

L.N. 19 of 2008

**MALTA MARITIME AUTHORITY ACT
(CAP. 352)**

Maritime Pilotage (Amendment) Regulations, 2008

IN exercise of the powers conferred by article 64 of the Malta Maritime Authority Act, the Minister for Competitiveness and Communications, in consultation with the Malta Maritime Authority, has made the following regulations:-

Title. **1.** The title of these regulations is the Maritime Pilotage (Amendment) Regulations, 2008 and they shall be read and construed as one with the Maritime Pilotage Regulations 2003, hereinafter referred to as “the principal regulations”.

L.N. 96 of 2003.

Commencement. **2.** These regulations shall be deemed to have come into force on the 1st January, 2008.

Amends regulation 2 of the principal regulations. **3.** Immediately after the definition “pilotage fee” there shall be added the following definition:

“pilotage service” means the act, carried out by a licensed pilot, of assisting the master of a ship in navigation and manoeuvring when entering, leaving or shifting in a port or the approaches thereto, and includes the provision of the pilot launch;”.

Amends regulation 6 of the principal regulations. **4.** Regulation 6 of the principal regulations shall be amended as follows:

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

“(2) The pilotage agreement shall include provisions regarding the provision of pilotage services in the ports and their approaches together with the management and operation of pilot launches in these ports.”; and

(b) sub regulation 2 shall be renumbered as sub-regulation (3) thereof.

Amends regulation 17 of the principal regulations. **5.** Paragraph (e) of regulation 17 of the principal regulations shall be substituted as follows:

“(e) provide the Director with such statistical information as he may require, including, but not limited to, timely compilation of data relating to pilotage movements and operation of pilot

launches, attendance and absenteeism of pilots and annual audited accounts of the service provider and any subsidiary or affiliate undertakings, or other entities over which the service provider has effective control;”.

- 6.** Immediately after sub-regulation (3) of regulation 20 of the principal regulations, there shall be added the following sub-regulation: Amends regulation 20 of the principal regulations.

“(4) Every master of a ship shall provide a lee and take the way sufficiently off his ship when the pilot launch is approaching, and shall also ensure that the ship has a boat rope ready rigged from a position well forward of, to a position abaft, the pilot ladder or other approved safe means of access.”.

- 7.** For regulation 24 of the principal regulations there shall be substituted the following: Substitutes regulation 24 of the principal regulations.

“Service provider of pilot launches. **24.** (1) The service provider shall be the owner of the pilot launches and shall be responsible for the management and operation of the pilot launches as provided for in the pilotage agreement.

(2) A pilot, when assigned to an operation, is deemed to have full control over the pilot launch.”.

- 8.** Sub-regulation (2) of regulations 26 of the principal regulations shall be substituted by the following: Amends regulation 26 of the principal regulations.

“(2) The format and contents of such certificate shall be agreed to by the Authority and the service provider.”.

- 9. 1.** Regulation 31 of the principal regulations shall be substituted as follows: Substitutes regulation 31 of the principal regulations.

“Pilot Exemption Certificates. **31.** The Authority shall in its discretion issue Pilot Exemption Certificates to Masters of ships who regularly call at the ports in accordance with established criteria, provided that the Authority shall reach agreement with the service provider about the level of compensation, if any, for loss of revenue.”.

- 10.** For sub-regulation (1) of regulation 37 of the principal regulations there shall be substituted the following: Amends regulation 37 of the principal regulations.

“(1) No pilot or any of the personnel employed with the service provider shall demand or receive any dues or other

remuneration in respect of a standard pilotage service other than those specified in the pilotage agreement and these regulations.”.

Amends regulation 58 of the principal regulations.

11. Regulation 58 of the principal regulations shall be amended as follows:

(a) the following words in the first proviso to sub-regulation (1) shall be deleted:

“pilot launch, Pilot Launch Replacement Fund and Pilot Launch Maintenance and Repair Fund,”;

(b) the following words in the second proviso to sub-regulation (1) shall be deleted:

“pilot launch, Pilot Launch Replacement Fund and Pilot Launch Maintenance and Repair Fund,”;

(c) immediately after the second proviso to sub-regulation (1) there shall be added the following new proviso:

“Provided further that for the avoidance of any doubt, paragraphs (d) and (e) of regulation 29, sub-regulations (1), (2), (5) and (6) of regulation 39, the proviso to sub-regulation (9) of regulation 39, regulation 41, regulation 42, regulation 43 and regulation 44 of the Pilotage and Mooring Regulations, 1975 which, by virtue of the provisos to regulation 58 hereof remained in effect, shall by virtue of these regulations, cease to have any effect.”; and

L.N. 163 of 1975.

(d) immediately after sub-regulation (2) there shall be added the following new sub-regulation:

“(3) Any proceeds in the Pilot Launch Replacement Fund and the Pilot Launch Maintenance and Repair Fund, on the day of the coming into force of these regulations, shall remain in these Funds until such time as the Minister determines how they are to be disposed of.”.

Substitutes the Schedule to the principal regulations.

12. The Schedule to the principal regulations shall be substituted by the following Schedule:

“SCHEDULE

Regulation 34

Pilotage Tariff

1. For the purpose of this Schedule:-

“beam” (B) means the maximum width in metres from the outermost side of any fixed permanent structure to the other outermost side of any fixed permanent structure of the ship;

“disabled ship” means any ship which arrives off Malta on tow or with engine breakdown or with rudder trouble or other defect which affects the capability of the ship when manoeuvring while pilotage services are being provided.

“extraordinary services” are services provided to ships which go beyond the normal duty of the pilot;

“Fuel Price Adjustment”, is the amount of money to be increased or decreased to the tariff depending on the variation of the price of fuel as agreed to in the pilotage agreement.

“length overall (LOA)” means the overall length in metres from foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the ship;

“maximum draft” (Max D) means the maximum draft in metres that the ship can submerge when fully laden.

“oil tanker” means a ship which complies with the definition of the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973, and Protocol of 1978, as amended;

“ton” means the gross registered tonnage of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969:

Provided that if a ship has more than one gross tonnage, then the higher or highest of such gross tonnages shall be the gross tonnage for the purpose of calculating this tariff.

Provided further that in respect of ships with particular characteristics and parameters (such as an Oil Rig, a barge etc.) the “Gross Tonnage” for the purpose of calculating the pilotage tariff shall be in accordance with the following formula:

$$GT = LOA \times B \times \text{Max D.}$$

Where: $\text{Max D} = \text{not less than } 0.2\sqrt{LOA \times B}$

2. The Pilotage dues at the Standard Rate (SR) for pilotage services shall be as follows:

a) Ships not exceeding 500 tons	€ 160
b) Ships exceeding 500 tons but not exceeding 1,000 tons	€ 170
c) Ships exceeding 1,000 tons but not exceeding 2,000 tons	€ 180
d) Ships exceeding 2,000 tons but not exceeding 3,500 tons	€ 190
e) Ships exceeding 3,500 tons but not exceeding 5,000 tons	€ 200

f) Ships exceeding 5,000 tons but not exceeding 7,000 tons	€ 210
g) Ships exceeding 7,000 tons but not exceeding 10,000 tons	€ 220
h) Ships exceeding 10,000 tons but not exceeding 15,000 tons	€ 230
i) Ships exceeding 15,000 tons but not exceeding 20,000 tons	€ 240
j) Ships exceeding 20,000 tons but not exceeding 25,000 tons	€ 250
k) Ships exceeding 25,000 tons but not exceeding 30,000 tons	€ 260
l) Ships exceeding 30,000 tons but not exceeding 40,000 tons	€ 280
m) For every additional 10,000 tons or part thereof in excess	€ 45

3. Pilotage dues at the Standard Rate shall be charged for either:

- a) Entering port, or
- b) Leaving port, or
- c) Shifting berth in the same port under own power ("hot move")

4. Charges additional to pilotage dues at the Standard Rate shall be made as follows:

- a) Sundays 20% SR
- b) Night shift between 1900 hrs. and 0700 hrs. 15% SR
- c) On National and Public Holidays, and on the 24th
December from 1800 hrs to 2400 hrs and on the
31st December from 1800hrs to 2400 hrs. 20% SR

5. Additional charges to the Standard Rates shall be made for ships as follows:

- (a) Shifting berth not under own power ("cold move") in the same port 25 % SR
- (b) Shifting berth not under own power ("cold move") from one port to another 100 % SR

6. In respect of disabled ships, there shall be payable the following additional charges per pilot: € 60

7. Ships required to berth alongside another ship the following additional charge to the Standard Rate shall apply: 100%SR

8. For any of the following services:

- a) making contact with a ship outside a port when the ship is not to enter that port, example anchorage, compass calibration, etc. or
- b) pilotage services rendered outside a port, including pilotage from outside the entrance of one port to another,

there shall be charged the Standard Rate.

9. For the purpose of calculating the Pilotage dues, the services of the pilot shall be considered to commence 30 minutes before boarding the ship and 30 minutes after disembarking from the ship.

10. When a pilot is detained for a period of more than 2 hours during the performance of his services, or is left in quarantine, an additional charge to the Standard Rate is applicable for each following hour or part thereof: €15

11. The request for the attendance of a pilot or pilots aboard a ship has to be made with a minimum of one hour notice before the ETA (Estimated Time of Arrival) or before the ETS (Estimated Time of Sailing) or the Estimated Time of Shifting.

12. When a cancellation for the request for pilotage service is made, the following applies:

- | | |
|---|-----------|
| a) when a cancellation notice is made prior to one hour before commencement of operation: | No charge |
| b) when a cancellation notice is made within the one hour immediately preceding the commencement of the operation | 70% SR |

13. For shifting or for an outbound ship the following additional charges apply:

- | | |
|--|--------|
| a) If the pilot boards the ship and the sailing or shifting is cancelled or suspended: | 70% SR |
|--|--------|

The operation is considered cancelled or suspended if the ship is not ready for shifting or sailing within 30 minutes from the boarding time.

- | | |
|---|---------|
| b) If the pilot remains on board the ship for more than 30 minutes, an additional charge applies for every 30 minutes or part thereof till the manoeuvre commences: | 35% SR. |
|---|---------|

14. If an incoming ship arrives at the pilot station with a delay of more than 30 minutes or part thereof from the ETA, the following additional charge applies: 35% SR

15. If a pilot boards an incoming ship and,

- | | |
|--|--------|
| a) for any reason the manoeuvre does not commence within 30 minutes the following additional charge applies: | 70% SR |
| b) if the pilot remains on board, for every 30 minutes or part thereof that follows until the manoeuvre commences the following additional charge applies: | 35% SR |

16. For the purposes of calculating the pilotage dues the boarding and disembarking station of the pilot disembarking stations of pilots shall be as follows:

- | | |
|--|--|
| a) for Grand Harbour, close to Valletta Fairway Buoy as agreed between the service provider and the Authority; | |
| b) for Marsaxlokk, as agreed between the service provider and the Authority close to Marsaxlokk; and | |

- c) for Gozo, as in 16 a) above; same as for Grand Harbour.

17. For other boarding and disembarking stations of the pilot around Malta and Gozo, any extra charges shall be as agreed between the service provider and the Authority.

18. a) All ships over 240 metres LOA entering, leaving or shifting in Grand Harbour are to employ two pilots, with the exception of cruise liners.

b) All ships over 300 metres LOA are to employ two pilots.

c) Provided that when it is necessary to employ more than one pilot for any ship, as in 18 a) and 18 b), and in the case of ships with particular configuration and special needs, the pilotage dues payable by the ship will be commensurate to the number of pilots providing the service.

19. When a pilot or pilots are compelled to proceed abroad with a ship they shall be provided with board and lodging at a standard not less than that of an officer on board, and not less than a first class accommodation and travel when put ashore for repatriation. Apart from all travelling and other expenses as the case may be, a rate of Euro 300 per pilot per day or part thereof shall be payable to the Service Provider by the ship until the pilot or pilots return to Malta.

20. When so directed by the Authority the pilot launch service to moor or unmoor ships to the buoys such as Marsaxlokk Dolphins, 31 St. March, Gas Terminal, San Lucjan, and other similar moorings, or to take a mooring rope ashore, the relative charge shall be that established by the Authority in agreement with the Service Provider.

21. In the eventuality that following the request for a pilotage service, the service provider reaches the conclusion that he may be entitled to present a claim for salvage and, or extraordinary service, the service provider must present the ship and / or its representatives with a formal written notice in writing containing the claim as soon as practical .

22. For any other particular pilotage service not otherwise specifically provided for in this Schedule, the dues payable shall be determined by the Director who shall, as far as possible, assimilate them with appropriate dues specified in this schedule.

23. The "Fuel Price Adjustment" shall be added to or subtracted from, as applicable, the Pilotage Tariff and shall be applied from the time that changes in the official price of fuel is published by the appointed Government agency/authority.

24. Persons bound to pay pilotage dues in accordance with the provisions of these regulations shall also pay to the Authority an administrative charge of 5% on the total pilotage dues as established in this Schedule.