any certificate issued for the purposes of the conventions referred to shall record only that gross tonnage together with an appropriate footnote –

"The above gross tonnage has been determined by a Certifying Authority (a tonnage authority) of Malta in accordance with the national tonnage regulations which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships, 1969."; or

"See REMARKS column of the valid International Tonnage Certificate (1969)".

PART III

Application, Ascertainment of Tonnage and Certification for Fishing Vessels of 15 Metres or more in Length Overall but less than 24 Metres in Length

Application of Part III.

13. This Part of these regulations shall apply to fishing vessels of 15 metres or more in length overall but less than 24 metres in length, registered or to be registered as Maltese ships under Part II or Part IIA of the Act, with effect:

(a) for vessels first registered on or after 1st January, 2003, from the date when such vessels are first registered; and

(b) for vessels first registered before 1st January, 2003, from 1st January, 2004.

Measurement and certification.

14. (1) Regulations 4, 5 and 6 of these regulations shall apply for the measurement of tonnage of fishing vessels to which this Part of these regulations applies as they apply for the purpose of Part II of these regulations.

(2) The tonnage determined in accordance with sub-regulation (1) hereof, shall be the gross tonnage and net tonnage.

Issue of certificates.

15. If it is in order to do so, the Certifying Authority shall issue to the owner of every fishing vessel, the tonnages of which have been

ascertained in accordance with regulation 14 of these regulations, a Certificate of Survey (Tonnage Measurement) for Maltese Fishing Vessels of 15 Metres Length Overall to Less than 24 Metres Length in the form set out in Schedule 4 to these regulations or as near thereto as circumstances permit, certifying the tonnages of the fishing vessel and containing the particulars to be shown thereon and such particulars, if any, as the Registrar-General may deem proper.

Cancellation of certificates.

16. Where alterations are made in the arrangement, construction, capacity, use of spaces, or permitted draught of the fishing vessel such as would cause an increase in the tonnage, the existing measurement shall cease to be valid, any certificate shall be delivered up to and cancelled by the Certifying Authority and the owner of the vessel shall make an application for it to be remeasured in accordance with regulation 4(1) of these regulations.

PART IV

Application, Ascertainment of Tonnage and Certification for Ships of Less than 24 Metres in Length, Other Than Fishing Vessels to which Part III applies

Application of Part IV.

17. This Part of these regulations shall apply to ships (including fishing vessels and pleasure yachts), being ships of less than 24 metres in length, and not being fishing vessels to which Part III of these regulations applies, registered or to be registered as Maltese ships under Part II or Part IIA of the Act.

Measurement and certification.

18. (1) The owner and the master of a ship to be measured shall make it available for measurement by a surveyor and afford all necessary facilities for its inspection, survey and measurement and shall produce such plans, drawings, specifications and other documents relating to the ship that the surveyor may require for his use or retention.

(2) The tonnage of a ship shall be the sum of –

(a) the product of multiplying together its length overall, extreme breadth over the outside hull and depth in metres and multiplying the resultant figure by 0.16; and

(b) the tonnage of any break or breaks, calculated for each break by multiplying together its mean length, mean breadth and mean height in metres and multiplying the resultant figure by 0.35.

(3) For the purpose of this Part –

(a) the breadth of a ship shall be its extreme breadth over the outside plating, planking or hull, no account being taken of rubbers or fenders even if they are moulded so as to be integral with the hull;

(b) the depth of a ship shall be measured vertically at the midpoint of the length overall.

(i) The upper terminal point for depth shall be,–

(aa) in the case of a decked ship, the underside of the deck on the middle line or if there is no deck on the middle line at the point of measurement, the underside of the deck at the side of the ship plus the full deck camber;

(bb) in the case of an open ship, the top of the upper strake or gunwale.

(ii) The lower terminal point of depth shall-

(aa) in the case of a wooden ship, the upper side of the plank at the side of the keel or hog;

(bb) in the case of a metal ship, the top of the plating at the side of the keel;

(cc) in the case of a glass reinforced plastic ship, the inside of the hull. Where no keel member is fitted and the keel is of open trough construction, the lower terminal point for depth shall be the top of the keel filling, if fitted, or the level at which the inside breadth of the trough is 10 centimetres, whichever gives the greater depth.

(iii) Where a break exists in way of the point of measurement for depth, the height of the break shall not be included in the measurement of depth.

(4) The tonnage determined in accordance with sub-regulation (2) hereof, shall be the gross tonnage and net tonnage.

(5) In the case of a multi-hull ship the tonnage of each hull shall be measured separately and the sum of such tonnages shall be used in computing the tonnage referred to in sub-regulation (2) hereof.

(6) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest one hundredth of a metre.

(7) Tonnage shall be expressed to two decimal places, the second decimal place being increased by one if the third decimal place is 5 or more.

(8) On completion of the measurement and if it is in order to do so, the Certifying Authority shall issue to the owner of every ship , the tonnages of which have been ascertained in accordance with this Part of these regulations, a Certificate of Survey (Tonnage Measurement) for Maltese Ships under 24 Metres Length, other than Fishing Vessels of more than 15 Metres Length Overall in the form set out in Schedule 5 to these regulations or as near thereto as circumstances permit, certifying the tonnages of the ship and containing the particulars to be shown thereon and such particulars, if any, as the Registrar-General may deem proper.

(9) Where alterations are made in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry under the terms of the ship's passenger certificate, assigned load line, or permitted draught of the ship such as would cause an increase in the tonnage, the existing measurement shall cease to be valid, any Certificate shall be delivered up to and cancelled by the Certifying Authority and the owner of the ship shall make an application for it to be remeasured in accordance with sub-regulation (1) hereof.

(10 Notwithstanding the provisions of sub-regulation (2) hereof, nothing in this Part of these regulations shall be taken to require any ship the tonnage of which was validly determined under the Tonnage Regulations in force immediately before the coming into force of these regulations to have its tonnage re-determined.

PART V

Foreign Ships whilst within Malta or the Territorial Waters thereof

Acceptance of foreign tonnage certificates.

19. (1) An International Tonnage Certificate (1969) issued under the authority of another Contracting Government to a foreign ship in accordance with the Convention shall be accepted and regarded for all purposes covered by the Convention as having the same validity as one issued under Part II of these regulations. Whilst such a ship is

within Malta or the territorial waters thereof it may be subject to inspection by a person duly authorised by the Minister in that behalf for the purpose of verifying:

(a) that the ship is provided with a valid International Tonnage Certificate (1969) and

(b) that the main characteristics of the ship correspond to the data given in the certificate.

(2) Any such inspection shall not cause any delay to the ship.

(3) If the inspection reveals that the main characteristics of the ship differ from those entered in the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the Administration of the State whose flag the ship is flying shall be informed without delay.

Ascertainment of Tonnage and Certification.

20. (1) The Certifying Authority may, at the request of the Administration of a Contracting Government, ascertain the gross and net tonnages of a foreign ship in accordance with Part II of these regulations and issue to the owner an International Tonnage Certificate (1969). In such cases the certificate shall be endorsed to the effect that it has been issued at the request of the Government of the state whose flag the ship is or will be flying, and a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting Government as soon as possible.

(2) The Certifying Authority may, at the request of an owner of a foreign ship flying the flag of an Administration of a non-Contracting Government, ascertain the gross and net tonnages of the ship in accordance with Part II of these regulations and issue a Certificate of Maltese Tonnage Measurement. In such cases the certificate shall bear the endorsement "for use only whilst within Malta or the territorial waters thereof".

PART VI
Penalties

Penalties.

21. (1) Any owner or master who fails without reasonable cause to deliver up a certificate for cancellation as required by regulations 10(1), 16 or 18(9) of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding 200 liri.

(2) Any person who contravenes or suffers any person under his control to contravene the provisions of these regulations or any person who omits or suffers any person under his control to omit anything the performance of which is required by the provisions of these regulations shall be guilty of an offence and shall be liable to a fine not exceeding 500 liri for each such offence.

(3) Where an offence has been committed as provided by sub-regulation (2) hereof the Minister may direct that the sailing of the ship in respect of which the offence was committed shall be prohibited until the contravention or omission constituting the offence has been removed.

PART VII
Revocation

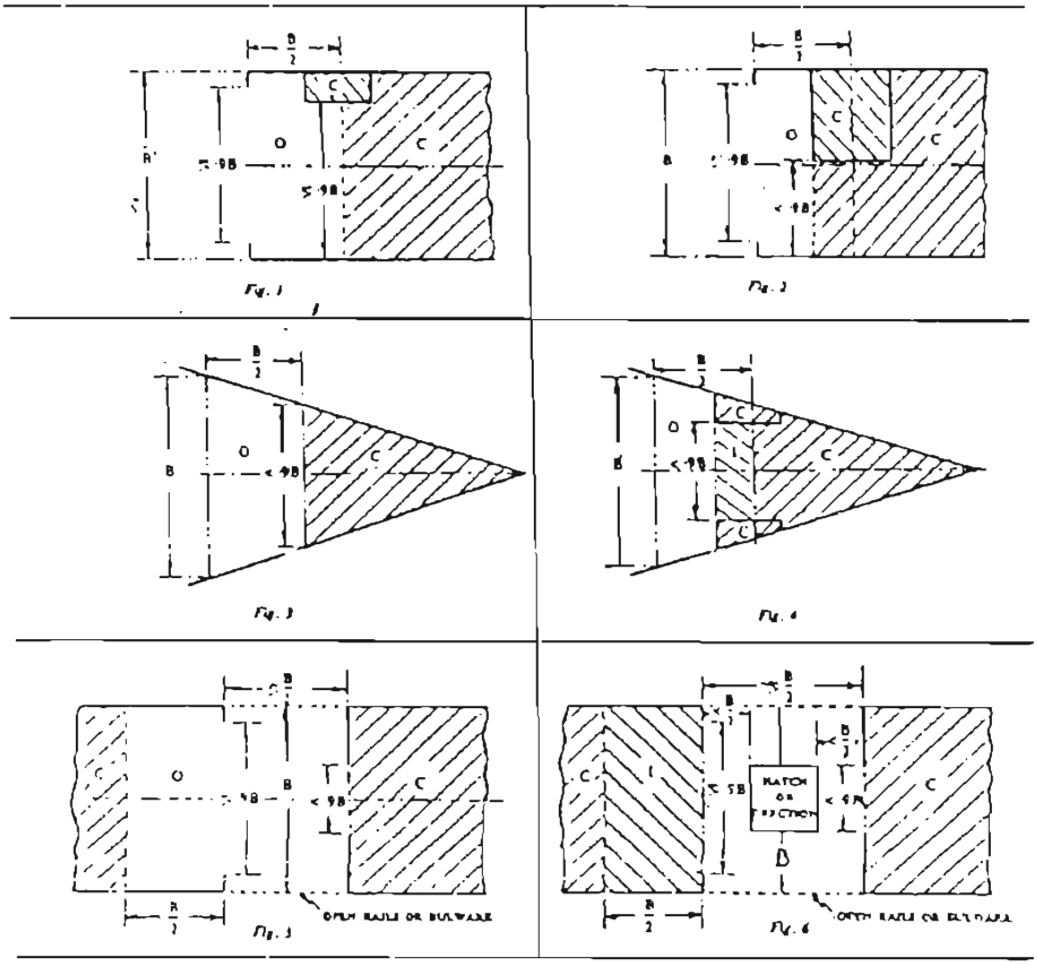
Revocation of L.N. 78 of 1989.

22. The Merchant Shipping (Tonnage) Regulations, 1989 are hereby revoked.

SCHEDULE 1

Excluded spaces as Defined in Regulation 2

In the following figures: O = excluded space
C = enclosed space
I = space to be considered as an enclosed space
Hatched in parts to be included as enclosed spaces.
B = breadth of the deck in way of the opening.
In ships with rounded gunwales the breadth is measured as indicated in Figure 11.



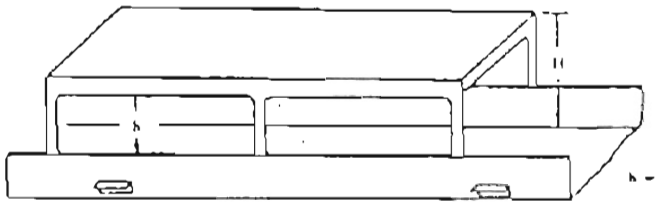


Fig. 7

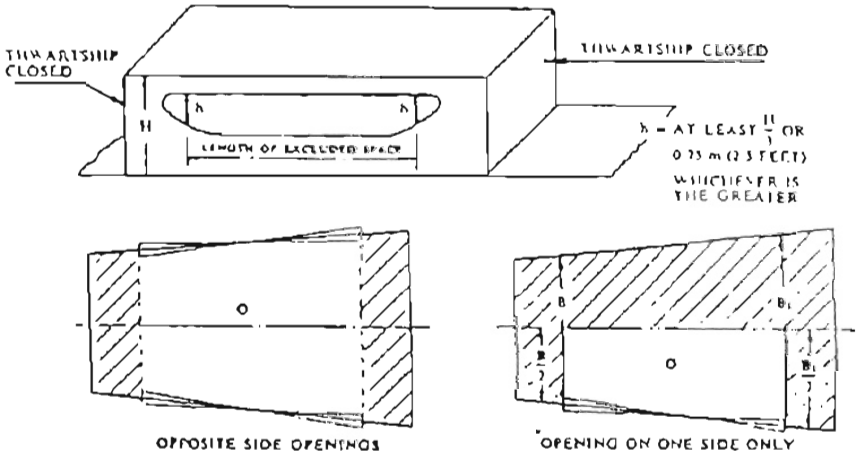


Fig. 8

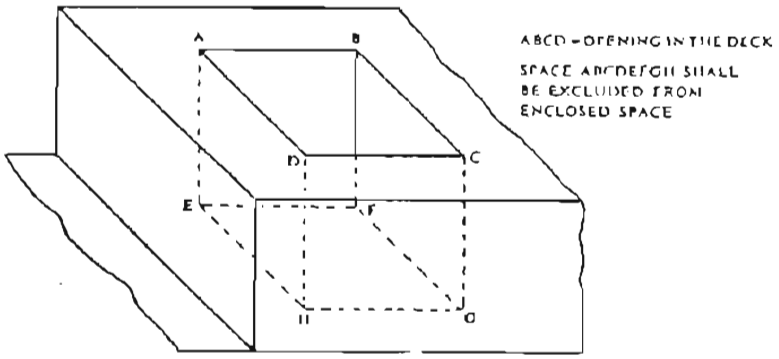


Fig. 9

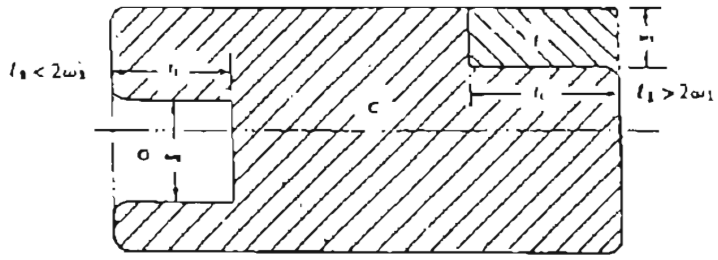


Fig. 10

SHIPS WITH ROUNDED GUNWALES

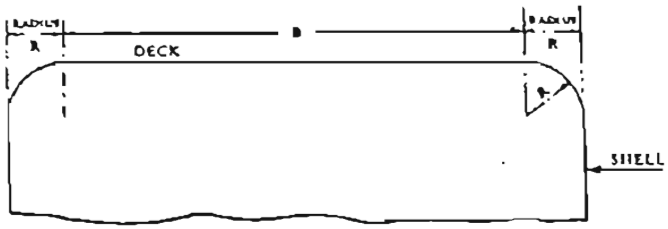


Fig. 11

SCHEDULE 2

Coefficients K_1 and K_2 Referred to in Regulations 6, 7 and 8

V or V_c = Volume in cubic metres

V or V_c	K_1 or K_2	V or V_c	K_1 or K_2	V or V_c	K_1 or K_2	V or V_c	K_1 or K_2
10	0·2200	45 000	0·2931	330 000	0·3104	670 000	0·3165
20	0·2260	50 000	0·2940	340 000	0·3106	680 000	0·3166
30	0·2295	55 000	0·2948	350 000	0·3109	690 000	0·3168
40	0·2320	60 000	0·2956	360 000	0·3111	700 000	0·3169
50	0·2340	65 000	0·2963	370 000	0·3114	710 000	0·3170
60	0·2356	70 000	0·2969	380 000	0·3116	720 000	0·3171
70	0·2369	75 000	0·2875	390 000	0·3118	730 000	0·3173
80	0·2381	80 000	0·2981	400 000	0·3120	740 000	0·3174
90	0·2391	85 000	0·2986	410 000	0·3123	730 000	0·3175
100	0·2400	90 000	0·2991	420 000	0·3125	760 000	0·3176
200	0·2460	95 000	0·2996	430 000	0·3127	770 000	0·3177
300	0·2495	100 000	0·3000	440 000	0·3129	780 000	0·3178
400	0·2520	110 000	0·3008	450 000	0·3131	780 000	0·3180
500	0·2540	120 000	0·3016	460 000	0·3133	800 000	0·3181
600	0·2556	130 000	0·3023	470 000	0·3134	810 000	0·3182
700	0·2569	140 000	0·3029	480 000	0·3136	820 000	0·3185
800	0·2581	150 000	0·3035	490 000	0·3138	830 000	0·3184
900	0·2591	160 000	0·3041	500 000	0·3140	840 000	0·3185
1000	0·2600	170 000	0·3046	510 000	0·3142	850 000	0·3186
2000	0·2660	180 000	0·3051	520 000	0·3143	860 000	0·3187
3000	0·2695	190 000	0·3056	530 000	0·3145	870 000	0·3188
4000	0·2720	200 000	0·3060	540 000	0·3146	880 000	0·3189
5000	0·2740	210 000	0·3064	550 000	0·3148	890 000	0·3190
6000	0·2756	220 000	0·3068	560 000	0·3150	900 000	0·3191
7000	0·2769	230 000	0·3072	570 000	0·3151	910 000	0·3192
8000	0·2781	240 000	0·3076	580 000	0·3153	920 000	0·3193
9000	0·2791	250 000	0·3080	590 000	0·3154	930 000	0·3194
10000	0·2800	260 000	0·3083	600 000	0·3156	940 000	0·3195
15000	0·2835	270 000	0·3086	610 000	0·3157	950 000	0·3196
20000	0·2860	280 000	0·3089	620 000	0·3158	960 000	0·3196
25000	0·2880	290 000	0·3092	630 000	0·3160	970 000	0·3197
30000	0·2895	300 000	0·3095	640 000	0·3161	980 000	0·3198
35000	0·2909	310 000	0·3098	650 000	0·3163	990 000	0·3199
40000	0·2920	320 000	0·3101	660 000	0·3164	1 000 000	0·3200

Coefficients K_1 or K_2 at intermediate values of V or V_c shall be obtained by linear interpolation.

SCHEDULE 3

International Tonnage Certificate (1969)

Issued under the provisions of the

INTERNATIONAL CONVENTION
ON TONNAGE MEASUREMENT OF SHIPS (1969)

under the authority of the Government of the Republic of Malta.

Name of Ship	Official Number	Port of Registry	Date *

* Date on which keel was laid or the ship was at a similar stage of construction, (Article 2(6)) or date on which the ship underwent alterations or modifications of a major character, (Article 3(2)(*b*)), as appropriate.

MAIN DIMENSIONS

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth Amidships to Upper Deck (Regulation 2(2))

The tonnages of the ship are:

GROSS TONNAGE .....

NET TONNAGE .....

THIS IS TO CERTIFY
that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships 1969.

Issued at .... 19.....
(place of issue of certificate) (date of issue)

The undersigned declares that he is duly authorised by the said Governments to issue this certificate

(signed) .....

(Reverse side of Certificate)

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location	Length	Name of Space	Location	Length
Underdeck	—	—			

NUMBER OF PASSENGERS
(Regulation 4(1))

Number of passengers in cabins with not more than 8 berths .....

Number of other passengers .....

EXCLUDED SPACES
(Regulation 2(5))

An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.

MOULDED DRAUGHT
(Regulation 4(2))

Date and place of orginal measurements .....

Date and place of last previous re-measurement .....

REMARKS:

SCHEDULE 4

CERTIFICATE OF SURVEY (TONNAGE MEASUREMENT) FOR MALTESE FISHING VESSELS OF 15 METRES LENGTH OVERALL TO LESS THAN 24 METRES LENGTH

Issued under the provisions of the Merchant Shipping (Tonnage) Regulations, 2002 under the authority of the Government of the Republic of Malta.

Name of vessel		Official Number	Port of Registry
Where built	When built	Name and address of builders	
Number of decks	Stem	Stern	Build
Framework		Number of bulkheads	

MAIN DIMENSIONS

Length Overall	Breadth	Depth

The tonnage of this vessel is:-

GROSS AND NET TONNAGE

CERTIFIED EXTRACTS OF PARTICULARS SUPPLIED BY BUILDERS, OWNERS OR ENGINE MAKERS

Number of sets of engines	Description of engines	When made	Number of cylinders in each set
KW	Name and address of makers		Number of shafts

I, the undersigned Surveyor, having measured the above named vessel, hereby certify that the above particulars are true and that the tonnage has been ascertained in accordance with Part III of the Merchant Shipping (Tonnage) Regulations, 2002. I further declare that I am duly authorised by the Government of Malta to issue this certificate.

Dated at this day of

(Place of Survey)

. . . . . .

Signature of Surveyor and Official Stamp

B 5836

(Reverse side of Certificate)

SPACES INCLUDED IN TONNAGE

GROSS TONNAGE		
Name of Space	Location	Length
Underdeck	-	-

EXCLUDED SPACES (Regulation 2 and Schedule 1 of the Merchant Shipping (Tonnage) Regulations, 2002) An asterisk (*) should be added to those spaces listed above which comprise both enclosed & excluded spaces
Date and place of last original measurment
Date and place of last previous remeasurement
REMARKS

SCHEDULE 5

CERTIFICATE OF SURVEY (TONNAGE MEASUREMENT) FOR MALTESE SHIPS UNDER 24 METRES LENGTH, OTHER THAN FISHING VESSELS OF MORE THAN 15 METRES LENGTH OVERALL

Issued under the provisions of the Merchant Shipping (Tonnage) Regulations, 2002 under the authority of the Government of the Republic of Malta.

Before filling out this Certificate, surveyors are advised to see the instructions overleaf.

Name of ship			Whether a dumb, sailing, steam or motor ship. If steam or motor ship, how propelled		
Where built		When built	Name and address of builders		
Number of decks	Number of masts	Rigged	Stern	Stern	Build
Framework and description of ship		Number of bulkheads	Overall length	Breadth	Depth

TONNAGE CALCULATION

							TONS
	overall length	x	breadth	x	depth	x	0.16 =
	overall length	x	breadth	x	depth	x	0.16 =

Break, or breaks, if any, extending from side to side above line of deck

ADD							0.35 =
	mean length	x	mean breadth	x	mean height	x	
	mean length	x	mean breadth	x	mean height	x	0.35 =

The tonnage of this ship, as detailed above is:-

GROSS AND NET TONNAGE

CERTIFIED EXTRACTS OF PARTICULARS SUPPLIED BY BUILDERS, OWNERS OR ENGINE MAKERS

Number of sets of engines	Description of engines	When made	Number of cylinders in each set
KW	Name and address of makers		Number of shafts

I, the undersigned Surveyor, having measured the above named ship, hereby certify that the above particulars are true and that the tonnage has been ascertained in accordance with Part IV of the Merchant Shipping (Tonnage) Regulations, 2002. I further declare that I am duly authorised by the Government of Malta to issue this Certificate.

Dated at (*Place of Survey*) this day of

.....

Signature of Surveyor and Official Stamp

(Reverse side of Certificate)

Great care is to be taken in completing the Certificate of Survey (Tonnage Measurement) and Surveyors should carefully note that no alterations are permitted on this Certificate and if mistakes are made, it is to be retyped or rewritten.

The Surveyor should note the following when completing the Certificate of Survey (Tonnage Measurement).

(a) Under the heading "Whether a dumb, sailing, steam or motor ship how propelled", a ship propelled solely by sails is to be entered as 'Sailing Ship'. If a permanent motor is fitted to a sailing ship the entry is to be 'Sailing and Motor: Single Screw'. In the case of a vessel provided with a portable outboard motor the correct entry is that applicable to the vessel without the motor, with a qualification 'fitted with portable outboard motor' eg 'Dumb fitted with outboard motor' or ' Sailing fitted with portable outboard motor'. When the main propulsion is by engine the entry will be 'Motor Ship, Single Screw', 'Motor Ship, Twin Screw', as appropriate.

(b) Under the headings 'Where Built' and 'Name and Address of Builders' when the hull has been built in one shipyard and the vessel fitted out at another, both places should be shown under the headings, eg:

Where Built:	Hull:	Southampton
	Fitted Out:	Poole
Name and Address of Builders:	Hull:	Boatyard Ltd, Southampton
	Fitted Out:	Yacht Fitters Ltd, Poole

(c) Under the heading 'When Built' should be shown the year in which the ship was launched or entered the water for the first time or when it was completed, which is the earlier.

(d) The description under the heading 'Rigged' should describe the arrangement eg 'Yawl', 'Schooner', 'Ketch', etc; if a ship is not designed for sailing and is not rigged for that purpose 'Not' is to be inserted.

(e) The description of the 'Stern' should be 'Straight', 'Raked', 'Clipper', etc as appropriate.

(f) The description of the 'Stern' should be 'Counter', 'Cruiser', 'Transom', etc as appropriate.

(g) The description of the 'Build' should indicate construction of the hull i.e. 'Clencher' for in and out plating or planting or 'Carvel' if flush; where there is a mixture then 'Part Carvel / Part Clencher' should be entered.

(h) The entry as regards 'Framework and description of ship' should describe the material of the hull and the type of ship; i.e. material should be shown as 'Wood', 'Steel', 'Glass Reinforced Plastic', etc as appropriate.

(i) The entry in respect of 'Number of Bulkheads' should relate to the complete bulkheads bounding main compartments up to the deck level. If no complete bulkheads are fitted the entry should be 'None'.

(j) The particulars of the propelling engines should be completed if an engine is fitted inboard. Particulars of motors are not to be shown. The 'Description of engine' is to be kept as simple as possible and yet fulfill the function of accurately defining the type of engine fitted. In most ships, it will be sufficient to insert 'Internal combustion engine'. The engine power shall be the total of the maximum continuous power expressed in kilowatt(KW). In the case of multiple engine ships, the combined engine power is to be quoted.

(k) Where numbers are required to be inserted in respect of decks, masts, bulkheads, sets of engines, shafts and cylinders, these are to be written in words; numerals are not to be used.

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