

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,609, 16 ta' April, 2021

Taqsim B

L.N. 165 of 2021

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

Tonnage (Amendment) Regulations, 2021

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

1. (1) The title of these regulations is the Tonnage (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Tonnage Regulations, hereinafter referred to as the "principal regulations".

Citation and commencement.

S.L. 234. 19.

(2) These regulations shall come into force on the 1st September, 2021.

2. In regulation 2 of the principal regulations, the definition "length overall" shall be substituted by the following new definition:

Amends regulation 2 of the principal regulations.

" "length overall" means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and "fixed permanent structure" includes any portion of the hull which is capable of being detached, but which must be fixed in place for the safe operation of the vessel;"

3. Regulation 18 of the principal regulations shall be amended as follows:

Amends regulation 18 of the principal regulations.

(a) immediately after sub-paragraph (iii) of paragraph (b) of sub-regulation (3) thereof there shall be added the following new paragraph:

"(c) the hull length of a ship shall mean the length of the hull measured in accordance with the harmonised standard, whereas the phrase "harmonised standard" shall have the meaning set out in paragraph (c) of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation (in its up to date form)."

(b) sub-regulation (8) thereof shall be substituted by the following new sub-regulation:

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"(8) On completion of the measurement and if it is in order to do so, the certifying authority shall issue to the owner of every ship, the tonnages of which have been ascertained in accordance with this Part of these regulations, a Certificate of Survey (Tonnage Measurement) for Maltese Ships under 24 Metres Length, other than Fishing Vessels with overall length equal or greater than 15m in the form set out in the Fifth Schedule or as near thereto as circumstances permit, certifying the tonnages of the ship and containing the particulars to be shown thereon and such particulars, if any, as the Registrar-General may deem proper."

Substitutes the Fourth and Fifth Schedules to the principal regulations.

4. The Fourth and Fifth Schedules to the principal regulations shall be substituted by the following new Schedules:

"FOURTH SCHEDULE

CERTIFICATE OF SURVEY (TONNAGE MEASUREMENT) FOR MALTESE FISHING VESSELS OF 15 METRES LENGTH OVERALL TO LESS THAN 24 METRES LENGTH <i>Issued under the provisions of the Merchant Shipping (Tonnage) Regulations under the authority of the Government of the Republic of Malta.</i>			
Name of vessel		Official number	Port of Registry
Where built	When built	Name and address of builders	
Number of decks	Stern	Stem	Build
Framework		Number of bulkheads	
MAIN DIMENSIONS			
Length Overall		Breadth	Depth
The tonnage of this vessel is: GROSS AND NET TONNAGE			
CERTIFIED EXTRACTS OF PARTICULARS SUPPLIED BY BUILDERS, OWNERS OR ENGINE MAKERS			
Number of sets of engines	Description of engines		When made
			Number of cylinders in each set

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KW	Name and address of makers	Number of shafts
<i>I, the undersigned Surveyor, having measured the above named vessel, hereby certify that the above particulars are true and that the tonnage has been ascertained in accordance with Part III of the Merchant Shipping (Tonnage) Regulations. I further declare that I am duly authorised by the Government of Malta to issue this certificate.</i>		
Dated at _____ this _____ day of _____ (place of survey) Signature of Surveyor and Official Stamp		

(Reverse side of Certificate) SPACES INCLUDED IN TONNAGE

GROSS TONNAGE		
Name of Space	Location	Length
Underdeck	-	-
EXCLUDED SPACES (Regulation 2 and First Schedule of the Merchant Shipping (Tonnage) Regulations An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.		
Date and place of last original measurement		
Date and place of last previous re-measurement		
REMARKS:		

CERTIFICATE OF SURVEY (TONNAGE MEASUREMENT) FOR MALTESE SHIPS UNDER 24 METRES LENGTH, OTHER THAN FISHING VESSELS WITH OVERALL LENGTH EQUAL OR GREATER THAN 15 METRES					
Issued under the provisions of the Merchant Shipping (Tonnage) Regulations under the authority of the Government of the Republic of Malta.					
Before filling out this Certificate, surveyors are advised to see the instructions overleaf					
Name of ship			Type of Ship and whether a dumb, sailing or motor ship. If motor ship how propelled		
Where built		When built	Name and address of builders		
Number of decks	Number of mast	Rigged	Stem	Stern	Build
Framework and description of ship	Hull Length	Number of Bulkheads	Overall Length	Breadth	Depth
	Hull Identification Number				
TONNAGE CALCULATION overall length x breadth x depth x 0.16 = overall length x breadth x depth x 0.16 = Break, or breaks, if any, extending from side to side above line of deck ADD mean length x mean breadth x mean height x 0.35 = mean length x mean breadth x mean height x 0.35 = The tonnage of the ship, as detailed above is: GROSS AND NET TONNAGE					
CERTIFIED EXTRACTS OF PARTICULARS SUPPLIED BY BUILDERS, OWNERS OR ENGINE MAKERS					
Number of sets of engines	Description of engines		When made	Number of cylinders in each set	
Power in kW	Name and address of makers		Model & Serial Numbers		Number of shafts
<i>I, the undersigned Surveyor, having measured the above named vessel, hereby certify that the above particulars are true and that the tonnage has been ascertained in accordance with Part IV of the Merchant Shipping (Tonnage) Regulations. I further declare that I am duly authorised by the Government of Malta to issue this certificate.</i>					
Dated at		this	day of		
(place of survey)					
..... <i>Signature of Surveyor and Official Stamp</i>					

(Reverse side of Certificate)

Great care is to be taken in completing the Certificate of Survey (Tonnage Measurement) and Surveyors should carefully note that no alterations are permitted on this Certificate and if mistakes are made, it is to be re-printed or re-written.

The Surveyor should note the following when completing the Certificate of Survey (Tonnage Measurement):

(a) Under the heading "Type of Ship and whether a dumb, sailing or motor ship how propelled", the type of ship shall be mentioned (eg. Yacht, Fishing, Cargo, Tug, Passenger, etc.) and this shall be followed by the means of propulsion. If a permanent motor is fitted to a sailing ship the entry is to be "Sailing and Motor: Single Screw". In the case of a vessel provided with a portable outboard motor the correct entry is that applicable to the vessel without the motor, with a qualification "fitted with portable outboard motor" eg. "Dumb fitted with outboard motor" or "Sailing fitted with portable outboard motor". When the main propulsion is by engine the entry will be "Motor Ship, Single Screw", "Motor Ship, Twin Screw", as appropriate.

(b) Under the headings "Where Built" and "Name and Address of Builders" when the hull has been built in one shipyard and the vessel fitted out at another, both places should be shown under the headings, eg.:

Where Built:	Hull:	Southampton
	Fitted Out:	Poole
Name and Address of Builders:	Hull:	Boatyard Ltd, Southampton
	Fitted Out:	Yacht Fitters Ltd, Poole

(c) Under the heading "When Built" should be shown the year in which the ship was launched or entered the water for the first time or when it was completed, which is the earlier.

(d) The description under the heading "Rigged" should describe the arrangement eg. "Yawl", "Schooner", "Ketch", etc; if a ship is not designed for sailing, and is not rigged for that purpose "Not" is to be inserted.

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(e) The description of the "Stem" should be "Straight", "Raked", "Clipper", etc., as appropriate.

(f) The description of the "Stern" should be "Counter", "Cruiser", "Transom", etc., as appropriate

(g) The description of the "Build" should indicate construction of the hull i.e. "Clencher" for in and out plating or planting or "Carvel" if flush; where there is a mixture then "Part Carvel/Part Clencher" should be entered.

(h) The entry as regards "Framework and description of ship" should describe the material of the hull and the type of ship; i.e. material should be shown as "Wood", "Steel", "Glass Reinforced Plastic", etc., as appropriate.

(i) The entry in respect of "Number of Bulkheads" should relate to the complete bulkheads bounding main compartments up to the deck level. If no complete bulkheads are fitted the entry should be "None".

(j) The particulars of outboard and inboard propelling engines should be completed. The "Description of engine" is to be kept as simple as possible and yet fulfill the function of accurately defining the type of engine fitted. In most ships, it will be sufficient to insert "Internal combustion engine". The entry in respect of Power shall be the combined maximum continuous power (MCR) of all propulsion engines/motors expressed in kilowatts (kW). The power of auxiliary engines/motors shall not be included.

(k) Where numbers are required to be inserted in respect of decks, masts, bulkheads, sets of engines, shafts and cylinders, these are to be written in words; numerals are not to be used. Only sail masts shall be included in the number of masts on board.

(l) The Hull Identification Number (HIN) or Craft Identification Number (CIN) shall indicate the vessel's Hull No. or Builder's No. For yachts, recreational craft and personal watercraft, the Hull Identification Number shall be in conformance to ISO 10087, as amended, or equivalent.

(m) The Hull Length and Overall Length shall be measured in accordance with the Vessel Measurement Guidelines issued by TM, as applicable to the specific type of vessel.

(n) For Yachts issued with a CE Declaration of Conformity, in conformance with the EU Recreational Craft Directive, the Hull Length L_H shall be the length of hull mentioned on the CE Declaration of Conformity.

(o) For Yachts, in the event that the Hull Length L_H (ISO 8666) $< 24\text{m}$ whilst at the same time the Length* Art.2(8) is $\geq 24\text{m}$, then the Art.2(8) Length* shall be considered as the regulatory length and this simplified tonnage calculation form shall not be utilised.

(p) For vessels having a LoA $> 24\text{m}$ the Length Art.2(8) shall be mentioned in the remarks section of the COS.

(*) - Length as defined in ICLL Art.2(8)."
