**L.N. 183 of 2011**

## MERCHANT SHIPPING ACT
## (CAP. 234)

## Merchant Shipping (Prevention of Pollution from Ships) (Amendment) Regulations, 2011

IN exercise of the powers conferred by articles 308A and 374 of the Merchant Shipping Act, the Minister for Infrastructure, Transport and Communications has made the following regulations: -

Citation and Commencement.

**1.** (1) The title of these regulations is the Merchant Shipping (Prevention of Pollution from Ships) (Amendment) Regulations, 2011 and shall be read and construed as one with the Merchant Shipping (Prevention of Pollution from Ships) Regulations, 2003, hereinafter referred to as the "principal regulations".

L.N. 332 of 2003.

(2) These regulations shall come into force on the 30 June, 2011 .

Amends regulation 2 of the principal regulations.

**2.** Regulation 2 of the principal regulations shall be amended as follows:

(a) in subregulation (1) thereof, immediately after the definition "Annex III" there shall be added the new definition:

" "Annex VI" means Annex VI to the MARPOL Convention including appendices thereto;";

(b) in subregulation (3) thereof, immediately after the words "or in Annex III" there shall be added the words "or in Annex VI";

(c) in subregulation (4) thereof, immediately after the words "in Annex II" there shall be added the words "or in Annex VI"; and

(d) in subregulation (5) thereof, immediatley after the words "in Annex II" there shall be added the words "or in Annex VI".

Amends regulation 3 of the principal regulations.

**3.** In regulation 3 of the principal regulations after the words "or Annex III" there shall be added the words "or Annex VI".

Amends regulation 4 of the principal regulations.

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

(a) in subregulation (1) thereof, immediately after the words "and Annex III, as may from time to time be in force," there shall be added the words "and Annex VI, except for regulation 17," and after the words "and the reference to "all ships" in regulation 2(1) of Annex I there shall be added the words "and in regulation 1 of Annex VI"; and

(b) for subregulation (2) there shall be substituted the following:

"(2) The Registrar-General may either on a case by case basis or through the issue of Merchant Shipping Notices-

(a) determine, lay down, prescribe, set or specify what may be required to be determined, laid down, prescribed, set or specified by these regulations, by the MARPOL Convention, by Protocol I, by Annex I, by Annex II , by Annex III or by Annex VI, or expound on the requirements of these regulations or of such Convention, Protocol, or Annexes or clarify their applicability or interpretation; and

(b) extend any of the provisions of the MARPOL Convention, Protocol I, Annex I, Annex II, Annex III and Annex VI to other classes of Maltese ships or, to other classes of ships while they are in Maltese waters, and in so doing, and without prejudice to the generality of the foregoing, 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 organization with an appropriate knowledge or competence on the subject matter." .

Amends regulation 5 of the principal regulations.

**5.** In regulation 5 of the principal regulations after the words "or Annex III" there shall be added the words "or Annex VI".

Substitutes regulation 6 of the principal regulations.

**6.** For regulation 6 of the principal regulations there shall be substituted the following:

"Duty to ensure compliance.

6. (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 applicable requirements of the MARPOL Convention, Protocol I, Annex I, Annex II, Annex III and Annex VI and such person shall, on conviction, be liable to a fine (multa) as provided for in regulation 12 hereof for each offence.

(2) It shall be the duty of any person -

(a) to whom a direction is given in pursuance of these regulations, the MARPOL Convention, Protocol I, Annex I, Annex II, Annex III or Annex VI, or

(b) upon whom an obligation is imposed by these regulations, by the MARPOL Convention, Protocol I, Annex I, Annex II, Annex III or Annex VI, to comply or ensure compliance with the provisions of these regulations and the applicable requirements of the MARPOL Convention, Protocol I, Annex I, Annex II, Annex III and Annex VI and such person shall, on conviction, be liable to a fine (multa) as provided for in regulation 12 hereof for each offence.".

Amends regulation 7 of the principal regulations.

**7.** Regulation 7 of the principal regulations shall be amended as follows:

(a) subregulation (1) thereof shall be amended as follows:

(i) after the words "or Annex III" there shall be added the words "or Annex VI"; and

(ii) in the second proviso thereto after the words "the documentation prescribed by Annex III" there shall be added the words "and an International Air Pollution Prevention Certificate in the form prescribed by Annex VI"; and

(b) subregulation (3) thereof shall be amended as follows:

(i) after the words "or has jettisoned any harmful substances" there shall be added the words "or has emitted any substance";

(ii) after the words "or Annex III" there shall be added the words "or Annex VI";

(iii) in the first proviso after the words "or Annex III" there shall be added the words "or Annex VI"; and

(iv) in the second proviso after the words "or Annex III" there shall be added the words "or Annex VI".

Amends regulation 8 of the principal regulations.

**8.** In regulation 8 of the principal regulations, in subparagraphs (a) to (e) thereof, immediately after the words "or Annex III" wherever they occur there shall be added the words "or Annex VI".

Substitutes regulation 9 of the principal regulations.

**9.** For regulation 9 of the principal regulations there shall be substituted the following:

"Prohibition of proceeding to sea without appropriate certificate.

9. (1) No Maltese oil tanker of 150 gross tonnage and above and any other ship of 400 gross tonnage and above shall proceed or attempt to proceed to sea on an international voyage unless there is in force in respect of the ship an International Oil Pollution Prevention Certificate.

(2) No Maltese ship carrying in bulk noxious liquid substances or unassessed liquid substances shall proceed or attempt to proceed to sea on an international voyage unless there is in force in respect of the ship the relevant certificate referred to in regulations 11 and 12A of Annex II as appropriate.

(3) No Maltese ship of 400 gross tonnage and above shall proceed or attempt to proceed to sea on an international voyage unless there is in force in respect of the ship an International Air Pollution Prevention Certificate.

(4) No oil tanker of 150 gross tonnage and above and any other ship of 400 gross tonnage and above shall proceed or attempt to proceed to sea on an international voyage from Maltese waters unless there is in force in respect of the ship an International Oil Pollution Prevention Certificate.

(5) No ship carrying in bulk noxious liquid substances or unassessed liquid substances shall proceed or attempt to proceed to sea on an international voyage from Maltese waters unless there is in force in respect of the ship the relevant certificate referred to in regulations 11 and 12A of Annex II as appropriate.

(6) No ship of 400 gross tonnage and above shall proceed or attempt to proceed to sea on an international voyage from Maltese waters unless there is in force in respect of the ship an International Air Pollution Prevention Certificate.

(7) No Maltese ship wherever it is, or no other ship while it is in Maltese waters, shall carry harmful substances except in accordance with the provisions of Annex III.

(8) If a ship proceeds or attempts to proceed to sea on an international voyage, in contravention of subregulations (1) to (7) hereof, the master of the ship shall be liable to a fine (multa) as provided for in regulation 12 hereof.

(9) The master of every ship to which the provisions of subregulations (4) to (6) hereof apply, shall produce to the officer from whom a clearance for the ship is demanded, at the time a clearance for the ship is demanded for a voyage from Malta to a port or place outside Maltese waters, the certificates and documentation referred to in the said subregulations to be in force when the ship proceeds to sea on an

international voyage, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

(10) Where an exemption certificate issued for the purposes of the MARPOL Convention or Annex I or Annex II in respect of a ship specifies any conditions on which the certificate is issued and any of those conditions is not complied with, such person shall, on conviction, be liable to a fine (multa) as provided for in regulation 12 hereof.".

Amends regulation 12 of the principal regulations.

**10.** For subparagraphs (e) and (f) of regulation 12 of the principal regulations there shall be substituted the following:

"(e) where there is a contravention of regulation 9(8) hereof, a fine (multa) not exceeding five hundred units;

(f) where there is a contravention of regulation 9(10) hereof, a fine (multa) not exceeding five hundred units;".

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