

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,723, 25 ta' Marzu, 2011

Taqsimha B

A.L. 112 tal-2011

**ATT DWAR L-IBHRA TERRITORJALI U Ż-ŻONA
KONTIGWA
(KAP. 226)**

**Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar
it-Tniġġiż kaġunat minn Vapuri**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 7 tal-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar it-Tniġġiż kaġunat minn Vapuri, u għandhom jinqraw u jiftiehm u haġa waħda mar-Regolamenti tal-2008 dwar it-Tniġġiż kaġunat minn Vapuri, hawn iżjed 'il quddiem imsejnin "ir-regolamenti prinċipali".

Titlu u bidu fis sehh.

A.L. 130 tal-2008.

(2) Dawn ir-regolamenti għandhom jitqiesu li bdew isehhu fis-16 ta' Novembru, 2010.

2. Ir-regolament 3 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 3 tar-regolamenti prinċipali.

(a) minnufih wara l-kliem "tas-7 ta' Settembru 2005", għandhom jidhlu l-kliem "u, kif sussegwentement emendata bid-Direttiva 2009/123/KE tal-Parlament Ewropew u tal-Kunsill tal-21 ta' Ottubru 2009,"; u

(b) minflok il-kliem "sanzjonijiet dwar kontravenzjonijiet" għandhom jidhlu l-kliem "sanzjonijiet, inklużi sanzjonijiet kriminali, għal kontravenzjonijiet dwar tniġġiż".

3. Ir-regolament 6 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 6 tar-regolamenti prinċipali.

(a) fis-subregolament (1) tiegħu, minflok il-kliem "regolamenti 9, 10, 11(a) jew 11(c) jew fl-Anness II,

regolamenti 5, 6(a) jew 6(c)” għandhom jidhlu l-kliem “regolamenti 15, 34, 4.1 jew 4.3 jew fl-Anness II, regolamenti 13, 3.1.1 jew 3.1.3”; u

(b) fis-sub-regolament (2) tiegħu, minflok il-kliem “regolament 11(b) jew fl-Anness II, regolament 6(b)” għandhom jidhlu l-kliem “regolament 4.2 jew fl-Anness II, regolament 3.1.2”.

Jemenda r-regolament
8 tar-regolamenti
prinċipali.

4. Ir-regolament 8 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) fis-subregolament (1) tiegħu, minflok il-kliem “sabiex tisewwa l-ħsara li tkun saret.” għandhom jidhlu l-kliem “sabiex tisewwa l-ħsara li tkun saret:” u minnufih wara għandu jiżdied dan il-proviso li ġej:

“Iżda meta persuna tagħmel numru ta’ reati ripetuti taħt dawn ir-regolamenti li meta meħudin individwalment ma jirriżultawx fid-deterjorazzjoni fil-kwalità tal-ilma iżda meta magħqudin flimkien jikkostitwixxu wieħed mir-reati mnizzla taħt is-subregolamenti (2) sa (7) ta’ dan ir-regolament, reati ripetuti bħal dawk għandhom jiġu trattati taħt l-imsemmija subregolamenti u soġġetti għal pjeni stabbiliti tagħhom.”; u

(b) fis subregolament (9) tiegħu, minnufih wara l-kliem “minhabba fi traskuraġni jew b’nuqqas gravi ta’ diligenza,” għandhom jidhlu l-kliem “jew minhabba nuqqas ta’ sorveljanza jew kontroll li tali nuqqas ikun għamel possibbli t-twertiq tar-reat,” minflok il-kliem “sabiex tisewwa l-ħsara li tkun saret.” għandhom jidhlu l-kliem “sabiex tisewwa l-ħsara li tkun saret:” u minnufih wara għandu jiżdied dan il-proviso li ġej:

“Iżda r-responsabbiltà tal-korp ġuridiku taħt dan is subregolament għandha tkun bla ħsara għar responsabbiltà tal-persuni involuti bħala awturi, xewwiexa jew aċċessorji fir-reat taħt dawn ir-regolamenti.”.

L.N. 112 of 2011

**TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT
(CAP. 226)**

Ship-Source Pollution (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 7 of the Territorial Waters and Contiguous Zone Act, the Prime Minister has made the following regulations:

1. (1) The title of these regulations is the Ship-Source Pollution (Amendment) Regulations, 2011 and they shall be read and construed as one with the Ship Source Pollution Regulations, 2008, hereinafter referred to as “the principal regulations”.

Citation and commencement.

L.N. 130 of 2008.

(2) These regulations shall be deemed to have come into force on the 16th November, 2010.

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

Amends regulation 3 of the principal regulations.

(a) immediately after the words “7 September 2005”, there shall be inserted the words “, as subsequently amended by Directive 2009/123/EC of the European Parliament and of the Council of the 21 October 2009,”; and

(b) for the words “penalties for infringements” there shall be substituted the words “penalties, including criminal penalties, for polluting offences”.

3. Regulation 6 of the principal regulations shall be amended as follows:

Amends regulation 6 of the principal regulations.

(a) in sub-regulation (1) thereof, for the words “regulations 9, 10, 11(a) or 11(c) or in Annex II, regulations 5, 6(a) or 6(c)” there shall be substituted the words “regulations 15, 34, 4.1 or 4.3 or in Annex II, regulations 13, 3.1.1 or 3.1.3”; and

(b) in sub-regulation (2) thereof, for the words “regulation 11(b) or in Annex II, regulation 6(b)” there shall be substituted the words “regulation 4.2 or in Annex II, regulation 3.1.2”.

Amends regulation
8 of the principal
regulations.

4. Regulation 8 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, for the words “to remedy the damage incurred.” there shall be substituted the words “to remedy the damage incurred:” and immediately thereafter there shall be added the following proviso:

“Provided that if a person commits a number of repeated offences under these regulations that do not individually result in the deterioration of the quality of the water but in conjunction result in any of the offences listed under sub-regulations (2) to (7) of this regulation, such repeated offences shall be treated under the said sub-regulations and shall be subject to the established punishments thereof.”; and

(b) in sub-regulation (9) thereof, immediately after the words “through recklessness or serious negligence,” there shall be inserted the words “or through lack of supervision or control which has made the commission of the offence possible,”, for the words “to remedy the damage incurred.” there shall be substituted the words “to remedy the damage incurred:” and immediately thereafter there shall be added the following proviso:

“Provided that the liability of the body corporate under this sub-regulation shall be without prejudice to the liability of the persons involved as perpetrators, inciters or accessories in the offence under these regulations.”

