L.N. 38 of 2006

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Certification of Commercial Yachts and Commercial Cruising Vessels) Regulations, 2006

IN exercise of the powers conferred by articles 207, 208, 209, 210, 251 and 374 of the Merchant Shipping Act, the Minister for Competitiveness and Communications has made the following regulations:–

Short title.

1. The title of these regulations is the Merchant Shipping (Certification of Commercial Yachts and Commercial Cruising Vessels) Regulations, 2006.

Interpretation.

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

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

"Safety Convention" means "The International Convention for the Safety of Life at Sea" signed in London on 1st November, 1974 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;

"Load Line Convention" means "The International Convention on Load Lines" signed in London on 5th April, 1966 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.

Certification as to compliance.

3. (1) No Maltese ship may operate in any place as a commercial yacht or, as a commercial cruising vessel or, in a similar type of operation for the carriage of persons and, no foreign ship may

operate in, to or from Malta as a commercial yacht or, as a commercial cruising vessel or, in a similar type of operation for the carriage of persons, unless such ship is properly certified as being in compliance, as the case may be, with the Safety and Load Line Conventions or, with the regulations applicable in the place where the ship is operating or, with the Code of Practice provided for in regulation 4 hereof.

(2) The Registrar-General or the registrar may refuse to describe a ship which is being registered or, which is registered under the Act, as a commercial yacht or as a commercial cruising vessel if he has reason to believe that such ship cannot or will not be certified as provided for in sub-regulation (1) hereof.

Code of Practice.

4. (1) The Registrar-General shall take the necessary measures for the development of a Code of Practice relating to the construction, equipment and operation of commercial yachts or commercial cruising vessels.

(2) In the development of the Code, 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 organisation with an appropriate knowledge or competence on the subject matter.

(3) The Registrar-General shall publish the development of this Code of Practice by means of a *Merchant Shipping Notice* and shall make such Code available to the general public.

(4) The appropriate authority for the issue of any licence in terms of the Code of Practice shall be the Registrar-General while, the appropriate authority for the purposes of issuing certificates in terms of these regulations 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 Convention, determine the conditions of issue and validity of such certificates.

Duty to ensure compliance.

5. (1) 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 requirements leading to the certification of the ship 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 1,000 units.

(2) A ship that is not in compliance with the requirements of these regulations and the requirements leading to the certification of the ship may, for the purposes of article 282 of the Act, be considered to be an unseaworthy ship or unsafe ship or in an unseaworthy state.

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