VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,844, 16 ta' Diċembru, 2011
Taqsima B

L.N. 484 of 2011

MERCHANT SHIPPING ACT (CAP. 234)

Merchant Shipping (Insurance for Maritime Claims) 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 (Insurance for Maritime Claims) Regulations, 2011.

(2) These regulations shall come into force on the 1st January 2012.

(3) These regulations adopt the measures contained in Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims.

Interpretation.

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

"the Act" means the Merchant Shipping Act;

Cap. 499.

"competent authority" means the Authority for Transport in Malta established under the Authority for Transport in Malta Act;

"insurance" means insurance with or without deductibles, and comprises, for example, indemnity insurance of the type currently provided by members of the International Group of P & I Clubs, and other effective forms of insurance (including proved self insurance) and financial security offering similar conditions of cover;

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

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"ship owner" means the registered owner of a seagoing ship, or any other person such as the bareboat charterer who is responsible for the operation of the ship.

Application.

3. (1) These regulations shall apply to ships of 300 gross tonnage or more.

(2) These regulations shall not apply to-

(a) warships,

(b) auxiliary warships, or

(c) government ships used for non commercial purposes.

Insurance for maritime claims.

4. (1) No Maltese ship shall proceed or attempt to proceed to sea unless there is in force in respect of the ship an insurance cover as referred to in sub-regulation 3 hereof.

(2) No ship shall be allowed in Maltese ports unless there is in force in respect of the ship an insurance cover as referred to in sub-regulation 3 hereof.

(3) The insurance referred to in sub-regulations (1) and (2) hereof, shall cover maritime claims subject to limitation under the Merchant Shipping (Limitation of Liability for Maritime Claims) Regulations, 2003. The amount of the insurance for each and every ship per incident shall be equal to the relevant maximum amount for the limitation of liability, as laid down in the said regulations.

L.N. 361 of 2003.

Inspections, compliance, expulsion from ports and refusal of access.

L.N. 64 of 2011.

5. (1) Any inspection of a ship in a port in Malta, in accordance with the Merchant Shipping (Port State Control) Regulations, 2011, shall include a verification that a certificate referred to in regulation 6 is carried on board.

(2) If the certificate referred to in regulation 6 is not carried on board, and without prejudice to the Merchant Shipping (Port State Control) Regulations, 2011, the competent authority may issue an expulsion order to the ship which shall be notified to the Commission, the other Member States and the flag State concerned.

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(3) When a notification of an expulsion order, is received from another Member State, the ship in question shall be refused access into any Maltese port, until such time when a notification is received from the owner that an insurance certificate referred to in regulation 6 is issued in respect of the ship.

Insurance certificates.

6. (1) The existence of the insurance referred to in regulation 4 shall be proved by one or more certificates issued by its provider and carried on board the ship.

(2) The certificates issued by the insurance provider shall include the following information:

(a) name of ship, its IMO number, and port of registry;

(b) shipowner's name and principal place of business;

(c) type and duration of the insurance;

(d) name and principal place of business of the provider of the insurance and, where appropriate, the place of business where the insurance is established.

Penalties.

7. Where any person fails to comply with the provisions of these regulations, such person shall be guilty of an offence and shall be liable to a fine (multa) not exceeding one thousand units.

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