VERŻJONI ELETTRONIKA

L.N. 307 of 2010

AUTHORITY FOR TRANSPORT IN MALTA ACT (CAP. 499)

Tallying of Goods Regulations, 2010

IN exercise of the powers conferred by articles 43(1) and (3) and 44 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications, in consultation with the Authority for Transport in Malta, has made the following regulations:

Citation and commencement.

1. (1) The title of these regulations is the Tallying of Goods Regulations, 2010.

(2) These regulations shall come into force on the 1st June, 2010.

Definitions.

2. In these regulations, unless the context otherwise requires:

"Authority" means the Authority for Transport in Malta established under the Authority for Transport in Malta Act, and includes any officer of the Authority authorised in writing by the said Authority to act on its behalf;

"the Comptroller of Customs" includes any officer of the Customs Department authorised in writing by the said Comptroller to act on his behalf;

"the Minister" means the Minister responsible for ports;

"terminal operator" means a person who is either authorised or recognised by the Authority as the person responsible for the discharge and loading of goods from or to a ship.

Compulsory tally.

3. The terminal operator is responsible to ensure that no goods are discharged from or loaded on a ship unless such goods

are tallied by him or under his instructions in accordance with the provisions of these regulations:

Provided that this regulation shall not apply to:

(a) ship stores, equipment, fittings and furniture discharged from or loaded on to a ship on which such stores, equipment, fittings or furniture have been or may be used;

(b) goods carried between the islands of Malta, Gozo and Comino;

(c) goods carried in bulk;

(d) live animals;

(e) fish discharged from or loaded on fishing vessels; or

(f) any other type of goods which the Minister may exempt from tallying.

Production of tally sheets.

4. The Comptroller of Customs or the Authority may require any terminal operator taking or causing to be taken a tally of goods under the provisions of these regulations to produce signed copies of tally sheets in respect of any goods which such terminal operator discharged or loaded or caused to be discharged or loaded from or on to a ship and such copies shall, for the purposes of the Customs Ordinance, the Ports and Shipping Act, and the Authority for Transport in Malta Act, be deemed to be declarations in respect of the quantity and nature of goods discharged from or loaded on to such ship.

Cap. 37.

Cap. 352.

Statistical information.

5. The Authority shall have the right to demand such statistical information in respect of the goods tallied from the terminal operator in such format as the Authority may from time to time prescribe.

Penalties.

6. Any person or terminal operator who contravenes any of the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine (multa) of not less than two hundred (200) euro but not exceeding two thousand (2,000) euro.

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Proceedings before the Court of Magistrates.

7. Proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Cap. 9.

Revokes L.N. 73 of 1978.

8. The Tallying Regulations, 1978 are hereby revoked.

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