L.N. 219 of 2011

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Flag State Requirements) Regulations, 2011

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

Citation, commencement and scope.

1. (1) The title of these regulations is the Merchant Shipping (Flag State Requirements) Regulations, 2011.

(2) These regulations shall come into force on the 17th June, 2011.

(3) These regulations adopt the measures contained in Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements.

Interpretation.

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

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"the Act" means the Merchant Shipping Act;

"administration" means the Registrar General of Shipping and Seamen appointed in terms of article 363 of the Act;

"audit" means an audit conducted in accordance with the provisions of Resolution A.974(24) adopted by the IMO Assembly on 1 December 2005;

"Maltese ship" shall have the same meaning as is assigned to it in article 3 of the Act;

"recognised organisation" means an organisation

recognised in accordance with the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations, 2011.

Conditions for allowing a ship to operate upon granting the right to fly the Maltese flag.

3. (1) Prior to allowing a ship to operate, which has been granted the right to fly the Maltese flag, the administration shall take the measures it deems appropriate to ensure that the ship in question complies with the applicable international rules and regulations. In particular, it shall verify the safety records of the ship by all reasonable means and if necessary, it shall consult with the losing flag State in order to establish whether any outstanding deficiencies or safety issues identified by the latter remain unresolved.

(2) Whenever another flag State requests information concerning a ship which was previously flying the Maltese flag, the administration shall promptly provide details of outstanding deficiencies and any other relevant safety-related information to the requesting flag State.

Detention of a ship flying the Maltese flag.

4. When the administration is informed that a Maltese ship has been detained by a port State, it shall, according to the procedures it has established to this effect, oversee the ship being brought into compliance with the relevant IMO Conventions.

Accompanying measures.

5. The administration shall ensure that at least the following information concerning Maltese ships is kept and remains readily accessible for the purposes of these regulations:

(a) particulars of the ship (name, IMO number, etc.);

(b) dates of surveys, including additional and supplementary surveys, if any, and audits;

(c) identification of the recognised organisations involved in the certification and classification of the ship;

(d) identification of the competent authority which has inspected the ship under port State control provisions and the dates of the inspections;

(e) outcome of the port State control inspections;

(f) information on marine casualties;

(g) identification of ships which have ceased to fly the Maltese flag during the previous 12 months.

Flag State auditing process.

6. The administration shall take the necessary measures for an audit to be undertaken at least once every seven years, subject to a positive reply of the IMO to a timely request of the administration, and shall publish the outcome of the audit in accordance with relevant national legislation on confidentiality.