VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,108, 21 ta' Diċembru, 2018
Taqsima B

L.N. 442 of 2018

MERCHANT SHIPPING ACT
(CAP. 234)

Merchant Shipping (Ship Recycling) Regulations, 2018

IN EXERCISE of the powers conferred by articles 308A and 374 of the Merchant Shipping Act, the Minister responsible for Transport, Infrastructure and Capital Projects has made the following regulations:

Citation and commencement.

1. (1) The title of these regulations is the Merchant Shipping (Ship Recycling) Regulations, 2018.

(2) These regulations establish a system of penalties for failure to comply with the obligations set out in Regulation (EU) No 1257/ 2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as may be amended from time to time, hereinafter referred to as the "EU Regulation".

(3) These regulations shall come into force on 31st December 2018.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

"the Act" means the Merchant Shipping Act; Cap. 234.

"appropriate inspector" shall have the same meaning as is assigned to it in article 154 of the Act;

"EU ship" means a ship flying the flag of a Member State of the European Union or the European Economic Area;

"Maltese ship" shall have the same meaning as is assigned to it in article 3(1) of the Act;

"Registrar-General" means the Registrar-General of Shipping and Seamen appointed under article 363 of the Act and includes any person acting under his authority;

(2) Unless otherwise defined in the Act or in these regulations, or unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning assigned to them in the EU Regulation.

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Application.

3. (1) These regulations shall apply to Maltese ships wherever they may be and to all other EU ships calling at a port in Malta:

Provided that, for the purposes of Article 12 of the EU Regulation, these regulations shall also apply to non-EU ships calling at a port or anchorage in Malta.

(2) These regulations shall not apply to:

(a) any warships, naval auxiliary, or other ships owned or operated by a state and used, for the time being, only on government non-commercial service;

(b) ships of less than 500 gross tonnage (GT);

(c) Maltese ships operating throughout their life only in waters subject to the sovereignty or jurisdiction of Malta.

Inventory certificate and ready for recycling certificate.

4. A ship to which these regulations apply shall not enter or leave a port in Malta, nor, if the ship is a Maltese ship, any other port, unless a valid inventory certificate or a valid ready for recycling certificate issued in terms of Article 9 of the EU Regulation, is kept on board.

Duty to ensure compliance.

5. It shall be the duty of the registered owner of the ship to ensure that the ship is in compliance with the provisions of these regulations and the provisions of the EU Regulation.

Penalties.

6. Failure to comply with the provisions of these regulations and the provisions of the EU Regulation shall constitute an offence. Such person shall, on conviction, be liable to a fine (*multa*) not exceeding five thousand (5,000) units.

Power to inspect and detain.

7. (1) The Registrar-General, or an appropriate inspector, may inspect any ship to which these regulations apply, having regard to the provisions of Article 11 of the EU Regulation.

(2) If satisfied that the ship is not in compliance with the provisions of these regulations and the applicable requirements of the EU Regulation, the Registrar-General shall take such steps as are considered necessary to ensure that the ship shall not sail until it can be ensured that the ship is in compliance with the provisions of these regulations and the applicable requirements of the EU Regulation, including warn, detain, dismiss or exclude the said ship from Maltese ports.

(3) In the case of a non-Maltese ship, if the Registrar-General takes such steps as specified in sub-regulation (2) hereof, the

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Registrar-General shall forthwith notify the ship's flag State competent Authority or consular or diplomatic representative of the flag State of the ship.

(4) For the purposes of this regulation, the provisions of article 154(2) and (3) of the Act shall apply *mutatis mutandis* to the Registrar-General and to appropriate inspectors.

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