

L.N. 507 of 2010

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**Dangerous Cargo Ships, Marine Terminals and Facilities and
Bunkering (Amendment) Regulations, 2010**

IN exercise of the powers conferred by article 43(1) and (3) 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:-

1. (1) The title of these regulations is the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering (Amendment) Regulations, 2010 and they 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”.

Citation and
commencement.

L.N. 1 of 1996.

(2) These regulations shall come into force on the 30th November, 2010.

2. In regulation 2 of the principal regulations, for the words “of Malta.” there shall be substituted the words “of Malta; and transpose the provisions of the European Council Directive 2002/59/EC of the European Parliament and of the Council of the 27th June, 2002, as subsequently amended by Directive 2009/17/EC of the European Parliament and of the Council of the 23rd April, 2009, concerning dangerous and polluting goods.”.

Amends regulation
2 of the principal
regulations.

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

Amends regulation
3 of the principal
regulations.

(a) immediately after the definition “entry permit”, there shall be added the following new definition:

“ “fishing vessel” means any vessel equipped for the commercial exploitation of living aquatic resources;”;

(b) immediately after the definition “IMO Code for Existing Ships Carrying Liquefied Gases”, there shall be added the following new definition:

“ “IMO Resolution MSC.286(86)” means the International Maritime Organisation Resolution 286(86) entitled “Recommendations for Material Safety Data Sheets (MSDS) for MARPOL Annex 1 Cargo and Oil Fuel”, in its updated version;”; and

(c) immediately after the definition “residues” there shall be added the following new definition:

“ “scheduled service” means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series;”.

Amends regulation 4 of the principal regulations.

4. For sub-paragraph (iii) of the proviso to regulation 4 of the principal regulations there shall be substituted the following:

“(iii) bunkers on ships below 1,000 gross tonnage and ships’ stores and equipment for use on board all ships.”.

Amends regulation 9 of the principal regulations.

5. For sub-regulations (2) and (3) of regulation 9 of the principal regulations there shall be substituted the following:

“(2) No dangerous or polluting goods shall be offered for carriage or taken on board any vessel, irrespective of its size, in a port of Malta unless a declaration has been delivered to the master or owner containing the following information:

(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, where appropriate, the class of the ship needed for INF cargoes as defined in Regulation VII/14.2, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof;

(b) for the substances referred to in Annex 1 to the MARPOL Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including, where applicable, their viscosity expressed in cSt at 50°C and their density at 15°C and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.286(86);

(c) the address from which detailed information on the cargo may be obtained; and

(d) the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

(3) Vessels coming from a port outside the Community and calling in a port of Malta which have dangerous or polluting goods on board shall be in possession of a declaration, as provided for by the shipper, containing all the information required by sub-regulation (2).

(4) It shall be the duty and responsibility of the shipper to deliver to the master or operator such declaration required by this regulation and to ensure that the shipment offered for carriage is indeed the one stated in the declaration.”.

6. Regulation 97 of the principal regulations shall be amended as follows:

Amends regulation 97 of the principal regulations.

(a) sub-regulation (4) thereof shall be renumbered as sub-regulation (5);

(b) immediately after sub-regulation (3) thereof there shall be added the following new sub-regulation:

“(4) Any deviations from the estimated time of arrival at a port of destination or pilot station in Malta of three hours or more must be notified to the Authority in accordance with the requirements laid down in regulation 12.”; and

(c) immediately after sub-regulation (5) as renumbered thereof, there shall be added the following new sub-regulation:

“(6) For the purposes of this regulation:

(a) the service shall not be regarded as a scheduled service unless it is intended to be operated for a minimum of one month;

(b) exemptions to regulations 12(1)(a) and 22(2) shall be limited to voyages of a scheduled duration of up to 12 hours; and

(c) exemptions shall only be granted to individual vessels as regards a specific service.”.

Renumbers regulations 98 and 99 of the principal regulations.

7. Regulations 98 and 99 of the principal regulations shall be renumbered into regulations 99 and 100 respectively thereof.

Adds new regulation 98 to the principal regulations.

8. Immediately after regulation 97 of the principal regulations there shall be added the following new regulation:

“Confidentiality of information.

98. The Authority shall, in accordance with all the applicable national legislation currently in force, take all necessary measures to ensure the confidentiality of the information sent to the Authority pursuant to these regulations, and the Authority shall use such information in compliance with these regulations.”.

