

**L.N. 100 of 2011**

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

**PORTS AND SHIPPING ACT  
(CAP. 352)**

**Mooring Services Regulations, 2011**

IN exercise of the powers conferred by articles 43(3) and 44 of the Authority for Transport in Malta Act and article 27 of the Ports and Shipping 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 Mooring Services Regulations, 2011. Citation, commencement and scope.

(2) These regulations shall come into force on the 1st April, 2011.

(3) The scope of these regulations is to regulate:

(a) the mooring services provided from terminals which accommodate ships which are obliged to navigate under the direction of a Pilot according to the Maritime Pilotage Regulations; and

L.N. 96 of 2003.

(b) the tariffs for such mooring services.

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

“the Act” means the Authority for Transport in Malta Act;

“the Authority” means the Authority for Transport in Malta as established by the Act;

“Master” shall have the same meaning as assigned to it in the Act;

“the Minister” means the Minister responsible for ports and shipping;

“mooring man” means a person authorised by a terminal operator to provide a mooring service;

“mooring service” means the act, carried out by a mooring man, of assisting the Master and, or the Pilot in safely securing a ship in a terminal including unmooring or changing the mooring of the ship, and includes any other work connected thereto;

“mooring service tariff” shall be the whole amount due by the ship for the provision of the mooring service as specified in the Schedule;

“Pilot” shall have the same meaning as assigned to it in the Act;

“port” shall have the same meaning as assigned to it in the Act;

“ship” shall have the same meaning as assigned to it in the Act;

“terminal” means a place where ships are moored, berthed or docked; and

“terminal operator” means a person who is either authorised or recognised by the Authority as the person responsible for the management and operation of the terminal.

Responsibility and insurance for mooring services.

**3. (1)** A terminal operator is responsible to ensure that the ships in the terminal are safely secured by mooring men who are adequately trained to provide mooring services:

Provided that the coordination of mooring services at a berth which is not managed and operated by a terminal operator shall be the responsibility of the ship agent;

(2) The terminal operator shall be responsible to:

(a) furnish the mooring men with the necessary mooring equipment, including communication equipment and safety gear;

(b) appoint a person or persons to coordinate and ensure the provision of mooring services; and

(c) provide appropriate insurance cover to hold mooring men harmless for damages to property and third parties during the provision of mooring services provided that such damage is not a result of gross negligence on the part of the mooring men.

4. A terminal operator shall not allow the mooring, unmooring or changing of the mooring of any ship at its the terminal without the prior approval of the Authority.

Mooring of ships.

5. All mooring men shall obey all lawful and legitimate orders and instructions given by the Master or the Pilot during the operation.

Mooring men to obey orders of the Master or Pilot.

6. When providing mooring services, each mooring man shall implement a high standard of care and skill.

Standard of care and skill.

7. (1) A mooring man shall immediately notify the terminal operator of any incident or accident involving the ship which he is serving, particularly any incidents or accidents that may have resulted in injuries or loss of life or damage to port facilities and, or property of third parties, and any near collisions or misses or any concerns in respect to navigation as expressed by the Master or Pilot whilst piloting a ship.

Reports of accidents.

(2) The terminal operator shall immediately notify the Authority of such incident or accident and shall provide the Authority with a formal written report, within twenty four hours after the occurrence of such incident or accident.

8. (1) The terminal operators and the Pilots shall establish manning scales for specific mooring services.

Manning scales.

(2) When establishing such manning scales, the terminal operators and the Pilots shall take into account the size of ships and the berths where ships are moored or berthed.

(3) In the case that the terminal operators and the Pilots cannot agree on the manning scales, the Authority shall establish such manning scales.

9. (1) The administration, collection and recovery of the tariff for mooring services and the disbursements of this tariff shall be the responsibility of the terminal operator or the organisation or body with which the terminal operator has a service level agreement to provide mooring services.

Administration of tariff for mooring services.

(2) The ship agent of a ship that was provided with mooring services shall be responsible for the prompt and full payment of the mooring services tariff.

Tariff for mooring services.

**10.** The remuneration for mooring services shall be in accordance with the tariff for mooring services that is found in the Schedule to these regulations.

Social security contributions.

Cap. 318.

**11.** The social security contributions payable by an employed person and an employer in accordance with the provisions of the Social Security Act shall be deemed to form part of the tariff.

Over-charging.

**12.** No mooring man, or terminal operator or any other person providing mooring services shall demand or receive any dues or other remuneration in respect of mooring services other than those specified in the Schedule.

Service level agreements.

**13.** (1) A terminal operator may enter into a service level agreement with any other person for the provision of mooring services.

(2) A service level agreement may, amongst other matters, include the following:

(a) a description of the services to be provided, including the resources to be made available and the service performance levels to be met by the parties to the agreement;

(b) the administration, collection and recovery of the tariff for mooring services;

(c) the person or persons to coordinate and ensure the provision of mooring services;

(d) the services that are required to be provided;

(e) the mechanisms for dispute resolution in case of disagreement between the parties;

(f) the hours of work, including rosters and shift systems allocation;

(g) the ordering procedure;

(h) the disciplinary procedures that may be taken including, but not limited to, the non-attainment of agreed minimum service performance; and

(i) the appropriate insurance cover to hold the mooring men harmless for damages to property and third parties during the provision of mooring services.

(3) The tariff for the mooring services provided may also be regulated by a service level agreement but cannot exceed the tariff found in the Schedule to these regulations and any other law that the Authority is entitled to enforce.

**14.** The Authority shall have the right to demand such statistical information in respect of mooring services from the terminal operator in such format as the Authority may from time to time prescribe.

Statistical information.

**15.** 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 for any one occurrence or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Penalties.

**16.** 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.

Proceedings before the Court of Magistrates.

Cap. 9.

**17.** The Mooring Services Regulations, 2010 are hereby revoked.

Revokes L.N. 100 of 2010.

**18.** Any obligation, liability, penalty or punishment incurred under the Mooring Services Regulations, 2010 or in connection with any breach of the provisions of those regulations, or any proceedings or remedy relating to any such obligation, liability, penalty or punishment, shall not be affected by such revocation.

Saving.

**19.** Any proceeds in the Stabilisation Fund, on the day of the coming into force of these regulations, shall remain in this Fund until such time as the Minister determines how they are to be disposed of.

Stabilisation Fund.

## SCHEDULE

## Regulation 10

## Tariff for Mooring Services

1. For the purposes of this Schedule:

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

2. For mooring or unmooring a ship on entering, leaving or shifting berth at any berth, except at a buoy berth there shall be charged:

|     |                                                                   |      |
|-----|-------------------------------------------------------------------|------|
| (a) | Ships not exceeding 500 tons.....                                 | €35  |
| (b) | Ships exceeding 500 tons and not exceeding<br>1,000 tons.....     | €45  |
| (c) | Ships exceeding 1,000 tons and not exceeding<br>2,000 tons.....   | €50  |
| (d) | Ships exceeding 2,000 tons and not exceeding<br>3,500 tons.....   | €55  |
| (e) | Ships exceeding 3,500 tons and not exceeding<br>5,000 tons.....   | €55  |
| (f) | Ships exceeding 5,000 tons and not exceeding<br>7,000 tons.....   | €60  |
| (g) | Ships exceeding 7,000 tons and not exceeding<br>10,000 tons.....  | €65  |
| (h) | Ships exceeding 10,000 tons and not exceeding<br>15,000 tons..... | €70  |
| (i) | Ships exceeding 15,000 tons and not exceeding<br>20,000 tons..... | €75  |
| (j) | Ships exceeding 20,000 tons and not exceeding<br>25,000 tons..... | €80  |
| (k) | Ships exceeding 25,000 tons and not exceeding<br>30,000 tons..... | €95  |
| (l) | Ships exceeding 30,000 tons and not exceeding<br>40,000 tons..... | €100 |

|     |                                                                                 |      |
|-----|---------------------------------------------------------------------------------|------|
| (m) | Ships exceeding 40,000 tons and not exceeding 50,000 tons.....                  | €110 |
| (n) | Ships exceeding 50,000 tons and not exceeding 60,000 tons.....                  | €120 |
| (o) | Ships exceeding 60,000 tons and not exceeding 70,000 tons.....                  | €135 |
| (p) | Ships exceeding 70,000 tons and not exceeding 80,000 tons.....                  | €145 |
| (q) | Ships exceeding 80,000 tons and not exceeding 90,000 tons.....                  | €160 |
| (r) | Ships exceeding 90,000 tons and not exceeding 100,000 tons.....                 | €170 |
| (s) | Ships exceeding 100,000 tons and not exceeding 110,000 tons.....                | €180 |
| (t) | Ships exceeding 110,000 tons and not exceeding 120,000 tons.....                | €195 |
| (u) | Ships exceeding 120,000 tons and not exceeding 130,000 tons.....                | €205 |
| (v) | Ships exceeding 130,000 tons and not exceeding 140,000 tons.....                | €220 |
| (w) | Ships exceeding 140,000 tons and not exceeding 150,000 tons.....                | €230 |
| (x) | Ships exceeding 150,000 tons and not exceeding 160,000 tons.....                | €240 |
| (y) | Ships exceeding 160,000 tons and not exceeding 170,000 tons.....                | €255 |
| (z) | For every additional 10,000 tons or part thereof in excess of 170,000 tons..... | €15  |

2. Additional mooring or unmooring dues at the rate of 15% on the appropriate rates shall be payable in respect of services rendered between sunset to sunrise and on Sundays and public holidays.

3. When a cancellation for a request for a mooring or unmooring service is made, the following dues shall be applicable:

- (a) when a cancellation notice is made prior to two hours before commencement of operation..... No charge
- (b) when a cancellation notice is made within the two hours immediately proceeding the commencement of operation..... 25% of standard rate
- (c) when the mooring man has, on request, reported aboard for an operation which is later cancelled ..... 50% of standard rate

4. In respect of disabled vessels, there shall be payable in respect of mooring men €93.17 per operation irrespective of number of mooring men.

5. A levy of five per centum on the gross expenses incurred for mooring services shall always be charged.

6. For any other particular mooring services not otherwise specifically provided for in this Schedule, the dues payable shall be determined by the Authority who shall, as far as possible, assimilate them to the appropriate dues specified in this Schedule.

