

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

4th February, 2025

ACT No. I of 2025

AN ACT to amend the Merchant Shipping Act, Cap. 234.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is the Merchant Shipping (Amendment) Act, 2025 and this Act shall be read and construed as one with the Merchant Shipping Act, hereinafter referred to as "the principal Act".

Short title and commencement.
Cap. 234.

(2) This Act shall come into force within two (2) months from the date of its publication in the Gazette.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) in sub-article (1) thereof immediately after the definition "Authority" there shall be added the following new definition:

"bareboat charterer" means a person who leases or sub-leases a ship, by means of a contract for a stipulated period of time, during which period such person shall acquire full control and complete possession of the ship,

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including the right to appoint her master and crew for the duration of the charter but excluding the right to sell or mortgage the ship;"

(b) in sub-article (2) thereof the words "if sent by registered post to the last address of the owner registered with the registrar" shall be substituted by the words "if sent by electronic mail".

Amendment of
article 3 of the
principal Act.

3. Article 3 of the principal Act shall be amended as follows:

(a) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) For the purposes of identification the owner of such ship that is being built or equipped shall identify it by painting the official number, name and port of registry on the keel, and such details are to be reproduced on the ship's side and eventually on the stern, as may be possible from time to time."; and

(b) in sub-article (8) thereof the words "twenty-five years" shall be substituted by the words "twenty years".

Amendment of
article 7 of the
principal Act.

4. Article 7 of the principal Act shall be amended as follows:

(a) the first paragraph of sub-article (1) thereof shall be substituted by the following new paragraph:

"(1) The fee due on first registration and the annual fee shall be paid upon registration of the ship and no certificate of registry as described in article 19 shall be issued in respect of a ship unless the fees have been paid in respect of the ship";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Thereafter the annual fee shall be payable by the anniversary of the first registration.";

(c) the word "initial", wherever it occurs, shall be substituted by the word "first".

Amendment of
article 12 of the
principal Act.

5. In article 12 of the principal Act the word "Minister" shall be substituted by the words "Registrar-General".

6. Article 13 of the principal Act shall be amended as follows:

Amendment of article 13 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof the words "transferred to the applicant for registry;" shall be substituted by the words "transferred to the applicant for registry:" and immediately thereafter there shall be added the following new proviso:

"Provided that the registrar may not enquire into prior title or registered encumbrances in cases where the vessel was acquired by the owner free from encumbrances pursuant to an order or with the approval of a competent court.";

(b) the proviso to paragraph (b) of sub-article (2) thereof shall be substituted by the following new proviso:

"Provided that the Registrar-General may, subject to such conditions as he may deem proper, in case of a ship which is being built, rebuilt or equipped, exempt such ship from the requirements of this paragraph for a period of one year extendable for a valid reason for a further period or periods but in no case for a period exceeding two years at a time."

7. Article 15 of the principal Act shall be amended as follows:

Amendment of article 15 of the principal Act.

(a) sub-article (1) thereof shall be amended as follows:

(i) paragraph (c) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(c) her International Maritime Organization (IMO) Identification Number, where applicable, shall be marked in accordance to the Safety Convention; and";

(ii) immediately after paragraph (c), as substituted, there shall be added the following new paragraph:

"(d) her draught shall be marked in accordance to the Load Line Convention.";

(b) in sub-article (2) thereof the word "Minister" shall be substituted by the words "Registrar-General".

8. In sub-article (1) of article 16 of the principal Act the words "or in any regulations made thereunder." shall be substituted by the words "or in any regulations made thereunder:" and immediately

Amendment of article 16 of the principal Act.

thereafter there shall be added the following new provisos:

"Provided that with regard to ships that are being built or equipped and are registered in accordance with article 3(3), at the request of the applicant for registry or his authorised representative, the Registrar-General may extend the provisional registration for a further period or periods until the completion of the ship, but in no case may the provisional registration period be extended for periods exceeding three years at a time:

Provided further that the Registrar-General may extend for other periods of time upon receipt of satisfactory evidence that the construction has not yet been completed:

Provided further that the Registrar-General may request documentation related to the stage of construction or equipping of the vessel:

Provided further that the annual fee shall be payable on the anniversary of the first registration in accordance with the provisions of this Act."

Amendment of article 18 of the principal Act.

9. In article 18 of the principal Act immediately after the words "all declarations of ownership." there shall be added the words "Electronic copies of documents to be retained shall suffice."

Deletion of article 25 of the principal Act.

10. Article 25 of the principal Act shall be deleted.

Amendment of article 26 of the principal Act.

11. Sub-article (2) of article 26 of the principal Act shall be deleted.

Amendment of article 26A of the principal Act.

12. In article 26A of the principal Act the words "and the master shall forthwith deliver up the certificate of registry to the registrar or a Maltese consular officer" shall be deleted.

Substitution of article 28A of the principal Act.

13. Article 28A of the principal Act shall be substituted by the following new article:

"28A. Where the purchaser of a ship is not a person who is qualified to own a Maltese ship in accordance with this Act, the registrar upon obtaining knowledge or on being given notice of such a fact, the registrar shall:

(a) in the case of a sale pursuant to an order or with the approval of a competent court, upon receiving copies of the proceedings of the sale certified to his satisfaction, make an entry thereof in the register and the register of the

ship shall be considered as closed, including in so far as relates to any mortgage or encumbrance or finance charter instrument registered over that ship; or

(b) in the case of a sale by a mortgagee in possession pursuant to article 42(1)(b), upon the production of a copy of the bill of sale certified to his satisfaction, make an entry thereof in the register and the register of the ship shall be considered as closed except in so far as relates to any unsatisfied mortgages entered therein."

14. Article 30 of the principal Act shall be amended as follows:

Amendment of article 30 of the principal Act.

(a) in the proviso to sub-article (1) thereof the words "or if any certificate of registry, whether provisional or otherwise, has not been surrendered to him" shall be deleted;

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) The registrar shall specify on the deletion certificate the reason for closure of registry, and where the registry of a ship, whether provisional or otherwise, has been closed saving any unsatisfied mortgage, any unsatisfied finance charter instrument or privilege entered therein, the deletion certificate shall also include a full description of any unsatisfied mortgage, any unsatisfied finance charter instrument or privilege, together with a statement that the registry of the ship was closed saving such mortgages, finance charter instruments or privileges."

15. In paragraph (a) of sub-article (9) of article 37 of the principal Act, immediately after the words "specified in article 42" there shall be added the words ", with the exception of the mortgagee's right to demand the closure of a ship's register in accordance with article 42(1)".

Amendment of article 37 of the principal Act.

16. Article 37B of the principal Act shall be amended as follows:

Amendment of article 37B of the principal Act.

(a) immediately after paragraph (a) of sub-article (2) thereof there shall be added the following new paragraph:

"(aa) by means of a finance charter interest which is a charge over a vessel which is enforceable *erga omnes*, or";

(b) immediately after sub-article (3) thereof there shall be added the following new sub-article:

"(4) A mortgage shall also include a mortgage that has been registered in a foreign jurisdiction but is recognized in Malta and registered in the Maltese registry."

Amendment of article 37C of the principal Act.

17. Immediately after sub-article (1) of article 37C of the principal Act there shall be added the following new sub-article:

"(1a) Any finance charter instrument to which a vessel may be subject shall not be affected by the bankruptcy of the finance charterer occurring after the registration date of the finance charter interest, notwithstanding that the finance charterer at the commencement of the bankruptcy had the ship in his possession, order or disposition, and such finance charter interest shall have preference on the said vessel, over all other debts, claims or interests of any other creditor of the bankrupt or of any curator, trustee or receiver, acting on behalf of any other creditors, save for those claims which would rank in preference of a finance charter interest in accordance with the provisions of this Act."

Amendment of article 37D of the principal Act.

18. Article 37D of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) Subject to the provisions of this article, a registered mortgage and any finance charter instrument shall attach to the ship or share therein in respect of which it is registered until it is discharged:

Provided that where the ship has been forfeited in accordance with this Act, the interest of the mortgagee and, or of any lessor under a finance charter instrument in the ship shall terminate if the mortgagee or the lessor under a finance charter instrument has authorised, consented to, or conspired, to the act, failure or omission in consequence of which the ship is forfeited.";

(b) immediately after sub-article (1) thereof, as substituted, there shall be added the following new sub-article:

"(1a) Where a ship has been sold pursuant to an order or with the approval of a competent court within whose jurisdiction the ship was at the time of the sale, such sale of the ship shall be considered to give the purchaser a title which is free from all privileges and encumbrances and any mortgage, finance charter instrument or encumbrance

registered over that ship shall be deemed to be discharged and shall be removed from the ship's register:

Provided that the interest of the mortgagees, or of the lessor under a finance charter instrument as well as of any other creditor in the ship including their respective ranking, if any, shall be passed on to the proceeds of the sale of the ship in accordance with the applicable law in that jurisdiction:

Provided further that where a ship has been sold by a mortgagee in possession pursuant to his rights in accordance with article 42(1)(b) and it is stated in the bill of sale that the ship is being sold free from such encumbrance, then the rights arising from such registered mortgage and any finance charter instrument registered on the ship shall no longer be exercisable in relation to that ship."

19. Article 38 of the principal Act shall be amended as follows:

Amendment of article 38 of the principal Act.

(a) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) A mortgage registered in accordance with this Act may be drawn up to secure the payment of a principal sum and interest, a current account, as well as the performance of any other obligation, including a future obligation due by the debtor to the creditor:

Provided that a mortgage drawn up in accordance with this Act shall be valid at law even if it does not indicate the monetary value of the indebtedness in the mortgage:

Provided further that in order for future obligations to be secured by the mortgage, each of the following conditions shall be met:

(i) a maximum sum by way of principal for which the mortgage is granted shall be expressly stated in the registered instrument;

(ii) such maximum sum shall be recorded in the register by the registrar; and

(iii) the mortgage shall be registered in favour of a credit institution in an approved jurisdiction or such other organisation as may be permitted by

means of a notice issued by the Minister.";

(b) sub-article (6) thereof shall be substituted by the following new sub-article:

"(6) The Minister may make regulations to further regulate the operation of security granted to secure future obligations.".

Amendment of article 39 of the principal Act.

20. In sub-article (1) of article 39 of the principal Act immediately after the words "the register" there shall be added the words "and assign an index number of registration to such mortgage.".

Addition of new article to the principal Act.

21. Immediately after article 39 of the principal Act, as amended, there shall be added the following new article:

"Validity of a mortgage or assignment of a mortgage.

39A. The mortgage or assignment of a mortgage of a Malta registered ship shall not be valid in respect of such ship, against any person other than the mortgagor, his successors and, or assignees and persons having actual notice thereof until the instrument evidencing such transaction is registered in accordance with article 39.".

Addition of new article to the principal Act.

22. Immediately after article 39A of the principal Act, as added, there shall be added the following new article:

"Correction of errors.

39B. A party to a mortgage registered in accordance with this Act, with the consent of the other party or parties, may within seven days of the registration correct any error on the document.".

Amendment of article 42 of the principal Act.

23. Article 42 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "In the event of default" shall be substituted by the words "Notwithstanding the provisions of article 256(2) of the Code of Organisation and Civil Procedure, in the event of default";

(b) in paragraph (a) of sub-article (1) thereof the words "ceased to be the owner thereof;" shall be substituted by the words "ceased to be the owner thereof:" and immediately thereafter there shall be added the following new proviso:

"Provided that any mortgagee may, by means of an application, seek the assistance of the Courts in the exercise of this right. The Court shall give all the orders and directions, as may be deemed necessary, to immediately and as expeditiously as possible grant such assistance to the mortgagee;".

24. Immediately after article 45A of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Amendment of registered mortgage details.

45B. The registered details relating to a mortgage in the event of a change in the name or address of the mortgagor or of the mortgagee may be amended. The amendment shall be affected by the registrar in the registry of the ship concerned upon receipt of a request from the mortgagee together with evidence in support of the required changes."

25. Immediately after article 49 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Registration of mortgages over ships under construction.

49A. (1) A mortgage may be registered over a ship that is under construction and any such mortgage shall operate in all respects as a mortgage in accordance with this Act and unless otherwise provided in this article, the provisions on mortgages shall apply *mutatis mutandis*.

(2) Prior to the registration of a mortgage over a ship under construction, the owner shall be required by the registrar to provide him with a declaration of ownership confirming his ownership of the ship under construction:

Provided that the Registrar may require documentary proof of ownership.

(3) In cases where the ownership of the ship under construction vests in more than one owner, the declaration of ownership shall be drawn up jointly by the owners:

Provided that the owners shall have the option to jointly indicate their respective proportions of shares in the ship under construction. Whenever there is a change in the proportions of shares in the ship, the owners may jointly declare their new respective proportion of shares.

(4) A declaration of ownership made in regard to a ship under construction shall not be limited to the said ship at the stage of construction that the ship is in at the time the declaration is made but shall also extend to the stages of construction or equipping of the ship that follow, and article 566 of the Civil Code shall apply thereto.

Cap. 16. (5) A mortgage registered over a ship that is under construction shall not be limited to the ship at the stage of construction that the ship is in at the time the mortgage is registered but shall extend and attach to the stages of construction that follow, and article 566 of the Civil Code shall apply thereto.

(6) For the purposes of this article:

"ship under construction" means a ship which is in the process of being built."

Addition of new article to the principal Act.

26. Immediately after article 49A of the principal Act there shall be added the following new article:

"Finance charter instrument.

49B. (1) The rights arising in favour of the lessor of a ship in a finance charter may be secured through the registration in that ship's register of a finance charter instrument executed by the finance charterer in favour of the lessor who shall acknowledge same in writing, in the presence of, and attested by a witness or witnesses.

(2) On the production of a finance charter instrument for registration, the registrar shall record it in the register of the ship concerned.

(3) A finance charter instrument may be drawn up to secure the performance of any obligation of the finance charterer in favour of the lessor under and in terms of a finance charter, including the payment of hire, a principal sum and interest, an account current, as well as the performance of any other obligation.

(4) The consent in writing of any registered mortgagee shall be required for the registration of a finance charter instrument.

(5) The registration of any finance charter instrument shall not affect any mortgage registered over that ship or share therein irrespective of whether such mortgage registration is affected prior or after the registration of a finance charter instrument and any rights of the mortgagee shall in no way be prejudiced by the registration of a finance charter instrument:

Provided that the registration of any finance charter instrument shall be without prejudice to the provisions of article 37C.

(6) The registration of a finance charter instrument over a ship shall not prohibit the registration, amendment or discharge of any mortgage over that ship.

(7) The transfer of the ship or any share therein referred to in the finance charter instrument shall not be prohibited and the registrar shall record any such transfer provided that in such instances the lessor shall either discharge the finance charter instrument prior to the transfer of the ship or transfer the finance charter instrument to the transferee together with the ship.

(8) A registered finance charter instrument shall be considered as a charge over a ship which shall be enforceable *erga omnes*:

Provided that for the purposes of article 54A, the debt secured by a finance charter instrument shall rank after any debt secured by a mortgage registered under the provisions of this Act or secured by a foreign mortgage recognised in accordance with this Act and after the debts specified in article 54 and in article 50 (c), (d), (e), (f), (g), (h), (i), (j) and (k) but before the debts specified in article 50(l), (m), (n), (o) and (p) and in preference to other hypothecary and privileged claims:

Provided further that the rights awarded to the lessor under this sub-article shall be limited to the ship indicated in the finance charter instrument and shall not apply to any debts, obligations, actions and claims relating to the ship which arose prior to the registration of the finance charter instrument.

(9) In the event of default of any term or condition of a registered finance charter instrument or of any document or agreement referred to therein, the lessor shall, upon giving notice in writing to the finance charterer, be entitled to take possession of the ship in respect of which the finance charter instrument is registered.

(10) For the purposes of any judicial proceedings instituted by the lessor in connection with a finance charter, the respondent shall be deemed to be duly served if the application or other act is served on the master of the ship, or if he is absent from Malta, on the local agent appointed for the ship, or in the absence of such local agent on curators appointed by the court to represent the finance charterer and the ship.

(11) The provisions of articles 38(4), 38(7), 44, 44A, 45, 46, 47 and 48 of this Act shall *mutatis mutandis* apply in respect of a finance charter instrument.

(12) This article shall be without prejudice to the provisions contained in articles 19A and 19B:

Provided that it shall be permissible for a finance charter instrument to be registered over a ship notwithstanding that the said provisions are not availed of.

(13) For the purposes of this article:

(a) the term "finance charter" shall refer to the chartering or lease of a ship under terms where the possession, operation or control of that ship is given to a bareboat charterer or to a lessee including through a demise or bareboat charter or a similar agreement, the principal purpose and intention of which is to finance the acquisition, operation, administration or management of that ship;

(b) the term "finance charter instrument" shall refer to the registration of a finance charter as provided for in this article;

(c) the term "finance charterer" shall refer to the person identified as the bareboat charterer or the lessee in the finance charter;

(d) the term "lessor" shall refer to the owner of a ship which is the subject of or is otherwise addressed in a finance charter."

Addition of new article to the principal Act.

27. Immediately after article 49B of the principal Act, as added, there shall be added the following new article:

"Amendment of a finance charter instrument.

49C. (1) Where a registered finance charter instrument is amended, the registrar shall on the production of the instrument of the finance charter executed in accordance with the provisions of article 49B containing such amendment, together with the written acknowledgment by the lessor on the said instrument make a note thereof in the register to the effect that the finance charter instrument has been amended, and any such amendment shall form an integral part of the registered finance charter instrument and such finance charter instrument, as amended, shall continue to have the same priority as it had before the amendment was noted.

(2) Subject to the provisions of this article, an amendment of a finance charter instrument may be effected for any purpose.

(3) Without prejudice to the generality of the foregoing, and subject to the provisions of sub-articles (4) and (5), an amendment of a finance charter instrument shall be effected for any one or more of the following purposes:

(a) to increase the amount of capital secured by such finance charter instrument. An agreement to amend and vary the rates of interest payable, the modalities for the calculation of interest including any indices, margin, or market mechanism, the repayment schedule or the currency in which payment is to be made is not considered as an increase for the purposes of this article; and

(b) to extend such finance charter instrument to secure any other obligation of the finance charterer in favour of the lessor under and in accordance with the terms of a finance charter.

(4) An amendment of a finance charter instrument may not be effected after the obligation secured by the registered finance charter instrument has been satisfied.

(5) The acknowledgment to an amendment to a finance charter instrument shall be signified by means of a declaration executed by the lessor in the presence of and attested by a witness."

28. Article 50 of the principal Act shall be amended as follows:

Amendment of article 50 of the principal Act.

(a) in paragraph (c) thereof immediately after the word "dues" there shall be added the words "including anchorage and berthing dues";

(b) in the proviso to paragraph (j) thereof immediately after the words "contracted directly by the owner of the ship" there shall be added the words "or by the bareboat charterer" and immediately after the words "by an authorised agent of the owner" there shall be added the words "or of the bareboat charterer".

(c) in the proviso to paragraph (m) thereof immediately after the words "directly by the owner of the ship" there shall be added the words "or by the bareboat charterer" and immediately after the words "or by an authorised agent of the owner" there shall be added the words "or of the bareboat charterer".

29. Sub-article (2) of article 52 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 52 of the principal Act.

"(2) A privilege shall only be effectual with regard to any other vessel if the claim is duly registered in a public registry in the country to which the vessel belongs and in accordance with the laws of that country."

Amendment of
article 55 of the
principal Act.

30. Article 55 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof the word "Minister" shall be substituted by the word "Registrar-General";

(b) in sub-article (3) thereof the words "three months" shall be substituted by the words "twelve months".

Amendment of
article 56 of the
principal Act.

31. Article 56 of the principal Act shall be amended as follows:

(a) in sub-article (4) thereof immediately after the words "certificate of registry" there shall be added the words ", in any other certificate issued by the registrar bearing the name of the ship";

(b) in sub-article (5) thereof immediately after the words "certificate of registry" there shall be added the words ", in any other certificate issued by the registrar bearing the name of the ship".

Substitution of
article 58 of the
principal Act.

32. Article 58 of the principal Act shall be substituted by the following new article:

"58. For the purposes of the registry of an alteration in a ship, the registrar shall enter the particulars of the alteration in the register and shall issue a new certificate of registry."

Amendment of
article 61 of the
principal Act.

33. In sub-article (1) to article 61 of the principal Act the words "and on delivery up to him of the existing certificate of registry," shall be deleted.

Amendment of
article 65 of the
principal Act.

34. In sub-article (2) of article 65 of the principal Act the words "duly authorised representative." shall be substituted by the words "duly authorised representative:" and immediately thereafter there shall be added the following new proviso:

"Provided that the registrar may accept electronic declarations that are signed in an electronically secure manner."

Substitution of
article 67 of the
principal Act.

35. Article 67 of the principal Act shall be substituted by the following new article:

"67. Saving any other provisions of this Act, a person may, on payment of such fee as may be prescribed, inspect any

register by providing the name of the ship and obtain a transcript or extract of the register."

- 36.** Article 69 of the principal Act shall be deleted.

Deletion of article 69 of the principal Act.
- 37.** In article 70 of the principal Act immediately after the words "certificate of mortgage or sale" there shall be added the words "or any other certificate issued by the registrar".

Amendment of article 70 of the principal Act.
- 38.** In sub-article (1) of article 79 of the principal Act the word "Minister", wherever it occurs, shall be substituted by the words "Registrar-General".

Amendment of article 79 of the principal Act.
- 39.** In paragraph (c) of sub-article (2) of article 81 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer".

Amendment of article 81 of the principal Act.
- 40.** Article 95 of the principal Act shall be deleted.

Deletion of article 95 of the principal Act.
- 41.** Article 97 of the principal Act shall be deleted.

Deletion of article 97 of the principal Act.
- 42.** In the paragraph subsequent to paragraph (d) of article 98 of the principal Act immediately after the words "imprisonment and fine." there shall be added the words "Furthermore, the Registrar-General may prohibit that person from being engaged on a Malta registered ship, for a definite or indefinite period.".

Amendment of article 98 of the principal Act.
- 43.** Sub-article (4) of article 100 of the principal Act shall be deleted.

Amendment of article 100 of the principal Act.
- 44.** Article 101 of the principal Act shall be deleted.

Deletion of article 101 of the principal Act.
- 45.** Article 102 of the principal Act shall be substituted by the following new article:

Substitution of article 102 of the principal Act.

"102. The master of every ship shall keep on board all the relevant certificates of the ship and its crew, as required in terms of this Act and in accordance with international instruments to which Malta is a party.".
- 46.** In sub-article (1) of article 114 of the principal Act the word "Minister" shall be substituted by the word "Registrar-General".

Amendment of article 114 of the principal Act.

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Amendment of article 122B of the principal Act.

47. In sub-article (2) of article 122B of the principal Act the words "the master or owner" shall be substituted by the words "the master, the owner or the bareboat charterer".

Amendment of article 122C of the principal Act.

48. In paragraph (1) of sub-article (2) of article 122C of the principal Act the words "eighteen years:" shall be substituted by the words "eighteen years." and the proviso found immediately thereafter shall be deleted.

Substitution of article 128 of the principal Act.

49. Article 128 of the principal Act shall be substituted by the following new article:

"False or forged certificate of discharge.

128. If any person:

(a) forges or fraudulently alters any certificate of discharge; or

(b) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(c) fraudulently uses any certificate of discharge which is false or altered or does not belong to him,

he shall for each offence, on conviction be liable to imprisonment for a term not exceeding two years or to a fine (*multa*) not exceeding five hundred units or to both such imprisonment and fine."

Amendment of article 129A of the principal Act.

50. In sub-article (5) of article 129A of the principal Act immediately after the words "This article shall" there shall be added the word "also".

Amendment of article 131 of the principal Act.

51. Article 131 of the principal Act shall be amended as follows:

(a) immediately after the words "the seaman's wages shall" there shall be added the words ", for the period the seaman remains on board the vessel,";

(b) the words "of the final settlement thereof." shall be substituted by the words "of the final settlement thereof:" and immediately thereafter there shall be added the following new proviso:

"Provided that should the ship concerned be subject to a judicial sale, the wages due to the seamen on board shall continue to accrue in favour of the seamen who continue to carry out their duties on board and shall continue to accrue either until the seamen leave the ship or until the ship is sold, whichever is the earlier. Following a judicial sale, wages shall not continue to accrue in favour of a seaman unless he is engaged by the new

owner of the ship."

- 52.** Articles 133, 135, 136, 137 and 137A of the principal Act shall be deleted. Deletion of articles 133, 135, 136, 137 and 137A of the principal Act.
- 53.** Article 147 of the principal Act shall be amended as follows: Amendment of article 147 of the principal Act.
- (a) the words "a proceeding is" shall be substituted by the words "proceedings are";
- (b) immediately after the word "owner", wherever it occurs, there shall be added the words ", or bareboat charterer,".
- 54.** Article 148 of the principal Act shall be amended as follows: Amendment of article 148 of the principal Act.
- (a) in sub-article (4) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer,".
- (b) in sub-article (5) thereof the words "Accommodation of Crews Convention (Revised), 1949 (No.92) and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) both of the International Labour Organisation (ILO), including any revisions thereof." shall be substituted by the words "Maritime Labour Convention, 2006 of the International Labour Organisation, including any revisions thereof.".
- 55.** In sub-article (3) of article 149 of the principal Act the words "the master or owner" shall be substituted by the words "master, or owner or bareboat charterer". Amendment of article 149 of the principal Act.
- 56.** Article 151 of the principal Act shall be deleted. Deletion of article 151 of the principal Act.
- 57.** Article 152 of the principal Act shall be amended as follows: Amendment of article 152 of the principal Act.
- (a) in sub-article (2) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer";
- (b) in sub-article (3) thereof immediately after the word "owner" there shall be added the word ", bareboat charterer,";
- (c) in the proviso to sub-article (3) thereof the words "master or owner", wherever they occur, shall be substituted by the words "master, or owner or bareboat charterer".

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Amendment of
article 158 of
the principal
Act.

58. Article 158 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "the expenses (if any) of his burial" shall be substituted by the words "the expenses, if any, of the repatriation of the deceased and his burial,";

(b) sub-article (4) thereof shall be amended as follows:

(i) immediately after the words "cases any reasonable expenses duly incurred by the owner" there shall be added the words "or bareboat charterer";

(ii) the words "by the owner in respect of the burial" shall be substituted by the words "by the owner or bareboat charterer in respect of the repatriation of the deceased and of the burial".

Amendment of
article 159 of
the principal
Act.

59. Article 159 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof immediately after the word "owner", wherever it occurs, there shall be added the words "or bareboat charterer";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Save as otherwise provided for in article 37D (3), if the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship and be recoverable from the master, the owner or the bareboat charterer of the ship at the time the action is brought or, where the ship has been lost, the owner of the ship at the time of the loss, or, where the ship has been transferred, either from the owner of the ship at the time the action is brought or from the person who was the owner of the ship at the time of the transfer, at the suit of the person defraying the expenses or as a debt due to the Government of Malta."

Amendment of
article 162 of
the principal
Act.

60. In paragraph (a) of article 162 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer".

Amendment of
article 163 of
the principal
Act.

61. In article 163 of the principal Act the words "(in this Act referred to as the "distressed seamen regulations")" shall be deleted.

- 62.** Article 164 of the principal Act shall be amended as follows: Amendment of article 164 of the principal Act.
- (a) the words "distressed seamen" shall be deleted;
 - (b) the words "for burial expenses" shall be substituted by the words "for the repatriation of the deceased and for his burial expenses".
- 63.** Sub-article (1) of article 165 of the principal Act shall be amended as follows: Amendment of article 165 of the principal Act.
- (a) the words "for his burial" shall be substituted by the words "for the repatriation of the deceased and his burial";
 - (b) immediately after the words "the Government of Malta from the master of the ship or from the owner of the ship for the time being" there shall be added the words "or the bareboat charterer".
- 64.** In sub-article (1) of article 168 of the principal Act the words "distressed seamen regulations." shall be substituted by the words "the regulations.". Amendment of article 168 of the principal Act.
- 65.** In paragraph (a) of article 171 of the principal Act immediately after the word "owner" there shall be added the words "or bareboat charterer". Amendment of article 171 of the principal Act.
- 66.** Article 173 of the principal Act shall be amended as follows: Amendment of article 173 of the principal Act.
- (a) sub-article (2) thereof shall be amended as follows:
 - (i) the words "to the master or owner" shall be substituted by the words "to the master, or owner or bareboat charterer";
 - (ii) the words "that master or owner" shall be substituted by the words "that master, or owner or bareboat charterer"; and
 - (b) in sub-article (3) thereof, the words "owner or master", wherever they occur, shall be substituted by the words "owner, or master, or bareboat charterer".
- 67.** Article 179 of the principal Act shall be amended as follows: Amendment of article 179 of the principal Act.
- (a) in sub-article (3) thereof immediately after the word "agent," there shall be added the words "or bareboat charterer"; and

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(b) in sub-article (4) thereof the words "master or owner" shall be substituted by the words "master, or owner or bareboat charterer".

Amendment of article 184 of the principal Act.

68. In article 184 of the principal Act immediately after the word "owner", there shall be added the words ", the bareboat charterer".

Amendment of article 190 of the principal Act.

69. Article 190 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the word "Minister" shall be substituted by the words "Registrar-General";

(b) in sub-article (2) thereof the word "Minister" shall be substituted by the words "Registrar-General";

(c) in sub-article (3) thereof the words "master or owner" shall be substituted by the words "master, or owner or bareboat charterer".

Deletion of articles 193 and 194 of the principal Act.

70. Articles 193 and 194 of the principal Act shall be deleted.

Amendment of article 195 of the principal Act.

71. Sub-articles (1) and (2) of article 195 of the principal Act shall be substituted by the following new sub-articles:

"195. (1) There shall be issued to every Maltese seaman, on application, an identity document to be known, and in this Act being referred to, as a Maltese seaman's card, in the form determined by the Registrar-General.

(2) An application for a Maltese seaman's card shall be made to the Registrar-General and the applicant shall produce such documents and furnish such information as the Registrar-General may require."

Amendment of article 197 of the principal Act.

72. Sub-article (3) of article 197 of the principal Act shall be deleted.

Amendment of article 204 of the principal Act.

73. In article 204 of the principal Act immediately after the word "owners," there shall be added the words "bareboat charterers,".

Amendment article 206 of the principal Act.

74. Article 206 of the principal Act shall be amended as follows:

(a) in paragraph (b) of sub-article (2) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer";

(b) sub-article (4) thereof shall be amended as follows:

(i) in paragraph (a) thereof immediately after the words "and the owner" there shall be added the words "or bareboat charterer";

(ii) in paragraph (b) thereof immediately after the word "owner", wherever it occurs, there shall be added the words "or bareboat charterer";

(iii) in paragraph (d) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer";

(c) in sub-article (5) thereof the word "steam" shall be deleted;

(d) in sub-article (6) thereof the word "article" shall be substituted by the words "Part of the Act".

75. In sub-article (1) of article 215 of the principal Act the word "Minister" shall be substituted by the words "Registrar-General". Amendment of article 215 of the principal Act.

76. Articles 229 and 230 of the principal Act shall be deleted. Deletion of articles 229 and 230 of the principal Act.

77. In sub-article (2) of article 235 of the principal Act the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer". Amendment of article 235 of the principal Act.

78. Article 259 of the principal Act shall be amended as follows: Amendment of article 259 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer";

(b) in sub-article (3) thereof the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer".

79. Article 280 of the principal Act shall be amended as follows: Amendment of article 280 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) In every contract of service, express or implied, between the owner or bareboat charterer of a ship and the master or any seaman thereof, and in every instrument of

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apprenticeship whereby any person is to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner or bareboat charterer of the ship that such persons, as applicable and the master and every person charged with the loading of the ship, or the preparing of the ship for sea, or of the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep her in a seaworthy condition for the voyage during the voyage.";

(b) in sub-article (2) thereof immediately after the words "owner of a ship" there shall be added the words "or bareboat charterer".

Amendment of article 282 of the principal Act.

80. Article 282 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) in sub-article (2) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer".

Amendment of article 286 of the principal Act.

81. In sub-article (1) of article 286 of the principal Act, the words "master or owner", wherever they occur, shall be substituted by the words "master, or the owner, or the bareboat charterer".

Amendment of article 288 of the principal Act.

82. Article 288 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) sub-article (2) thereof shall be amended as follows:

(i) the words "master or owner", wherever they occur, shall be substituted by the words "master, or the owner, or the bareboat charterer";

(ii) the words "master nor the owner" shall be substituted by the words "master, nor the owner nor the bareboat charterer".

Amendment of article 290 of the principal Act.

83. Article 290 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof immediately after the word

"owner", wherever it occurs, there shall be added the words ", or bareboat charterer";

(b) in sub-article (2) thereof immediately after the word "owner" there shall be added the words ", or bareboat charterer,".

84. Article 293 of the principal Act shall be amended as follows: Amendment of article 293 of the principal Act.

(a) in sub-article (1) thereof immediately after the word "owners" there shall be added the words "or bareboat charterers";

(b) in sub-article (2) thereof the words "master or owner", wherever they occur, shall be substituted by the words "master, or owner, or bareboat charterer";

(c) in sub-article (4) thereof immediately after the word "owner" there shall be added the words "or bareboat charterer and the master";

(d) immediately after sub-article (4) thereof, as amended, there shall be added the following new sub-article:

"(5) Any person who causes an infringement of the collision regulations may be prohibited by the Registrar-General from being engaged on a Malta registered ship, for a definite or indefinite period."

85. Article 294 of the principal Act shall be amended as follows: Amendment of article 294 of the principal Act.

(a) in sub-article (1) thereof the words "master or owner" shall be substituted by the words "master, or the owner, or the bareboat charterer";

(b) in sub-article (3) thereof the words "owner or master" shall be substituted by the words "owner, master, or bareboat charterer";

(c) in sub-article (6) thereof the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer".

86. In sub-article (1) of article 296 of the principal Act the words "the master or every ship shall" shall be substituted by the words "the master of every ship shall". Amendment of article 296 of the principal Act.

87. In sub-article (3) of article 298 of the principal Act the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer". Amendment of article 298 of the principal Act.

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| Amendment of article 300 of the principal Act. | 88. Sub-articles (3) and (4) of article 300 of the principal Act shall be deleted. |
| Amendment of article 302 of the principal Act. | 89. In article 302 of the principal Act immediately after the word "owner" there shall be added the words ", or bareboat charterer". |
| Deletion of article 304 of the principal Act. | 90. Article 304 of the principal Act shall be deleted. |
| Amendment of article 307 of the principal Act. | 91. Article 307 of the principal Act shall be amended as follows: <ul style="list-style-type: none"> (a) in sub-article (1) thereof the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer"; (b) in sub-article (2) thereof the words "owner or master" shall be substituted by the words "owner, or the master, or the bareboat charterer". |
| Deletion of Part VI of the principal Act. | 92. Part VI of the principal Act shall be deleted. |
| Amendment article 320 of the principal Act. | 93. Article 320 of the principal Act shall be amended as follows: <ul style="list-style-type: none"> (a) in sub-article (2) thereof immediately after the word "owner" there shall be added the words "or bareboat charterer"; (b) sub-article (3) thereof shall be substituted by the following new sub-article: <ul style="list-style-type: none"> "(3) The court may appoint a new master instead of the one removed, but where the owner, bareboat charterer, agent or consignee of the ship is in Malta, such appointment shall not be made without the consent of that owner or that bareboat charterer, agent or consignee." |
| Amendment of article 327 of the principal Act. | 94. In sub-article (5) of article 327 of the principal Act the words "owner or master", wherever they occur, shall be substituted by the words "owner, or the master, or the bareboat charterer". |
| Amendment of article 347 of the principal Act. | 95. In article 347 of the principal Act immediately after the word "owner" there shall be added the words "or the bareboat charterer". |
| Amendment of article 371 of the principal Act. | 96. Article 371 of the principal Act shall be amended as follows: <ul style="list-style-type: none"> (a) sub-article (1) thereof shall be amended as follows: |

(i) immediately after the words "ship, and also the owner" there shall be added the words "or the bareboat charterer";

(ii) immediately after the words "the ship to sea, if that owner" there shall be added the words ", or bareboat charterer".

(b) in sub-article (2) thereof immediately after the word "owner" there shall be added the words "or the bareboat charterer".

97. In article 373 of the principal Act immediately after the word "owners" there shall be added the words ", or bareboat charterers".

Amendment of article 373 of the principal Act.

98. Sub-article (4) of article 374 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 374 of the principal Act.

"(4) The Minister may make regulations to amend, substitute or delete all or any of the provisions of sub-articles (4) to (8) of article 3, of articles 7, 10 to 35, 37A to 49C, of articles 84A to 84Y, and of article 168A of this Act."

99. Sub-article (2) of article 375 of the principal Act shall be substituted by the following new sub-article:

Amendment of article 375 of the principal Act.

"(2) The treaties and conventions to which sub-article (1) refers are the following:

(a) International Convention on Salvage signed in London on the 28th April 1989;

(b) International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea signed in London on the 3rd May 1996;

(c) International Convention for Safe Containers signed in Geneva on the 2nd December 1972;

(d) Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Torremolinos on the 2nd April 1993;

(e) International Convention on Maritime Liens and Mortgages signed in Geneva on the 6th May 1993;

(f) International Convention on Arrest of Ships, 1999 signed in Geneva on the 12th March 1999;

(g) International Convention for the Unification of Certain Rules Relating to the Arrest of Sea-Going Ships, 1952 signed in Brussels on 10 May 1952;

(h) Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 signed in London on 16 May 2003;

(i) Protocol of 2005 to the International Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 signed in London on 14 October 2005;

(j) Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, 1988 signed in London on 14 October 2005;

(k) Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 signed in London on 30 April 2010;

(l) International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel signed in London on 7 July 1995;

(m) Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea signed in Stockholm on 27-28 February 1996;

(n) 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 signed in London on 7 November 1996;

(o) Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Cape Town on 11 October 2012;

(p) United Nations Convention on the International Effects of Judicial Sales of Ships;

(q) International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 signed in Brussels on 29 November 1969;

(r) the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973 signed in London on 2nd November, 1973;

(s) Seafarers' Identity Documents Convention (Revised), 2003 (No.185) signed in Geneva on 19 June, 2003."

100. The Second Schedule to the principal Act shall be deleted.

Deletion of the Second Schedule to the principal Act.

101. The Fourth Schedule to the principal Act shall be deleted.

Deletion of the Fourth Schedule to the principal Act.

Passed by the House of Representatives at Sitting No. 305 of the 29th January, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

