VERŻJONI ELETTRONIKA

L.N. 465 of 2011

MALTA RESOURCES AUTHORITY ACT (CAP. 423)

Liquefied Petroleum Gas Market (Amendment) (No.2) Regulations, 2011

IN exercise of the powers conferred by sub-article (1) of article 28 of the Malta Resources Authority Act, the Minister for Resources and Rural Affairs, after consultation with the Malta Resources Authority, has made the following regulations:-

Citation.

1. The title of these regulations is the Liquefied Petroleum Gas Market (Amendment) (No.2) Regulations, 2011, and these regulations shall be read and construed as one with the Liquefied Petroleum Gas Market Regulations, hereinafter referred to as "the principal regulations".

S.L. 423.31.

Amends regulation 2 of the principal regulations.

2. In regulation 2 of the principal regulations, immediately after the definition "overriding reasons relating to public interest" there shall be added the following new definition:

" "owner" means any natural or legal person established within the European Union, who lawfully holds certificates of conformity assessment of an LPG cylinder and who originally placed the said cylinder on the market;".

Adds new regulation to the principal regulations.

3. Immediately after regulation 5 of the principal regulations there shall be added the following new regulation:

"Return of LPG cylinders.

5A. (1) Nothing shall prohibit an authorised provider who is authorised to import and, or wholesale LPG and, or an authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG, from collecting a portable cylinder from a final customer and from returning such LPG cylinder on behalf of such final customer, to the authorised provider who is authorised to import and, or wholesale LPG and who is the owner of such portable cylinder:

Provided that the authorised provider who is authorised to import and, or wholesale LPG and, or the authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG, shall return portable cylinders collected from final customers at his own expense, to the authorised provider who is authorised by the Authority to import and, or wholesale LPG and who is the owner of such portable cylinder within intervals of seven calendar days from each other:

Provided further that the burden of proving that any portable cylinders collected from final customers have been returned to the owner of such portable cylinder, shall lie on the authorised provider who is authorised to import and, or wholesale LPG and, or the authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG and who is not the owner of the portable cylinder.

(2) Portable cylinders collected from a final customer in terms of sub-regulation (1) may not be used or handled in any manner whatsoever, other than for the purposes of their return to the authorised provider who is authorised by the Authority to import and, or wholesale LPG and who is the owner of such portable cylinders. Prior to their return, such portable cylinders shall be stored at a facility and under such conditions as approved by the Authority and in accordance with any applicable legislation, standards and Codes of Practice.

(3) The authorised provider who is authorised to import and, or wholesale LPG and, or an authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG, who collects portable cylinders from a final customer in terms of sub-regulation (1) shall inform the Authority of such collection within seven calendar days from the date of the collection of such portable cylinders.

(4) An authorised provider who is authorised by the Authority to import and, or wholesale LPG may require a final customer to effect a deposit as a guarantee for the restitution of a portable cylinder delivered to such final customer. The amount of such deposit shall as a minimum be of ten euro (€10) for each cylinder delivered to a final customer. The aforementioned authorised provider shall reimburse the final customer or any other person acting on his behalf, for the amount deposited upon the permanent return for the purposes of restitution of the portable cylinder referred to in sub-regulation (1) or for a higher amount when such final customer has in his possession a receipt indicating such higher amount, including when such receipts have been issued to final customers prior to the entry into force of this regulation:

Provided that final customers who are not in possession of a receipt as aforesaid shall be reimbursed by the authorised provider who is the owner of such portable cylinder the amount of five euro (€5) for the permanent restitution of a portable cylinder delivered to such final customer.

(5) The deposit referred to in sub-regulation (4) may be effected by the final customer either directly to the authorised provider who is authorised by the Authority to import and, or wholesale LPG or indirectly through an authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG.

(6) The owner of a portable cylinder shall, upon the payment of a deposit for a portable cylinder by a final customer referred to in sub-regulation (4), issue a receipt to a final customer, which receipt shall as a minimum contain details regarding the ownership of the portable cylinder and the final customer's rights and obligations in terms of such deposit.

(7) The final customer may permanently return the portable cylinder for the purposes of restitution to the authorised provider who is authorised by the Authority to import and, or wholesale LPG and who has delivered the portable cylinder to the final customer through an authorised provider who is authorised by the Authority to retail LPG, including retail of portable cylinders filled with LPG.

(8) Nothing in these regulations shall impinge on the ownership rights of the authorised provider who is authorised by the Authority to import and, or wholesale LPG and who is the owner of the said LPG cylinder.

(9) Cylinders shall be indelibly marked showing as a minimum the name of the owner of the LPG cylinder and any other requirement imposed under any other law.".

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