

*Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,565, 2 ta' Frar, 2021*

*Taqsimha B*

**L.N. 37 of 2021**

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

**Merchant Shipping (Port State Control) (Amendment)  
Regulations, 2021**

IN EXERCISE of the powers conferred by articles 154 and 374 of the Merchant Shipping Act, the Minister for Transport, Infrastructure and Capital Projects has made the following regulations:

1. The title of these regulations is the Merchant Shipping (Port State Control) (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Merchant Shipping (Port State Control) Regulations, hereinafter referred to as the "principal regulations". Citation.  
S.L. 234.38.
2. Regulation 1(2) of the principal regulations shall be substituted by the following: Amends  
regulation 1 of  
the principal  
regulations.

"(2) These regulations adopt the measures contained in Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009, in Directive 2013/38/EC of the European Parliament and of the Council of 12 August 2013 in its up-to-date version, and in Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on Enhancing Ship and Port Facility Security, in its up-to-date version as far as its Article 8 and the Regulation 9 in its Annex I are concerned."
3. Regulation 10(2) of the principal regulations shall be substituted by the following: Amends  
regulation 10 of  
the principal  
regulations.

"(2) As far as security checks are concerned, the competent authority shall apply Article 8 of Regulation (EC) No 725/2004 and the relevant procedures set out in Annex VI to the Directive to all ships referred to in Articles 3(1), 3(2) and 3(3) of Regulation (EC) No 725/2004 of the European Parliament and of the Council, calling at Maltese ports and anchorages, unless they fly the Maltese flag."
4. Regulation 17(1) of the principal regulations shall be substituted by the following: Amends  
regulation 17 of  
the principal  
regulations.

"(1) Inspections under these regulations, and security

checks in terms of Article 8 of Regulation (EC) No 725/2004, shall be carried out only by inspectors who fulfil the qualification criteria specified in Annex XI to the Directive and who are authorised to carry out port State control by the competent authority."

Amends  
regulation 17 of  
the principal  
regulations.

**5.** Regulation 17(3) of the principal regulations shall be substituted by the following:

"(3) The inspectors carrying out port State control, and security checks in terms of Article 8 of Regulation (EC) No 725/2004, and the persons assisting them shall have no commercial interest either in the port of inspection or in the ships inspected, nor shall the inspectors be employed by, or undertake work on behalf of, non-governmental organisations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships."