

CHAPTER 352**MALTA MARITIME AUTHORITY ACT**

To provide for the establishment of a body corporate to be known as the Malta Maritime Authority for the transfer to that Authority of the powers vested by law in the Director of Ports, and for the exercise and performance by or on behalf of such Authority, of functions relating to ports and merchant shipping in Malta; to provide for the transfer to the said Authority of certain assets; and to make provision in respect of matters ancillary thereto or connected therewith.

2nd August, 1991;

1st January, 1992

1st May, 1993

ACT XVII of 1991 as amended by Acts: XV and XXIV of 1995, XIV and XVI of 1997; Legal Notice 141 of 1998; and Act XXIII of 2000.

ARRANGEMENT OF ACT

	Articles
Preliminary	1-2
PART I. Constitution, Composition and Functions of the Authority	3-12
PART II. Financial Provisions	13-20
PART III. Transfer of Certain Assets to the Authority	21-23
PART IV. Officers and Employees of the Authority	24-26
PART V. Declaration and Regulation of Ports	27-38
PART VI. Port Dues, Charges and Rates	39-53
PART VII. Pilotage	54-64
PART VIII. Legal Proceedings	65-67
PART IX. Offences and Penal Provisions	68-80
PART X. Saving	81-82

SCHEDULE

Preliminary

- Short title. **1.** The short title of this Act is the Malta Maritime Authority Act.
- Interpretation. **2.** In this Act, unless the context otherwise requires -
- "the Authority" means the Malta Maritime Authority established by article 3 and includes the appropriate Executive Director as provided in article 8(4);
- "charges" means the charges that may be levied under article 39;
- "contractor" means a person acting in pursuance of an agreement entered into with the Authority in pursuance of article 8(3);
- "dues" means the dues that may be levied under article 39;
- "Executive Director" means an Executive Director appointed under article 8;
- "fees" means the fees that may be levied under article 39;
- "financial year" means the period of twelve months ending on the thirtieth day of September in any year:
- Provided that the first financial year shall consist of the period commencing on the date of the establishment of the Authority in terms of this Act, and ending on the thirtieth day of September of the following year;
- "function" includes power and duty;
- "goods" includes baggage, animals (whether alive or dead) and other movable property of any kind whatsoever;
- "internal waters" includes any harbour, port, bay, cove, creek or seashore;
- "laid-up vessel" means a vessel which is in any port and which is not regularly used in accordance with the uses proper for such type of vessel for a period exceeding fourteen days; and for the purpose of this definition "vessel" includes a floating dock, a floating crane, salvage or lifting equipment, whether afloat, submerged or mounted on any sea-craft, and a lighter, whether propelled by mechanical means or otherwise or towed, but does not include any boat or sea-craft, used solely for pleasure or in the fishing industry, or any vessel which is in any port to undergo repairs:
- Provided that the Authority may, for the purposes of this definition, at its discretion, declare that a boat or sea-craft is not being used solely for pleasure or in the fishing industry, or that a vessel is not undergoing repairs, and any such vessel shall be treated as a laid-up vessel;
- "master", when used in relation to any ship, means the person having command or charge of the ship for the time being, but does not include a pilot;
- "Minister" means the Minister responsible for ports and shipping;
- "mooringman" means a person licensed in terms of article 58;

"navigational aid or services" includes any aids or service designed to aid or guide the movement of ships, and the clearing, deepening and improving of any port;

"officer" and "employee" in relation to the Authority includes a public officer detailed for duty with the Authority;

"owner" in relation to a ship includes the charterer or operator of the ship;

"pilot" means a person licensed under article 56;

"port" means the place declared to be a port by or under article 27, and includes wherever appropriate a yachting centre unless a separate provision is made in respect of such centre;

"port facilities" means facilities for berthing, towing, mooring or moving of ships within a port or the approaches thereto, or in entering or leaving such port or approaches, for the loading and unloading of goods, or embarking or disembarking passengers to or from any such ship, or for the lighterage, sorting, weighing, warehousing or handling of goods, and for the carriage of passengers or goods in connection with such facilities;

"prescribed" means prescribed under this Act;

"public officer" has the same meaning as is assigned to it by article 124 of the Constitution;

"rates" means the rates that may be levied under article 39;

"ship" means every description of vessel used in navigation, whether self propelled or not, and it includes barges, oil rigs, pontoons, seaplanes, and any other craft and similar vessels;

"territorial waters" means all parts of the open sea within twelve nautical miles of the coast of Malta, or such other distance as may be established under article 3 of the Territorial Waters and Contiguous Zone Act, measured as in that Act provided, and includes any waters enclosed between the base lines therein mentioned and the coast;

Cap. 226.

"vehicle" means any vehicle other than a ship;

"warehouse" means any shed, building, place, wagon, ship or vehicle when used by the Authority, or a contractor for the purpose of warehousing or depositing goods for the purposes of this Act;

"yacht" means a registered sea going ship used solely for pleasure and accepted as such by the Authority;

"yachting centre" means such place as is declared to be a yachting centre by or under article 27.

PART I

Constitution, Composition and Functions of the Authority

3. (1) There is hereby established a body, to be known as the "Malta Maritime Authority".

Constitution of the
Malta Maritime
Authority.

(2) The Authority shall be a body corporate having a distinct legal personality and capable, subject only to the provisions of this

Act, of suing and being sued, of entering into any contract, of acquiring, holding and disposing of any property, whether movable or immovable, and by or under any title, and of doing any other thing whatsoever.

Composition of the Authority.

4. (1) The Authority shall consist of not less than seven and not more than eleven members, of whom one shall be the Chairman and one other the Vice-Chairman of the Authority.

(2) The Chairman, Vice-Chairman and the other members of the Authority shall be appointed by the Minister:

Provided that the Executive Directors shall be *ex officio* members of the Authority.

(3) In the absence of the Chairman, or if he is unable to perform the functions of his office, the Vice-Chairman shall perform those functions.

(4) The members of the Authority, other than the *ex officio* members, shall hold office for such period and on such terms and conditions as the Minister may deem appropriate; and a member shall, on ceasing to be a member, be eligible for reappointment:

Provided that the Minister may, at any time, terminate the appointment of any member if, in his opinion, such member is unfit to continue in office or has become incapable of properly performing his functions as a member of the Authority.

(5) A person shall be disqualified for appointment to, or for remaining a member of, the Authority if he -

(a) is a member of the House of Representatives; or

(b) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the disqualification of a person under this paragraph may be waived by the Minister if the interest is declared and the declaration is published in the Gazette.

(6) Any member of the Authority, other than an *ex officio* member, may resign his office by letter addressed to the Minister.

(7) The appointment of any person as a member of the Authority and the termination of office or resignation of any such person shall be notified in the Gazette.

Legal and judicial representation of the Authority.

5. The legal and judicial representation of the Authority shall vest in the Chairman:

Provided that the Authority may appoint any one or more of its members, or any one or more of its officers or employees, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever:

Provided further that in respect of any matter falling within the functions delegated to an Executive Director, the legal and judicial representation of the Authority shall also vest in such

Director or in such other member, officer or employee of the Authority, as the Authority may appoint or authorise for the purpose.

6. (1) It shall be the function of the Authority:
- (a) to provide, maintain and operate ports in Malta, and to provide, maintain and operate therein and in the approaches thereto adequate and efficient services and facilities as it may from time to time consider necessary or advantageous for the proper, safe and efficient functioning of such ports or as the Authority may otherwise deem it proper to provide in the public interest;
 - (b) without prejudice to the provisions of any other law, to exercise overall control for the preservation of good order in the territorial and internal waters of Malta, in any port and in the land and sea approaches to any port, and on wharves;
 - (c) to exercise overall control of all port work including the provision of port workers for port work;
 - (d) to regulate and control all matters related to merchant shipping or provided for under the Merchant Shipping Act or any other related legislation;
 - (e) without prejudice to the provisions of the Environment Protection Act to prevent and control pollution by oil or any other substances of any port or the approaches thereto;
 - (f) to promote the maritime facilities of Malta; and
 - (g) to advise Government on any matter relating to ports, merchant shipping, marine pollution prevention and control, and on any other matter relating to its functions and duties.
- (2) Subject to the provisions of this Act, it shall be the duty of the Authority -
- (a) to regulate and control navigation within the limits of any port and the approaches thereto;
 - (b) to provide or ensure the provision of pilotage and moorage services to ships;
 - (c) to provide or ensure the provision of the appropriate fire-fighting services in ports;
 - (d) to provide and maintain adequate and efficient lighthouses, beacons and other lights, buoys and other navigational aids and services at such places, including the territorial waters of Malta, as the Authority may deem appropriate;
 - (e) to plan or provide or secure or promote the provision of, a properly integrated, safe, economical and efficient transport system by sea for the conveyance of passengers and transport of goods within the internal

Functions of the Authority.
Amended by:
XXIII. 2000.30.

Cap. 234.

Cap. 348.

and territorial waters of Malta, and to regulate and control the provision of services related to such system, including the establishment of schedules and time-tables to be adopted for such services;;

- Cap. 234.
- (f) to provide or ensure the provision of port workers for particular port work or to particular employers;
 - (g) to provide and use or to ensure the provision and use of ships, vehicles and other means for the salvage or protection of life and property;
 - (h) to provide or ensure the provision of fuel and other necessities to ships;
 - (i) to promote, develop and improve ports and any of their facilities, including the cleaning and clearing of any port or approaches thereto;
 - (j) to promote and advance the skills of seafarers and of persons employed in ports and in the maritime industry and the efficiency of the equipment used therein;
 - (k) without prejudice to the above, to provide or ensure the provision of such other services and facilities as are in the opinion of the Authority necessary for the operation of ports;
 - (l) to regulate and administer all matters and provide all services contemplated in the Merchant Shipping Act or in any other related legislation;
 - (m) to regulate, control, develop and promote the yachting centres; and
 - (n) to carry out any duty assigned to it by this Act or any other law.

Powers of the Authority.

7. (1) Without prejudice to the generality of the foregoing provisions of this Act, but subject to the provisions of this Act, the Authority shall have the power -

- (a) to prohibit, control and otherwise regulate -
 - (i) the use by any person of any port or of any port facility;
 - (ii) the presence of any person, ship, vehicle or goods within any port;
- (b) to load or unload any ship in any port;
- (c) to carry on such business and other activities, do all such things and enter into all such transactions as appear to the Authority to be necessary, convenient or advantageous for it to carry on or perform or enter into, for or in connection with the discharge of its functions, or as appear to the Authority to be incidental or conducive thereto.

(2) The Authority may cause or authorise any of its officers or employees to board any ship in port or outside port if it considers it necessary so to do in the discharge of any function under this Act

or under any other law or if it considers that there are reasonable grounds to believe that an offence against this Act, or against any other law, or any regulation, rule or order made thereunder, has been or is about to be committed.

(3) The Authority may cause or authorise any of its officers or employees, together with such workmen as may be necessary to -

- (a) enter on any land or building for the purpose of erecting or maintaining any lighthouse or beacon or other navigational aid for ships, or of examining, repairing, altering or removing any such lighthouse, beacon or other aid, and there remain for such reasonable time as may be necessary for such purpose;
- (b) erect and maintain lighthouses, or other aids as aforesaid upon or in any land, building, wharf, pier, or the shore or bed of the sea and alter or remove any such lighthouse, beacon or other aid:

Provided that -

- (i) the Authority shall as far as practicable give notice to the occupier of any land or building upon which it is intended to enter in exercise of the powers conferred by this subarticle; and
- (ii) the Authority in the exercise of the said powers shall do as little damage as is practicable in the circumstances and shall pay compensation for any damage done and for the creation or requisition of any rights over property.

(4) Subject to any regulations made under this Act, the Authority shall further have power -

- (a) to direct where any ship shall be berthed, moored or anchored in any port and the method of anchoring within the port;
- (b) to remove or order the removal of any ship from one berth, station or anchorage to another in a port, and the time within which such removal is to be effected;
- (c) to regulate the movement of ships within or between ports, or within the approaches to a port or within territorial waters.

(5) Where any damage is done to any works, plant or machinery in any port or to any other property of the Authority by a ship or by any person engaged on any work on or about a ship, the Authority may restrain such ship and shall thereupon notify the master, owner or agent of such ship, or the agent or representative of such owner, to provide within the time specified in the notice, sufficient security for the payment of the damages so caused, and the ship shall not be released until the security is given.

8. (1) The Authority shall appoint not more than four Executive Directors, of whom one shall be responsible for merchant shipping, one for ports, and one other for yachting centres, and delegate to them, subject to its overall supervision and

Executive
Directors and
delegation of
functions.

control, such of its functions as relate to the matters for which they are responsible, any such other matters as the Authority may deem appropriate, as will enable the said Directors to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in their respective areas of operation:

Provided that the first Executive Directors shall be appointed by the Minister.

(2) Each of the Executive Directors shall be a public officer detailed for duty with the Authority or a permanent employee of the Authority, in either case having adequate knowledge of merchant shipping or in the operation of ports or of yachting centres, as the case may require.

(3) All functions delegated under this article shall be published in the Gazette. The Authority and each of the Executive Directors may exercise any one or more of their functions either directly or through any of the officers or employees of the Authority authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into.

(4) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Executive Director under whose jurisdiction the matter falls by reason of a delegation of functions to such Director; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate Executive Director.

Proceedings of the Authority.

9. (1) The meetings of the Authority shall be called by the Chairman, either on his own initiative or at the request of any two of the other members.

(2) Half the number of members for the time being constituting the Authority shall form a quorum. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairman, or other person chairing the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) Any member who has a direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall disclose the nature of his interest at the first meeting of the Authority after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such contract is discussed or decided by the Authority.

(4) Subject to the provisions of this Act and to such procedures as may be prescribed, the Authority may regulate its own proceedings.

(5) All acts done by any person acting in good faith as a

member of the Authority shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification may subsequently be discovered.

(6) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairman on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

10. (1) In the exercise of the functions of the Authority, the Authority and the Executive Directors shall -

Relations between the Minister and the Authority.

- (a) give effect, as soon as practicable, to any direction which the Minister may, after consultation with the Authority, give to the Authority under his hand in relation to any matter that appears to him to affect the public interest on the policy to be followed by the Authority or any action to be taken in the discharge of its functions;
- (b) afford to the Minister facilities for obtaining information with respect to the property and activity of the Authority and shall furnish him with returns, accounts and other information with respect thereto and afford him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(2) If the Authority fails to comply with any directives issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

11. The Authority shall be exempt from any liability for payment of any tax, other than customs or excise duties, or tax on income or duty on documents for the time being in force in Malta.

Exemption.
Substituted by:
XV.1995.9.

12. (1) There shall be a Ports Users' Advisory Committee to advise and make recommendations to the Minister and the Authority on the improvements of the services, facilities and operations of the ports.

Ports
Users' Advisory
Committee.

(2) The Committee shall consist of a chairman and such number of persons from among the bodies or organisations representing users of ports, as the Minister may from time to time appoint.

(3) At any meeting of the Committee the Chairman and half the number of members forming the Committee shall form a quorum.

(4) The Committee shall meet at least three times a year at such time and place as the Chairman may appoint.

(5) Subject to the provisions of this article, the Committee may regulate its own procedure.

PART II

Financial Provisions

Authority to meet expenditure out of revenue.

13. (1) The Authority shall be endowed with an initial capital of three hundred and fifty thousand liri, which shall be paid by Government out of the Consolidated Fund, without further appropriation other than this Act, by warrant under the hand of the Minister responsible for finance authorising the Accountant General to make the payment.

(2) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated and paid out of such Fund to meet the costs of specific works to be continued, completed or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(3) Without prejudice to the foregoing provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

Cap.234.

(4) The Authority shall levy all port, and other dues and taxes and all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or the Merchant Shipping Act or any other law related to the powers and functions of the Authority.

(5) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of such taxes.

(6) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow capital.

14. (1) The Authority may, with the approval in writing of the Minister given after consultation with the Minister responsible for finance, borrow or raise money, in such manner, from such person, body or authority, under such terms and conditions and against such security as it may deem appropriate, for any one or more of the following purposes:

- (a) the provision of working capital;
- (b) the carrying out of functions of the Authority under this Act;
- (c) the provisions of capital for the expansion of, or addition to, the fixed assets of the Authority;
- (d) the redemption of any debentures, debenture stock or other security that the Authority may require or is required to redeem;

(e) any other expenditure properly chargeable to capital account.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

15. (1) Whenever it may be necessary for the Authority to borrow by way of advances from the Government any sums required by it to carry out any of its functions under this Act, the Minister responsible for finance may, after consultation with the Minister, by warrant under his hand and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority either out of the proceeds of any loan contracted or raised for the purposes or out of the Consolidated Fund; and such advances shall be made on such terms and conditions as the Minister responsible for finance may direct.

Borrowing from
the Government.

(2) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(3) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(4) Pending the raising of any such loan as is mentioned in subarticle (2), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(5) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund which shall be specially established for the purpose and which shall be known as the "Maritime Authority Loan Fund".

(6) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subarticle (1) shall be paid into the "Maritime Authority Loan Fund".

(7) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subarticle (4) shall be paid, as respects amounts received by way of repayment into the Treasury Clearance Fund and, as respect of amount received by way of interest in the Consolidated Fund.

16. Except with the approval of the Minister granted for special reasons, the Authority shall not enter into any contract for

Contracts of supply
or works.

the supply of goods or materials or for the execution of work or for the rendering of services to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding ten thousand liri, except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders have been issued.

Estimates of the Authority.

17. (1) The Authority shall cause to be prepared in every financial year, and shall not later than four weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year, distinguishing, in particular, between merchant shipping, ports and yachting centres.

(2) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(3) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(4) The Minister shall, at the earliest opportunity and not later than four weeks after he has received a copy of the estimates of the Authority, or, if at any time during that period the House of Representatives is not in session, within four weeks from the beginning of the next following session, cause such estimates to be laid before the House, together with a motion that the House approve the said estimates. One sitting shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendments to the estimates.

(5) No expenditure shall be incurred by the Authority that has not been approved by the House of Representatives:

Provided that -

- (a) until the expiration of six months from the beginning of a financial year, or until the approval by the Minister of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or subhead of the estimates may, with the approval of the Minister, be incurred in respect of another head or subhead of the estimates;
- (c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval, but subject to its being given, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable

to the estimates shall, as near as possible, apply to the supplementary estimates:

Provided further that in respect of the first financial year of the Authority this article shall apply as if it required the Authority to adopt estimates for that year not later than twenty weeks from the coming into force of this article and as if the total expenditure that may be made or incurred by the Authority until the approval of the estimates for that year by the House may not exceed one-half of the amount shown in such estimates.

(6) All estimates and supplementary estimates approved by the House of Representatives shall, as soon as practicable, be published in the Gazette.

18. (1) The Authority shall cause to be kept proper books of accounts and other records in respect of its operation and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and
audit.
*Amended by:
XVI. 1997.8.*

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Authority is forwarded to the Minister under article 17, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House of Representatives together with the motion laid before the House under the said article 17.

19. (1) All money of the Authority shall be paid into a bank or banks appointed by it with the approval of the Minister. Such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the Authority may require to retain to meet petty disbursement and immediate payments.

Cash deposits, and
payments.

(2) All payments out of the funds of the Authority, except petty disbursements not exceeding a sum to be fixed by the Authority, shall be made by such officer or officers of the Authority as it shall appoint or designate for the purpose.

(3) Cheques against or withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as it may designate for that purpose and shall be countersigned by the Chairman or such other member of the Authority or other officer thereof as may have been authorised by the Authority.

(4) The Authority shall also make provisions for -

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the title of any account held with the bank or banks into which the moneys of the Authority are to be paid, and the transfer of funds from one account to another;
- (c) the method to be adopted in making payments out of the funds of the Authority;
- (d) generally all matters necessary for the proper keeping and control of the accounts, books and other records and the control of the finances of the Authority.

Annual report.

20. (1) The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister, and to the Minister responsible for finance, a report on its activities during that year, distinguishing, in particular, between merchant shipping, ports and yachting centres, and containing such information relating to the proceedings of the Authority as the Minister may from time to time require, including any directives given by the Minister.

(2) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives as soon as practicable.

PART III

Transfer of Certain Assets to the Authority

Transfer of assets to the Authority.

21. (1) The property and undertakings owned by the Government and used by it for the operation of any port immediately before the date of the coming into force of this Part of this Act shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and vest in the Authority under the same title by which they were held by the Government immediately before the said date.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality of the aforesaid, shall include all plant, cargo handling equipment, mechanical or otherwise, and other equipment, all apparatus, instruments, vehicles, ships, craft, wharves, quays, piers, jetties, buildings, structures, installations, land, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid:

Provided that, in respect of wharves, quays, piers and jetties, the transfer and vesting aforesaid shall not extend to the ownership thereof but shall be limited to their use, administration and operation including any benefit deriving from such use, administration and operation, subject to the obligation of the Authority to maintain and keep all such property, and at all times,

in good order and condition, and for the purposes of articles 22 and 23 such property shall be deemed to be included in the properties transferred to the Authority by or under this Act.

22. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act shall have full force and effect against or in favour of the Authority, and shall be enforceable fully and effectually, as if instead of the Government or governmental authority the Authority has been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Construction of laws, contracts, etc., relating to transferred assets.

23. (1) Where anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

Transitory provisions.

(2) Where immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and of securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART IV

Officers and Employees of the Authority

24. (1) Subject to the provisions of this Act, the Authority shall from time to time appoint and employ such officers and employees, for such remuneration and on such terms and conditions, as it may deem appropriate, for the due and efficient discharge of its functions.

Appointment of officers and employees of the Authority.

Cap. 9. (2) The members of the Authority, the Executive Directors and the members of the Port Users' Advisory Committee, and all other officers and other employees of the Authority shall be deemed to be public officers only for the purposes of the Criminal Code and any other law or provision of law of a penal character.

Detailing of public officers for duty with Authority.

25. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or a different date is specified in the direction, end on the happening of any of the following events, that is to say -

- (a) the acceptance by such officer of an offer of transfer to the service of, and permanent employment with, the Authority made in pursuance of article 26; or
- (b) the revocation by the Prime Minister of any direction made by him under this article in relation to such officer.

(3) Where a direction as aforesaid is revoked by the Prime Minister in relation to any officer, the Prime Minister may, by further direction, detail such officer for duty with the Authority in such capacity and with effect from such date as may be specified in the further direction, and the provisions of subarticle (2) shall thereupon apply to the period of duration of such further direction in relation to such officer.

(4) When a public officer is detailed for duty with the Authority under any of the provisions of this article, such officer shall, during the time the direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for other intents and purposes remain, and be considered and treated as, a public officer.

(5) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

- (a) shall not during the time while such officer is so detailed -
 - (i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at the date on which he was detailed for duty; or
 - (ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date he was detailed for duty as aforesaid or which would have become attached to such

appointment, during the said period, had such officer not been detailed for duty with the Authority; and

- (b) shall be entitled to have his service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act, and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(6) Where an application is made as provided in subarticle (5)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

26. (1) The Authority may, with the approval of the Prime Minister, offer to any public officer detailed for duty with the Authority under article 25 permanent employment with the Authority at a remuneration and on terms and conditions specified in the offer.

Offer of permanent employment to public officers.

(2) Every officer who accepts permanent employment with the Authority offered to him under this article shall, for all purposes be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance.

PART V

Declaration and Regulation of Ports

27. (1) The Minister may, after consultation with the Authority, by order* -

Declaration of ports.

- (a) declare any place together with any land area in Malta to be a port, or a yachting centre, within the meaning of this Act;
- (b) establish the limits of any place declared to be a port, or yachting centre in accordance with paragraph (a) of this subarticle;
- (c) declare any navigable water or land area to be an approach to a port or yachting centre, within the meaning of this Act.

(2) Without prejudice to the other provisions of this article the places specified in Part I and II of the Schedule to this Act are hereby declared to be ports; and the places specified in Part IV of

*See Legal Notice 14 of 1998.

the said Schedule are hereby declared to be yachting centres.

(3) Without prejudice to his powers of revoking, varying or substituting any order made under this article, the Minister may also, after consultation with the Authority, by order revoke, vary or substitute the Schedule to this Act.

Power to make
regulations.
Amended by:
XXIII. 2000.30.

28. (1) The Minister may, after consultation with the Authority, make regulations for the maintenance, control and management of the territorial and inland waters of Malta, for the conveyance of passengers and transport of goods by sea, any port and the land and sea approaches to any port and for the maintenance of good order therein and may make separate and different regulations for the territorial and inland waters of Malta, for ports and yachting centres and for ships and yachts; and in particular, but without prejudice to the generality of the foregoing, may make regulations for all or any one or more of the following purposes:

- (a) for the preservation of good order in any part of the territorial and inland waters of Malta, in any port and the land and the sea approaches to any port, and on wharves, and for any other purpose in respect thereof;
- (b) regulating traffic within the limits of a port or the land and sea approaches thereto;
- (c) regulating the use of berths, stations and anchorages to be occupied by ships and the removal of ships from one berth, station or anchorage to another, and the time within which such removal is to be effected;
- (d) regulating ships while taking in or discharging crews, passengers, cargo or ballast, as the case may be, or while taking in fuel or stores;
- (e) keeping free passages of such width as is deemed necessary, within any port and along, on or near to piers, jetties, landing places, wharves, quays, docks, moorings and similar works in or adjoining the same or similar places, and for marking out the places so to be kept free;
- (f) regulating, controlling, and prohibiting the presence of any person in any place or building in a port or the use by any person of any such place or building;
- (g) regulating the anchoring, fastening, mooring and unmooring and warping of ships and the use of warps, mooring, buoys, anchors, chains and other mooring in any port;
- (h) regulating traffic, preventing obstruction and keeping order on any areas, piers, jetties, landing places, wharves, quays and docks in a port or its land and sea approaches and for ensuring the safety of any of the places and works aforesaid;
- (i) regulating the use of fires and lights and the signals to be used by day and by night and the measures to be

taken in case of fire in a port;

- (j) regulating the use of navigation lights or signal lights by ships, the use of flags and signals by ships arriving at, lying in or departing from a port and the use by ships of steam whistles, steam sirens and other like instruments;
- (k) prohibiting chipping, scaling, engine runs and repairs on ships, as the case may be, except at such anchorages or places as the Authority may appoint;
- (l) regulating the floating of any object in any port or the approaches to a port and the casting or depositing of any dead body, ballast, rubbish or other thing into the territorial and inland waters of Malta, or into any port or the approaches thereto;
- (m) defining dangerous, hazardous, inflammable, explosive or offensive goods, regulating the movements and berthing of ships carrying such goods and prescribing the duties of masters of any such ship and of persons engaged in or supervising the loading, unloading, landing and transport of any such goods;
- (n) the prevention, removal and marking of any obstruction in any port and the approaches thereto and the prevention and control of pollution by oil and other substances, or in any other way, of any port and the approaches thereto;
- (o) regulating the placing and maintaining of moorings and buoys in any port;
- (p) the taking of measures for preventing ships from leaving any port if over-loaded, improperly loaded, improperly found, or if otherwise unseaworthy, subject to any provisions of any law relating to merchant shipping;
- (q) the protection of ships, passengers and cargo, and the removal of ships and their cargoes and appurtenances which obstruct or are likely to obstruct any port, the reimbursement of expenses in connection therewith, and the levy and recovery of a rent for permitting a hulk or wreck or wreckage to lie in any port or the approaches thereto;
- (r) regulating, declaring and defining the wharves, quays, docks, piers and places in the ports, from or on which persons shall be embarked or disembarked and goods loaded or unloaded;
- (s) regulating the manner in which and the conditions under which the loading and unloading of ships, and the lighterage, handling and warehousing of goods, including the delivery of goods from a warehouse, shall be carried out;
- (t) regulating the use of warehouses, wharves, quays, docks, piers and other places in ports on or from which

goods are loaded or unloaded and the conduct of persons taking part in the loading or unloading of goods on or from a ship in any port;

- (u) making provision for the discipline of the employees of the Authority or of the contractor, whether regular or casual, and the procedures to be followed for such purpose, including the appointment of a disciplinary board and the conduct and procedure thereof, and providing for the punishments that may be awarded by such board;
- (v) requiring and regulating the issue of a licence to a person to be a ship agent, the conditions under which such licence is issued and the levying of a fee for the issue of such licence, and otherwise regulating and controlling the activities of ship agents and persons representing owners of ships in so far as such activities relate to ships which may be or have been in a port;
- (w) regulating the manner in which ships left idle in a port in excess of such time as may be allowed by the Authority or practically or wholly unattended or insufficiently manned may be dealt with or disposed of;
- (x) regulating any of the following:
 - (i) the disposal of perishable or unclaimed goods found in any port;
 - (ii) the prohibition of smoking in any part of any port or approaches thereto;
 - (iii) the sale of goods in any part of any port;
- (y) regulating matters concerning porters, carriers and other labourers to be employed within the precincts of a port, the issue of licences for the performance of such occupation and any matter concerning the discipline of such personnel:

Provided that the service of luggage porters shall be subject to the supervision and control of the Authority:

Provided further that no responsibility shall attach to the Government or to the Authority for any loss or damage caused during the embarking, disembarking or transhipment of any luggage by any licensed luggage porter;
- (z) providing for the grant, renewal, cancellation and suspension of licences in relation to ships used for the conveyance of passengers and transport of goods by sea;
- (aa) providing for the establishment and regulation of fares that may be charged for the conveyance of passengers and transport of goods by sea;

- (bb) without prejudice to the requirements under the Merchant Shipping Act, providing for additional requirements in relation to the regulation and licensing of drivers of ships engaged in the conveyance of passengers and transport of goods and other persons employed in the operation of such ships; Cap. 234.
- (cc) prescribing anything that may or is to be prescribed under this Act or which relates to any function or duty of the Authority assigned to it by or under this Act or by or under any other law.

(2) Any person who contravenes or fails to comply with any of the provisions of any of the regulations made or deemed to be made under this article shall be guilty of an offence and shall be liable, on conviction, to the payment of a fine (*multa*) not exceeding four thousand liri or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a continuing offence to the payment of an additional fine of not more than five hundred liri for each day during which the offence continues.

29. (1) No boat or ship shall be used in the territorial or inland waters of Malta unless such boat or ship is registered with the Authority in a Small Ships Register established in terms of regulations made under this article, or unless such boat or ship is registered under the Merchant Shipping Act, or unless such boat or ship is registered or documented to the satisfaction of the Authority under the law of any country other than Malta.

Registration and licensing of boats and ships with and by the Authority.
Amended by:
XXIII. 2000.30.
Cap. 234.

(2) No boat or ship shall be used for or in connection with any trade, business or calling in the territorial and inland waters of Malta -

- (a) unless such boat or ship is duly licensed by the Authority for that specific trade, business or calling; or
- (b) *Deleted by XXIII. 2000.30.*
- (c) unless, when such boat or ship is being used as a fishing vessel, it is licensed for such purpose by the Minister responsible for fisheries.
- (3) The Minister may make regulations:
- (a) regulating the mode of registration of any boat or ship in a Small Ships Register mentioned in subarticle (1);
- (b) prescribing the requirements that have to be satisfied for such registration, including its renewal and termination;
- (c) prescribing without prejudice to the generality of this subarticle, the fees payable upon such registration and for any service in respect thereof;
- (d) prescribing the requirements for the use of any boat or ship in the territorial and inland waters of Malta, and for the use of any boat or ship registered in the Small Ships Register provided for in this article; and

- (e) regulating the use of any boat or ship in the territorial and inland waters of Malta;
- (f) regulating -
 - (i) the services that are to be provided in a ship or boat licensed to be used in any trade, business or calling; and
 - (ii) the services that may or may not be provided under any licence as aforesaid;
- (g) regulating the licensing of any trade business or calling involving the use of boats or ships referred to in subsection (2).

Information to be supplied on arrival of ship.

30. The master of any ship arriving at Malta from any place beyond the seas shall produce to the Authority -

- (a) the ship's register and the ship's papers;
- (b) the manifest in duplicate of all cargo to be unshipped at Malta;

and shall also supply to the Authority such other information in relation to the ship and to the passengers, animals and cargo thereof as may be prescribed, and any information of a similar kind as the Authority in its discretion may require.

Information to be given before proceeding outwards.

31. (1) Before applying for outward clearance from a port in accordance with the provisions of this Act and of any other law in force from time to time, the master of a ship shall produce to the Authority -

- (a) a statement containing the number of passengers embarked in Malta;
- (b) an account in writing of the kinds, quantities, weights and measurement of cargo landed or loaded in Malta;

and shall also supply to the Authority such other information relating to the ship and to the passengers, animals and cargo thereof, as may be prescribed or as the Authority in its discretion may require:

Provided that the master of a ship may be exempt from such duties where the owner or agent, or the representative of the owner of the ship guarantees to the satisfaction of the Authority that he will discharge such duties in lieu of such master within such time and under such conditions as may be prescribed or as the Authority may determine.

(2) The particulars required under subarticle (1) shall be produced or supplied in such form, in such number of copies and within such time as may be prescribed or as the Authority may require.

Information in respect of goods presented for shipment or warehousing.

32. (1) Any person presenting goods to the Authority or to a contractor for shipment or warehousing, or claiming the delivery of goods from a warehouse shall supply such information in relation to the goods as may be prescribed or as the Authority or the contractor may require.

(2) The particulars required under subarticle (1) shall be produced or supplied in such form and within such time as may be prescribed or as the Authority or the contractor may determine.

(3) Where the production of documents for the withdrawal of goods from warehouse is prescribed under this Act for the purposes of this article, the Authority or the contractor shall be relieved of all responsibility in respect of the delivery of the goods if the Authority or the contractor delivers the goods to which the documents relate to the person presenting such documents.

33. The master and the agents of a ship shall be responsible to ensure that the ship is at all times while she is in port properly manned as required by the Authority:

Ship in port to be properly manned.

Provided that the Authority may, in writing and under such conditions as it may deem appropriate, allow a ship in port to be manned by a reduced crew.

34. (1) The master, owner or agent of a ship, shall not lay up such ship or retain unduly a ship in a port except with the prior written permission of the Authority.

Laying-up of ship.

(2) In granting such permission the Authority may make such conditions as it may deem appropriate and in particular may specify the time during which such ship be so laid up.

(3) Upon the expiry of such time, or on any contravention or non-compliance with any such condition as aforesaid, the permission granted by the Authority shall lapse, subject to the Authority renewing any such permission.

(4) The Authority may, upon giving not less than three days' notice cancel any permission granted under this article.

35. (1) The Authority may direct any ship laid up in a port in Malta without permission to leave such port within such time as it may establish.

Laid-up ship.
Amended by:
XXIV.1995.362.

(2) It shall be the responsibility of the master, owner or agent of the ship, to comply with any direction given as aforesaid.

(3) Notwithstanding any other provision of law, a laid-up ship in any port in Malta shall, after being directed to leave, be liable to be sold as provided in this article.

(4) Upon fourteen days' notice to the master of the ship, the Authority may apply to the Civil Court, First Hall, for an order that the ship be sold judicially; and the judicial sale shall be held within forty-five days from the date on which the order of the court is made.

36. The master, owner or agent of a ship, may severally, or jointly and severally, be required to produce such security to cover dues, rates, charges, fees or expenses due to the Authority in respect of such ship to such amount as the Authority may require.

Security to cover dues, rates, etc.

Powers of Authority exercisable notwithstanding warrant.

37. The powers conferred by this Act on the Authority in respect of laid-up ships may be exercised by the Authority notwithstanding any warrant issued by any court in respect of the ship over which those powers are exercised, so however that where a warrant is issued in respect of that ship, such powers may only be exercised if the Minister declares that such exercise is necessary in the national interest; and such declaration by the Minister may not be challenged in any court.

Agent may not relinquish agency.

38. A ship agent, who has performed any act in respect of the ship required to be performed by any of the provisions of this Act or who has incurred or has made any payment or entered into any liability in respect of a ship in any port, shall for the purposes of this Act be deemed to be the agent of the ship, during the time such ship remains in Malta.

PART VI

Port Dues, Charges and Rates

Levy of dues, etc.

39. (1) The Authority shall levy the dues, rates, charges and fees which may from time to time be prescribed under article 52.

(2) The following persons shall be liable for the payment of any dues, charges or fees levied under this Act:

- (a) the master or owner of the ship;
- (b) the agent of the ship, who shall have paid or made himself liable to pay any charge on account of such ship.

(3) Where any dues, charges or fees levied under this article are paid by the agent or representative made liable for payment by subarticle (2)(b), such agent or representative may retain out of any moneys in his hands received on account of the ship, or the owner thereof, the amount paid by him together with any reasonable expense he may have incurred by reason of such payment or liability.

Lien or privilege in respect of rates.

40. (1) For the amount of all rates leviable under this Act in respect of any goods, the Authority shall have a lien or privilege on such goods and shall be entitled to seize and detain the same until such rates are paid in full.

(2) Rates in respect of goods to be landed shall become payable immediately on the landing of such goods.

(3) Rates in respect of goods to be removed from warehouses, or to be shipped by sea, shall be payable before such goods are removed or loaded, as the case may be:

Provided that for the purpose of preventing delay, the Authority may allow goods to be placed on a ship before such rates are paid, and in such cases the Authority shall retain the ship's receipts as security for the payment of such rates.

(4) The lien or privilege for such rates shall have priority over all other privileges and hypothecs on the goods and a claim in respect of such rates shall be paid in preference to all other claims,

whether privileged or hypothecary, on such goods notwithstanding any other provision of law to the contrary.

41. (1) If the master or owner of a ship or an agent or representative of any such person, or the person by whom the goods are landed, gives reasonable notice in writing to the Authority that any goods that are about to be landed or have been landed at any warehouse are subject to a lien or privilege for freight, general average, or charges to an amount mentioned in such notice, the Authority may retain such goods, at the risk and expense of the owner of the goods, until the lien or privilege is discharged as hereinafter mentioned or until it is entitled, under the provisions hereinafter specified, to sell them, or until the goods are transferred to a Government warehouse as defined in the Customs Ordinance in accordance with the provisions of that Ordinance.

Lien for freight and other charges.

Cap. 37.

(2) Nothing in this article shall be construed as requiring the Authority or a contractor, as the case may be, to take into custody any goods which the Authority or the contractor may refuse to accept under the provisions of this Act, or as requiring the Authority to inquire into the validity of any claim made in any notice given under subarticle (1).

42. Upon production to the Authority of a document purporting to be a receipt for the amount claimed as due, or a release for the amount of any lien or privilege to which goods are liable under article 40 from the person by whom or on whose behalf notice has been given, the Authority may permit such goods to be removed without regard to the lien or privilege, provided the Authority has used reasonable care in establishing the authenticity of such document.

Discharge of lien.

43. (1) Notwithstanding any lien or privilege mentioned in articles 40 and 41, if the rates payable to the Authority in respect of any goods are not paid, the Authority may, after the expiration of ninety days from the time the goods were placed in its custody or that of the contractor, or if the goods are of a perishable nature after such earlier period, not being less than twenty-four hours, after the landing of the goods, as the Authority considers appropriate, sell by public auction the said goods or so much as is necessary to meet the expenses, and pay the rates and other claims hereinafter directed to be paid out of the proceeds of such sale.

Power of Authority to sell goods.

(2) Before making such sale ten days' notice of the same shall be given in the Gazette unless the goods are of so perishable a nature as, in the opinion of the Authority, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case requires.

(3) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents delivered to the Authority, or is otherwise known, and such address is in Malta notice shall also be given to the owner of such goods by letter delivered at such address or sent by post; but the title of a *bona fide* purchaser shall not be invalidated by reason of the omission to send the said notice, nor shall such purchaser be

required to inquire whether such notice has been sent.

(4) If at the auction held under this article any of the goods remain unsold, the Authority shall dispose of them in such manner as it deems fit.

Application of proceeds for sale.

44. (1) The proceeds of any sale or disposal of goods in accordance with article 43, shall be applied as follows and in the following order:

- (a) in payment of the expenses of the sale or disposal;
- (b) in payment of the rates and expenses due to the Authority in respect of the goods;
- (c) in payment of the freight and other claims or lien or privilege of which notice has been given under article 41;
- (d) in payment of any customs or excise duty or levy which may be due on the goods;

and any surplus, if any, shall be paid to the owner of the goods on demand:

Provided that where the proceeds of any such sale or disposal are not sufficient to cover the duties or levies referred to in paragraph (d) hereof, the said sale or disposal shall still be proceeded with and the said duties or levies shall be deemed to be reduced to such sum, if any, as remains for the payment thereof.

(2) If no such demand as aforesaid is made within one year from the sale of goods, the surplus shall be retained by the Authority, and thereupon all rights of the owner to the same shall be extinguished.

Clearance to be withheld until rates are paid.

45. If any amount in respect of dues, rates, fees or other charges leviable in accordance with the provisions of this Act against any ship is outstanding, then, at the request of the Authority, such ship shall not be given any discharge or clearance outwards under the Customs Ordinance until -

Cap. 37.

- (a) the amount of such dues, rates, charges or fees has been paid; or
- (b) security has been given to the satisfaction of the Authority for the payment thereof.

Authority may board ship.

46. The Executive Director responsible for ports and any person authorised by the Authority, may board any ship, within or outside a port, to establish the proper amount payable in respect of such ship.

Weighing and measuring of goods in case of dispute.

47. If any differences arise between the Authority and the master or owner of a ship, or the owner of any goods, or the agent of any such person as aforesaid, concerning the weight or measurement of the goods in respect of which any dues, rates or charges are payable, the Authority shall cause all such goods to be weighed or measured and may, if it deems it so expedient, detain the ship from which such goods have been discharged until they

have been weighed or measured.

48. (1) If the weight or measurement of such goods proves to be more than that shown by the particulars delivered by the master or the owner of the goods, or the agent of any such person in accordance with articles 30, 31 and 32, the expenses of such weighing or measuring shall be paid to the Authority by the master of the ship, or the owner of the goods, or the agent of any such person, in accordance with the provisions of this Act and shall be recoverable in the same manner as dues, rates or charges leviable under this Act.

Payment of expenses of weighing or measuring.

(2) If the weight or measurements of such goods proves to be the same as, or less than, that shown by the particulars delivered as aforesaid, the Authority shall bear all the expenses of such weighing or measuring.

49. (1) If the master of a ship in respect of which dues, rates or charges leviable under this Act are payable refuses or neglects to pay such dues, rates or charges on demand, the Authority may issue an order restraining such ship from sailing; and in any such case the Authority shall within twenty-four hours from the issue of the order institute proceedings against the master by summons before the Court of Magistrates demanding the confirmation of the order to arrest or detain the ship until such dues, rates or charges are paid.

Order restraining ship.

(2) Where a restraining order made under subarticle (1) is confirmed by the court it shall remain in force until it is withdrawn by the Authority or revoked by the court.

(3) If for a period of fourteen days after a restraining order made under subarticle (1) has been confirmed by the court -

- (a) any of the dues, rates or charges owing; or
- (b) any of the expenses of restraint, including expenses connected with the summons, or the arrest or detention of the ship,

remain unpaid the Authority may cause such ship, or any part of its tackle, apparel, furniture, or equipment to be sold by public auction, and out of the proceeds of such sale the Authority may retain the amount owing together with the expenses of the sale and such other amounts as may be due in consequence of the continued presence of the ship in port, and shall deliver the balance, if any, to the master of the ship.

(4) Where any restraining order made under subarticle (1) is not confirmed by the court it shall lapse and have no effect.

50. Where -

- (a) any goods or the proceeds of the sale or disposal of any goods are in the possession of the Authority or a contractor and such goods or proceeds are claimed by two or more persons; or
- (b) any person claiming any goods in the possession of the Authority or of a contractor does not produce the documents, showing that he is entitled to take delivery

Indemnity where goods are claimed by more than one person.

thereof,

the Authority or the contractor may withhold delivery of such goods or proceeds until the person appearing to the Authority or the contractor to be entitled thereto has given an indemnity to the satisfaction of the Authority and the contractor against the claims that may be advanced by any other person with respect to such goods or proceeds.

Other rights of the Authority.

51. Notwithstanding anything contained in this Act, the Authority may take any judicial action under any other law for the recovery of any dues, rates, charges, expenses, costs and other debts or, in the case of sale, to recover the balance thereof when the proceeds of the sale are insufficient.

Power to make regulations to levy dues, charges or fees.

52. (1) Subject to the provisions of this Act, the Minister may, after consultation with the Authority, make regulations -

- (a) for the levying of dues, charges or fees upon any ship, that is to say -
 - (i) dues, charges or fees in respect of ships entering or leaving a port, or being within a port or in the territorial waters of Malta;
 - (ii) port dues, charges or fees in respect of passengers, animals or cargo carried by any ship;
 - (iii) pilotage, lighting, mooring, buoyage, anchorage or accostage dues or other dues, charges or fees on ships;
- (b) for the levying of any charges or of rates for the use of any works, appliances or equipment provided or any service performed or to be performed in respect of any ship or of any goods, by the Authority or by a contractor, and without prejudice to the generality of the foregoing, for any of the following:
 - (i) the landing, shipping, wharfage, craneage, storage, carriage or demurrage of goods discharged from, or loaded on, or presented for loading on, any ship;
 - (ii) the use by any ship, or person of any wharf, quay, pier, dock, landing place or other facility or installation owned by the Authority or over which it exercises authority;
 - (iii) the use of any gear, tackle, tools, instruments, equipment, staging or vehicles supplied by the Authority or by a contractor;
 - (iv) the use of any ship or lighter, or any engine, boat or vehicle, or of any appliance for the extinction of fire owned or administered by or in the possession of the Authority or a contractor;
 - (v) the towing of, the rendering assistance and service to, any ship, in any place;
 - (vi) for the supply of water to any ship by the

Authority or by a contractor;

- (vii) the charges or rates payable by consignees, consignors or shippers of goods to persons undertaking the unloading, landing, loading, shipping, or handling of goods between ship's hold or deck and rail, ramp, door or ship's tackle or any wharf or other place appointed for the purpose or between ship's rail, ramp, door or ship's tackle and any wharf;
 - (c) conferring power on the Authority to assimilate for any of the purposes of article 39, any work, service or facility which is not specifically mentioned in any regulations made under this subarticle to those specifically mentioned in such regulations with which, in the opinion of the Authority, they bear an analogy;
 - (d) prescribing the conditions under which any work or service in respect of which a rate or a charge is levied will be performed or provided by the Authority or a contractor;
 - (e) providing for the exemption of any ship, or class or classes of ships, or any passenger, animal or goods from all or any dues, rates, charges or fees or for the refund or remission thereof, or of part thereof;
 - (f) prescribing fees in respect of any licence or permit issued or given by the Authority under any of the provisions of this Act;
 - (g) prescribing anything that is to be, or may be prescribed, under this Act;
 - (h) generally for giving better effect to any of the provisions of this Act.
- (2) For the avoidance of doubt, regulations made under this article may -
- (a) prescribe different dues, rates, charges or fees for different ports and for yachting centres;
 - (b) prescribe different dues, rates, charges or fees for different classes of ships, or passengers, animals or goods;
 - (c) make provision allowing the Authority to enter into special agreements with respect to any matter referred to in this article in place of any dues, rates, charges or fees leviable under this Act.

53. The provisions of this Part of this Act shall apply to goods which are the property of the Government, but shall not apply to -

- (a) any ship registered in Malta and used exclusively or mainly in the fishing industry or fishing trade;
- (b) any ship belonging to a foreign Government, provided she does not engage in trade or commerce;

Application of this Part.

- (c) seacraft, whether self-propelled or not, below ten gross tons.

PART VII

Pilotage

Compulsory pilotage.

54. (1) The ports specified in Part III of the Schedule to this Act shall be compulsory pilotage ports; and all ships, other than ships excepted under subarticle (2), shall, while navigating within the limits of a compulsory pilotage port, whether by entering, leaving or moving, be under the pilotage of a pilot:

Provided that where an excepted ship -

- (a) has not taken a berth assigned to her by the Authority and, in the opinion of the Authority, is foul or is likely to foul any mark, buoy or some other ship due to any cause whatsoever; or
- (b) has anchored in the fairway of any port,

then without prejudice to any criminal proceedings that may be taken against the master of such ship, the Authority may direct that such ship be moored or re-moored under the direction of a pilot:

Provided further that where any excepted ship is to be berthed or unberthed at any quay, wharf, jetty, pier or buoy the Authority may direct that such berthing or unberthing shall be carried out under the direction of a pilot.

(2) For the purposes of this article, the following ships shall be excepted ships -

- (a) ships owned or operated by the Government of Malta;
- (b) men-of-war of a foreign power;
- (c) yachts and fishing vessels;
- (d) ships of less than five hundred gross tons calculated in accordance with the rules for the time being in force for the measurement of ships under the Merchant Shipping Act;
- (e) ships trading exclusively between ports in Malta;
- (f) tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of the territorial waters of Malta;
- (g) ships unable to obtain the services of a pilot owing to the stress of weather.

Cap. 234.

(3) The Authority may exempt any ship from compulsory pilotage in any particular case.

(4) Where any port is a compulsory pilotage port, the Minister may by order define the limits of such port for the purposes of compulsory pilotage.

Pilotage Board.

55. (1) There is hereby established a Pilotage Board (in this Part referred to as "the Board") which shall exercise and perform

the functions assigned to it by this Part of this Act.

(2) The Board shall consist of a chairman and such number of other members as the Minister may from time to time appoint, so however that not less than two of the members, shall be members having nautical or pilotage experience.

(3) It shall be the function of the Board to -

- (a) conduct examinations in connection with the licensing of pilots;
- (b) appoint panels of examiners for the purpose of the examinations aforesaid;
- (c) conduct disciplinary proceedings in respect of pilots in accordance with the provisions of this Act;
- (d) award to pilots found guilty of a breach of discipline such punishments as may from time to time be prescribed; and
- (e) advise the Authority on any matter the Authority may refer to it in connection with the pilotage service.

(4) At any meeting of the Board the Chairman and two other members, of whom at least one has nautical or pilotage experience, shall form a quorum.

(5) The Board shall meet at least once every forty-five days at such time and place as the Chairman may appoint.

(6) Subject to the provisions of this article, the Board may regulate its own procedure.

56. (1) Subject to the provisions of this article, the Authority may license pilots for the purpose of conducting ships within Maltese waters. Licensing of pilots.

(2) No person shall be licensed as a pilot unless he has -

- (a) passed such qualifying examinations as may be prescribed;
- (b) been licensed as a temporary pilot on probation for such period as may be prescribed;
- (c) obtained such practical experience in the pilotage of ships in Malta during the probation period referred to in paragraph (b) as may be prescribed;
- (d) had his licence confirmed by the Board; and
- (e) satisfied such other conditions as may from time to time be prescribed.

(3) The licence issued to a pilot shall indicate the limits within which the licensee is qualified to act.

(4) Notwithstanding the provisions of this article, the Authority may, if it considers expedient, authorise any person to pilot a vessel in a port subject to such terms and conditions as it deems fit.

Social Security
Act.
Cap. 318.

57. (1) Notwithstanding the provisions of the Social Security Act, pilots and mooringmen shall, for the purposes only of the payment of contributions and the receipt of benefits under that Act, be deemed to be the employees of the owners, masters, charterers, or agents of a ship or of any other persons requesting their services and such owners, masters, charterers or agents or other persons shall be deemed to be the employer of pilots and mooringmen.

Cap. 318.

(2) The Authority shall deduct from the earnings of pilots and mooringmen, and shall collect from the master, agent, charterer or owner of a ship or from any other person requesting the services of pilots and mooringmen such contributions at such a rate as from time to time may be in force in respect of employees and employers respectively under the provisions of the Social Security Act, and shall remit such contributions to the Department of Inland Revenue.

Cap. 318.

(3) The Minister responsible for ports with the concurrence of the Minister responsible for social policy may make regulations to provide for the collection of social security contributions under this article and for the payments of any benefits due under the Social Security Act, to pilots and mooringmen.

Mooringmen.

58. The Authority shall make such arrangements with respect to mooringmen, including the requirements of a licence and provision for discipline, as it may, after consultation with the Minister, determine:

Cap. 170.

Provided that any arrangements made as aforesaid shall adequately protect mooringmen licensed under the Ports Ordinance*.

Limitation of
liability.
Substituted by:
XIV. 1997.2.

59. (1) The liability for civil damages, of a licensed of pilot whether on board a vessel or elsewhere for any loss or damage, including death and personal injury, resulting from any cause during the performance of his duties shall not exceed the sum of five thousand liri in respect of any one voyage and the cost of the pilotage dues in respect of the voyage during which the liability arose.

(2) Where, without any act or omission by the Authority, any loss of life or personal injury, or loss or damage to any ship, to any property on board any ship or to any property or rights of any kind, is caused by a licensed pilot, the Authority shall not be liable to damages beyond the amount of five thousand liri.

(3) The limit of liability under this article shall apply to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person.

(4) The grant or renewal of a licence to a pilot by the Authority in accordance with the provisions of this Act shall not place or imply any liability on the Authority or the Government of Malta for any loss or damage occasioned by an act or default of any pilot,

*Repealed by this Act.

whether the employment of a pilot is compulsory or not.

60. (1) The licence issued to a pilot shall automatically be cancelled by the Authority when the pilot retires on reaching the retiring age that may from time to time be prescribed, or if such pilot is found by a Medical Board appointed by the Authority to be physically unfit to carry out his duties.

Cancellation or revocation of licences.

(2) The Authority may also suspend or revoke the licence issued to a pilot as a consequence of the award by the Board of a punishment consisting in the suspension or revocation of the licence, or if the pilot absents himself from duty for a period exceeding one year.

(3) Subject to any condition which the Board may make, the Authority may re-issue a licence to a pilot whose licence has been revoked under subarticle (2).

(4) A licence issued to a pilot shall be surrendered to the Authority whenever it is for any reason cancelled, suspended or revoked.

61. A pilot may require the master of any ship which he is piloting to declare her draught of water, length and beam, and such other information as may be required for the safe piloting of the ship, and the master shall comply with any such request.

Declaration as to draught of ship.

62. Every pilot when acting as such shall be provided with his licence and shall, if requested, produce it to the master of the ship he pilots.

Pilot to produce licence.

63. Notwithstanding anything contained in any law, the owner or master of a ship navigating under circumstances in which pilotage is compulsory, shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

Liability of owner or master.

64. (1) The Minister may, in consultation with the Authority, make regulations for all or any one or more of the following purposes:

Power to make regulations concerning pilotage.

- (a) determining the qualifications to be required from persons seeking a licence to act as pilots and providing for such written, oral and practical examinations which may be deemed necessary therefor;
- (b) fixing the term for which a licence is to remain in force and the conditions under which it may be renewed;
- (c) providing for the manner in which, and the conditions under which, pilots are to perform their duties under this Act;
- (d) providing for the good management of licensed pilots and probationary pilots and in particular to ensure their good conduct and constant attendance to and the performance of, their duties, whether at sea or on shore;

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- (e) providing for the appointment of persons to the post of Chief Pilot and establishing the duties appertaining to such post;
 - (f) providing for the disciplinary procedures of the Board and the award by it of penalties, including fines not exceeding fifty liri, and the suspension or cancellation of licences;
 - (g) providing for the collection of pilotage dues and for the distribution thereof among pilots, as and where appropriate, and for the remittance of money to funds established or continued under this Act;
 - (h) providing for the establishment or continuance of a Stabilisation Fund, a Pilot Launch Maintenance and Repair Fund, and a Pilot Launch Replacement Fund and for the administration of such funds;
 - (i) providing for the purposes for which any such funds as aforesaid are to be used;
 - (j) prescribing the manner in which such funds shall be financed and providing for a levy on users of the pilotage service towards all or any one or more of such funds;
 - (k) prescribing the manner in which charges may be made against such funds;
 - (l) regulating the use, replacement, maintenance and repair of launches, equipment and facilities made available to pilots;
 - (m) providing for improvements in the pilotage service;
 - (n) regulating the manner in which and the conditions under which pilots shall board and disembark from ships;
 - (o) prescribing the retiring age of pilots;
 - (p) defining and regulating the use of a pilot flag or pilot signals;
 - (q) prohibiting the payment or receipt of dues for pilotage service, or for ancillary services, to or by pilots in addition to such dues as may be due under this Act;
 - (r) prescribing anything that is to be, or may be prescribed, under this Part of this Act.

(2) Any person who contravenes or fails to comply with any regulations made, or deemed to be made, under this article shall be guilty of an offence and shall be liable, on conviction, to the payment of a fine (*multa*) not exceeding one thousand liri or to imprisonment not exceeding six months or to both such fine and imprisonment.

PART VIII

Legal Proceedings

65. Notwithstanding the provisions of any other law, no action shall lie against the Authority or a contractor in relation to their responsibilities under this Act, or for any loss or damage caused to any person, vessel, goods, vehicles or other things whatsoever on board a ship unless -

Limitation of action.

- (a) a claim in writing, giving such particulars as may reasonably be necessary, is given to the Authority or the contractor, as the case may be, not later than six months after the date on which the goods were accepted by the Authority or the contractor;
- (b) the action is commenced within twelve months from the date aforesaid:

Provided that the Authority or the contractor, as the case may be, may extend the period specified in paragraph (a) by such further period not exceeding six months as it may deem fit if it is satisfied that the claim could not reasonably have been made within the period specified as aforesaid:

Provided further that the Authority or the contractor, as the case may be, shall not be liable beyond such limits or amounts established by law, or in such circumstances as may be prescribed.

66. If the amount paid to the Authority or the contractor for any dues, rates, charges or fees due under this Act, is found to be incorrect, then if such amount is -

Overcharge or undercharge.

- (a) an overcharge, the person who paid the dues, rates, charges or fees shall be entitled to a refund of the amount on the overcharge;
- (b) an undercharge, the Authority or the contractor shall be entitled to collect the amount of the undercharge from the person who paid the dues, rates, charges or fees:

Provided that, notwithstanding the provisions of any other law, any such overcharge or undercharge shall not be recoverable unless a notice in writing, containing such particulars as may reasonably be necessary, is given by the party claiming the refund or collection to the party from whom it is claimed, not later than two years after the acceptance of the goods by the Authority or the contractor, as the case may be, so however that where the undercharge is due to any description or other information subsequently found to be incorrect the period of two years aforesaid shall commence on the date on which the Authority or the contractor, as the case may be, first discovers the incorrectness of the description or information.

67. Any notice or other document required or authorised by or under this Act to be served on any person by the Authority or a contractor may be served -

Service of notice.

- (a) by delivering it to the person; or
- (b) by sending it by registered post addressed to the person at his usual or last known address;

and if service is made as provided in paragraph (b) it shall be sufficient to prove service to show that the notice or other document was properly addressed and posted.

PART IX

Offences and Penal Provisions

Offences in respect of lighthouses, buoys, etc.

68. Any person who, wilfully or negligently -

- (a) removes or alters any lighthouse, buoy, beacon or other light placed by the Authority, or
- (b) rides by, or makes fast to, or runs foul of any lighthouse, buoy, beacon or other light as aforesaid,

shall be guilty of an offence and be liable, on conviction, to a fine (*multa*) not exceeding one thousand liri.

Exhibition of lights which may be mistaken for lighthouses, etc.

69. (1) Whenever any light is exhibited in any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, or other light placed by the Authority, the Authority may serve a notice on the owner or occupier of the place where the light is exhibited or on the person having charge of the light, directing the owner, occupier or other person, to take, within a reasonable time to be specified in the notice, effectual means for extinguishing or effectually screening the light and for preventing the same or similar light being exhibited thereafter.

(2) Such notice may also be served by affixing the same in some conspicuous spot near the light to which the notice relates.

(3) Any owner, occupier or other person on whom a notice is served under this article who fails without reasonable cause to comply with the directives contained in the notice, shall be guilty of an offence and be liable, on conviction, to a fine (*multa*) not exceeding one thousand liri and to a further fine (*multa*) not exceeding one hundred liri for every day during which the offence continues.

Obstructing authorised entry.

70. Whosoever wilfully obstructs any officer of the Authority in the performance of his duties under this Act, or any person in the performance of any act he is authorised to perform by the Authority, shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding two thousand liri, or to both such fine and imprisonment.

Navigation without pilot.

71. If -

- (a) any ship navigates without a pilot in circumstances in which a pilot is to be engaged under any of the provisions of this Act, or
- (b) the master of the ship refuses to comply with any request made under article 61, or makes or is privy to

the making of any false statement in answer to such request,

the master of such ship shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding two thousand liri.

72. (1) Any pilot who, while piloting a ship by wilful breach of duty, or by neglect of duty or by reason of drunkenness - Breach of duty by pilot.

- (a) does any act tending to the immediate loss, destruction or serious damage of such ship or tending immediately to endanger the life or limb of any person; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damage, or preserving any person from danger to life or limb,

shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding one year or to a fine (*multa*) not exceeding five thousand liri, or to both such imprisonment and fine.

(2) Any pilot who fails to comply with the provisions of article 62 shall be guilty of an offence and be liable, on conviction, to a fine (*multa*) not exceeding five hundred liri.

73. Any person who offers his services as a pilot or acts as a pilot without the permission of the Authority and without being duly licensed, or whilst his licence as a pilot is cancelled, suspended or revoked, and any pilot who lends his licence to, or allows his licence to be used by, any other person, or pilots ships outside the limits specified in his licence or who acts as a pilot while under the influence of drink or drugs, shall be guilty of an offence and be liable, on conviction, to imprisonment for a period not exceeding one year or to a fine (*multa*) not exceeding five thousand liri, or to both such imprisonment and fine. Illegal piloting.

74. If the master, owner or agent of a ship or the owner or consignor or consignee of any goods, evades or attempts to evade, by any means whatsoever, the payment of any dues, rates, charges or fees leviable under this Act, he shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding twelve months or to a fine (*multa*) not exceeding one thousand liri, or to both such imprisonment and fine, and shall in addition be liable to pay to the Authority a penalty triple the amount of the dues, rates, charges or fees he evaded or attempted to evade. Evasion of dues, rates, etc.

75. Any master of a ship who contravenes any of the provisions of articles 30 or 31, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a period not exceeding three months or to a fine (*multa*) not exceeding five hundred liri or to both such imprisonment and fine. Failure of compliance with articles 30 and 31.

76. Any person who makes, whether knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under this Act, shall be guilty of an offence and be False returns.

liable, on conviction, to imprisonment for a period not exceeding twelve months or to a fine (*multa*) not exceeding three thousand liri, or to both such imprisonment and fine.

Persons endangering life or property.

77. If any person taking part in the loading, unloading or warehousing of goods in any port endangers the safety of life, limb or property -

(a) by contravening any of the provisions of this Act or of any regulations made or deemed to be made thereunder; or

(b) by any rash or negligent act,

he shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a period not exceeding six months or to a fine (*multa*) not exceeding one thousand liri or both to such imprisonment and fine.

Non compliance with direction of Authority or with any provision of this Act.

78. Any person who fails to comply with any direction given by the Authority in exercise of its powers under this Act, or who fails to comply with any provision of this Act or of any regulations made thereunder, shall be guilty of an offence and, unless another penalty is established for such offence in this Act, be liable, on conviction, to a fine (*multa*) not exceeding five thousand liri, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in the case of a continuing offence to a further fine (*multa*) not exceeding five hundred liri for every day during which the offence continues.

Contractor to be deemed public officer for purposes of Criminal Code. Cap.171.

79. A contractor and any of his employees, other than port workers registered under the provisions of the Port Workers Ordinance, whilst acting within the scope of his employment in pursuance of an agreement entered into between the Authority and the contractor under article 8(3) shall be deemed to be a public officer or employee for the purposes of the Criminal Code and of any other law of a penal nature.

Cap. 9.

Saving for other penal provisions. Cap. 9.

80. The punishments provided by or under this Act shall apply unless the act constitutes a more serious offence under the Criminal Code or some other law, in which case such Code or other law shall apply, so however that no person shall be punished twice for the same act or omission.

PART X

Saving

Saving. Cap. 170. Cap. 100.

81.* (1) All regulations, orders and other subsidiary legislation made under or kept in force by the Ports Ordinance[†] or by the Port Dues Ordinance[†], and in force immediately before the coming into force of this article, shall continue in force thereafter as if they had been made under the corresponding provision of this Act and shall be treated accordingly.

(2) Any funds established by or under any of the provisions of

*This article originally consisted of five subarticles. The original subarticles (1) and (2) have been omitted under the Statute Law Revision Act, 1980.

†Repealed by this Act.

the enactments repealed by this article shall, notwithstanding such repeal and as from the date thereof, continue in operation as if they had been established under the corresponding provision of this Act, and shall be treated accordingly.

(3) Any licence, permission or other authority granted under any of the provisions of the enactments repealed by this Act and still in force immediately before such repeal, shall continue in force thereafter as if it were a licence, permission or authority granted under the corresponding provisions of this Act, and shall be treated accordingly.

82. Saving the provisions of article 81, none of the rights, duties, powers and obligations vested in the Authority under this Act shall diminish or alter any of the rights, duties, powers and obligations vested in the Freeport Authority by the Malta Freeports Act.

Malta Freeports
Act.

Cap. 334.

*Amended by:
L.N. 141 of 1998.*

SCHEDULE

(Articles 27 and 54)

PART I

The Grand Harbour of Valletta but excluding the following areas:

- (a) the area of land bordered in red on plan L.D. 91A/98
- (b) the area of land bordered in red on plan L.D. 97/98
- (c) the area of land bordered in green on plan L.D. 91B/98
- (d) the area of land bordered in green on plan L.D. 91C/98.

Plans L.D. 91A/98, L.D. 97/98, L.D. 91B/98 and L.D. 91C/98 are annexed to the deed dated 1st June, 1998 published by Notary Vincent Miceli and entered into between the Government of Malta and the Malta Maritime Authority.

PART II

1. Marsamxett Harbour
2. Marsaxlokk Harbour
3. Saint Paul's Bay
4. The landing places at -
 - (a) Ramla-il-Bir;
 - (b) Iċ-Ċirkewwa
5. Mġarr, Gozo

PART III

1. The Grand Harbour of Valletta other than those areas thereof excluded in Part I.
2. Marsamxett Harbour
3. Marsaxlokk Harbour
4. Mġarr, Gozo.

PART IV

1. Ta' Xbiex Yachting Centre
 2. Msida Yachting Centre
 3. Sliema Yachting Centre
 4. Mġarr Yachting Centre, Gozo
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