

**MALTA MARITIME AUTHORITY ACT
(CAP. 352)**

Small Ships Regulations, 2001

IN exercise of the powers conferred by articles 28, 29 and 52 of the Malta Maritime Authority Act, the Minister for Transport and Communications, after consultation with the Malta Maritime Authority, and with the concurrence of the Minister of Finance, has made the following regulations:-

1. (1) The title of these regulations is the Small Ships Regulations, 2001. Citation and commencement.

(2) (a) These regulations, other than regulation 29, shall come into force on the 1st June, 2001.

(b) Regulation 29 in respect of mechanically driven seacraft shall come into force, where the boat has an engine or engines –

(i) of, or exceeding, 100 H.P., on the 1st September, 2001; and

(ii) not exceeding 100 H.P. on such date as the Minister responsible for transport may prescribe.

2. In these regulations, unless the context otherwise requires – Interpretation.

“Act” means the Malta Maritime Authority Act;

“Authority” means the Malta Maritime Authority;

“Certificate of Registry” means the certificate mentioned in regulation 13 of these regulations;

“Executive Director” means the Executive Director responsible for Yachting Centres, and includes any person authorized by him in writing to act on his behalf;

“fishing vessel” means a vessel for the time being used for, or in connection with, fishing for sea fish, other than a vessel used or intended to be used for fishing otherwise than for profit;

“Grand Harbour” means the waters enclosed by the line drawn from the outer end of the breakwater arm on the Fort St. Elmo side to the same outer end of the breakwater on the Fort Ricasoli side;

“harbour” means any of the harbours and bays specified in Part I of the Second Schedule to these regulations;

“inspector” means either a surveyor or any other officer of the Authority authorised to carry out an inspection of a ship;

“length” means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

“Marsamxett Harbour” includes the waters within a line drawn from St. Elmo Point to Dragut Point;

“passage boat” is the traditional Maltese *dghajsa* licensed for the conveyance of fee paying passengers within Grand Harbour and Marsamxett Harbour;

“skiing speed” means a speed exceeding ten knots;

“small ship” means a ship less than 24 metres in length employed solely in navigation within the waters of Malta;

“speedboat” means any small ship driven mechanically or electrically, irrespective of the means of propulsion, and capable of travelling on the sea at a speed in excess of 12 knots; this includes personal water craft and air-cushioned craft;

“speedboat for hire” means a speedboat licensed from a place duly licensed for the hiring of speedboats whether for the purpose of being made use of as a towing craft for water skiing instructions or facilities, or to be driven for the pleasure of cruising without taking in tow learners or seasoned water skiers, and whether driven by the licensee of that licensed place or by any person employed for the purpose by such licensee, or by a person hiring the said speedboat in terms of regulation 36;

“surveyor” means any person so appointed by the Minister responsible for transport and maritime affairs to carry out surveys on ships;

“water skiing” means the towing and sliding of a person on skis, or on any other similar contrivance attached to the speedboat and travelling at a skiing speed.

3. (1) No small ship shall be used in the internal and territorial waters of Malta unless such ship is registered with the Executive Director under these regulations or unless such ship is registered under the Merchant Shipping Act, or under the Fisheries Conservation and Management Act, 2001 or unless such ship is registered or documented to the satisfaction of the Authority under the law of any country other than Malta.

Registration of small ships.

Cap. 234.
Act II of 2001.

(2) The Executive Director shall maintain a register of small ships to which these regulations apply, and any function in relation to the register which is to be discharged by the Executive Director may be discharged by persons appointed by the Authority as may be authorised in that behalf by the Executive Director.

(3) The owner or importer of an imported ship shall produce to the satisfaction of the Executive Director certified documentary evidence proving ownership of the ship and engines thereof. A builder's certificate is required in the case of a newly built ship.

4. No ship shall be registered unless the ship is equipped with such safety equipment as may be required by the Executive Director from time to time.

Safety equipment.

5. No speedboat shall be eligible to be registered unless it is in compliance with regulation 4 and there is in force in relation to such speedboat a policy of insurance for an amount to be approved by the Authority which indemnifies such person, persons or classes of persons as may be authorised and covered by the policy against any liability which may be incurred by him or them in respect of death, injury or damage to third party property caused by or arising out of the use of the speedboat.

Registration of speedboats.

6. An application for registration of a ship shall contain such information and details as may be required by the Executive Director, and shall be signed, in the case of individuals, by a person over eighteen years of age requiring to be registered as owner, or by any one or more of the persons so requiring if more than one, or by his or their agent, and in the case of bodies corporate by their agent; and the authority of the agent shall be testified by writing, if appointed by individuals under the hand of the appointors, and, if appointed by a body corporate under the hand of a person or persons authorised to authenticate documents for the body corporate.

Application for registration.

7. An application for registration shall be made in writing and shall specify such particulars relating to the ship and its ownership as will show that the ship is one to which these regulations apply and the following details:

Details of small ship.

- (a) a description of the ship;
- (b) the overall length and beam of the ship;
- (c) the name and address of every owner of the ship; and
- (d) such supplementary information and evidence relating to the ship and the ownership thereof as the Executive Director may require to determine whether the ship may properly be registered.

Registration of
small ship.

8. Upon receiving an application for registration and being satisfied that the ship may properly be registered, the Executive Director shall register the ship.

Survey of small
ship.

9. The Executive Director may, at any time and subject to any condition he deems fit, order that a survey by a surveyor of ships be carried out and the tonnage ascertained to his satisfaction. The survey's certificate shall be delivered to the Executive Director.

Modification to
small ship.

10. No modification of the hull of a registered ship or installation or replacement of one or more of its engines shall be carried out without prior written approval by the Executive Director, who may at his discretion order that a survey by a surveyor of ships be carried out in order to certify whether the ship is seaworthy as modified.

False declaration.

11. If an applicant in his application for the registration or modification of a ship makes a false declaration, he shall have his application rejected. If the false declaration is known after the ship is registered, then such registration will be null and void.

Registration fees.

12. (1) There shall be levied in respect of the registration of a ship under these regulations the fee on first registration and the annual fee specified in the First Schedule hereto. In case of any modification to the hull or in case of any change to engines, the applicable fee shall be paid *pro rata* according to said Schedule as from the date of registering such changes.

(2) The fee due on initial registration and the annual fee for one year shall be paid before the ship is registered, and no Certificate of Registry shall be issued in respect of a ship unless the said fees have been paid in respect of the ship. Thereafter, the annual fee shall become due on the anniversary of the initial registration.

(3) The Executive Director is entitled to demand payment of any outstanding fees, charges or penalties due to the Authority prior

to recording any transaction in the register of a ship or prior to granting any services in connection with a ship.

13. (1) On completion of registry of a ship the Executive Director shall, subject to such conditions as he may deem proper, furnish to the person registered as owner of the ship a certificate which shall include the details recorded in the register.

Certificate of Registry.

(2) The Executive Director may wherever it appears necessary or appropriate to do so for giving effect to these regulations or for bringing up to date or otherwise correcting particulars on the register, amend the register and issue an amended Certificate of Registry.

(3) A Certificate of Registry, subject to termination under the provisions of these regulations and unless stating otherwise on the document itself, shall be issued for a period of twelve months from the date of registration:

Provided that the Executive Director may, within a period of one month prior to the expiry of such certificate and upon the payment of the annual fee by the owner of the ship and provided no changes have occurred to the details thereon, issue a renewal certificate in the prescribed form.

14. No certificate may be issued, except in cases of loss or destruction of a certificate, other than on the return of the certificate currently being held by the owner, or as may be decided at the discretion of the Executive Director.

Provision for loss or destruction of certificate.

15. A Certificate of Registry shall be used only for the lawful navigation of the ship and such certificate shall not be subject to detention by reason of any title or interest by any third party.

Use of Certificate of Registry.

16. Whenever a change occurs whereby any of the details mentioned in the Certificate of Registry are no longer correct, such change shall be entered in the revised Certificate of Registry of that ship. The master or owner of the ship shall within four days, for the purpose of such endorsement by the Executive Director, deliver the Certificate of Registry to the Executive Director to be replaced by a revised certificate.

Changes in details of Certificate of Registry.

17. (1) A Certificate of Registry shall cease to have effect:

Validity of Certificate of Registry.

- (a) on the expiry of its validity date;
- (b) on its substitution by another certificate;

(c) on closure of registry:

Provided that, if the Executive Director is satisfied that the reason for the non-renewal of the certificate is justified, he may authorise in writing that the certificate is kept in abeyance for a specified period.

(2) Upon a Certificate of Registry ceasing to have effect the owner or the master shall forthwith forward this certificate to the Executive Director by not later than one month of its expiry.

Right of
registration.

18. Where it appears to the Executive Director that there is any doubt as to the right of any ship to be so registered or as to the information furnished by applicant, he may require the person registered as owner to give evidence to his satisfaction that the ship is entitled to be so registered or that the information given is correct, and such evidence may include the production of the ship for inspection at a place and under such conditions as he requires. If the evidence required is not given to the satisfaction of the Executive Director, he may terminate the registration of the ship.

Voluntary closure
of registration.

19. Where the owner of the ship desires to close the register of a ship he shall make an application to that effect to the Executive Director, giving all such particulars and information as the Executive Director may require for the purpose.

Transfer of ship.

20. (1) Any person who agrees to sell, sells, scraps or otherwise disposes of his ship or any of its engines shall, within seven days, give notice thereof in writing to the Executive Director giving particulars and information of the person who agrees to buy the ship or any of its engines, and shall also forward his Certificate of Registry to the Executive Director.

(2) An application for the registration of a transfer of a ship or any of its engines by a new owner shall be made to the Executive Director within seven days of the purchase or transfer thereof.

Transfer or sale of
small ship by court
order.

21. Where the transfer or sale of any ship is ordered by a court, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship, and that person shall thereupon be entitled to transfer the ship in the manner and to the same extent as if he was the registered owner thereof; and the requisition of the person so named in respect of any transfer shall be complied with to the same extent as if such person was the registered owner thereof.

22. (1) Every ship registered under these regulations shall have a distinguished number and mark assigned to it and distinctly shown on the ship in such manner as shall be directed by the Executive Director according to the class to which the ship belongs. This distinguishing number and mark shall be the same as those shown on the Certificate of Registry.

Marking of
small ship.

Caiques and other fishing craft shall carry such marks and numbers assigned thereto by the Department responsible for fisheries and aquaculture.

Passage boats shall carry their number with the letter "P" distinctly painted in black on a white band on each side of their stem.

Speedboats and other craft not referred to in the above paragraphs shall carry the letter "S" and the number assigned thereto.

(2) The person registered as owner of the ship shall ensure that within 30 days of the date on which the registration of that ship takes effect, there is clearly painted or affixed to an external surface of the ship or on such other part of the ship which the Executive Director may approve, the number and mark of its registration, and that such marking is effectively maintained and renewed when necessary during the period of registration of the ship.

(3) Unless the Executive Director directs otherwise:

(a) the letters and numbers assigned to each ship shall at least be 15.24 centimetres high and 7.6 centimetres wide with a space between each number or letter of not less than 2 centimetres; and

(b) craft owned by private individuals shall have their letters and numbers painted in black on a white background, whereas those used for hire shall be painted in white on a black background.

(4) The Executive Director may direct that owners of ships registered under categories under these regulations, shall display their registration number as well as any identification label issued by the Authority.

(5) A ship without such identification letters and numbers assigned to it shall be deemed an unregistered ship and the Executive Director may, unless such ship is marked within four days from being given notice, order that the ship be removed and taken into custody.

Such ship will only be returned on payment of all expenses incurred by the Authority and upon production of proof of ownership to the satisfaction of the Executive Director.

Certificate of seaworthiness.

23. Unless in possession of a valid certificate issued by a recognised classification society, the owner of a ship which is used for trade or business shall, together with his application for registration or renewal of registration, produce to the Executive Director a certificate of seaworthiness issued by a recognised surveyor confirming that the ship is seaworthy and fit to be used for that specific trade or business.

Revocation or suspension of registration.

24. The Executive Director may revoke or suspend the registration of a ship registered under these regulations if the owner of the ship has contravened any laws or regulations which he is bound to obey being the owner of a registered ship. If the registration of a ship is suspended or revoked, the owner shall deposit with the Executive Director within two days the Certificate of Registry and the identification plates issued by the Authority.

Speed in harbours etc.

25. No person shall cause, suffer or permit any speedboat, or any other mechanically propelled sea craft, to proceed at a speed in excess of ten knots -

- (a) inside any harbour, or
- (b) in any place within 300 metres of the foreshore of any sandy beach, or
- (c) in any place within 200 metres of any other part of the foreshore:

Provided that a person may be exempted from observing the set speed limit in such area, on such occasions, for such periods and under such conditions as the Minister responsible for ports may determine.

General speed.

26. Saving any other provision of these regulations, no person shall cause, suffer or permit any speedboat or other mechanically propelled sea craft to proceed at a speed which, in the particular circumstances, would be dangerous to life or limb or likely to lead to a collision.

Bathing prohibited.

27. (1) No person shall bathe in any area which is beyond 20 metres of any part of the water's edge in any of the harbours specified in Part II of the Second Schedule to these regulations.

(2) No person shall bathe from any ship moored in the Grand Harbour south-west of a line joining St. Angelo Point and Mgerbeb Point.

(3) Saving the provision of subregulation (2) of this regulation, no person shall bathe beyond 20 metres of any ship moored in the Grand Harbour or in Marsamxett Harbour.

28. (1) No water skiing shall take place within 300 metres of the foreshore of any sandy beach, or within 200 metres of any other part of the foreshore, or in the approach to a port so declared under the provisions of the Act. Prohibition of water skiing within certain areas.

(2) Skiers shall take off at a distance of not less than 300 metres of the foreshore of any sandy beach, or of not less than 200 metres of any other part of the foreshore and clear of any boat, shipping approach to a harbour, slipway, landing or berth.

29. (1) No person shall drive any speedboat, or tow any person for the purpose of water skiing unless he is in possession of a nautical licence issued by the Authority, and is covered by a policy of insurance for an amount to be approved by the Authority which indemnifies such person, persons or classes of persons as may be authorised and covered by the policy against any liability which may be incurred by such persons or classes thereof in respect of physical death or injury or damage to third party property caused by or arising out of the use of the speedboat, or under the specific conditions laid down in regulation 36 of these regulations. Nautical licence.

(2) The Authority shall not issue any such certificate unless the applicant is 18 years old and is competent to drive a speedboat.

(3) The Authority may attach to any such licence any such conditions as it may deem fit.

30. (1) No person may act as an instructor in the driving of a speedboat or in water skiing unless he is in possession of an instructor's nautical licence issued by the Authority. Instructor's nautical licence.

(2) The Authority shall not issue any such nautical licence unless the applicant is 18 years old and is competent to give such instruction

(3) The Authority may attach to any such nautical licence any such condition as it may deem fit.

31. Any nautical licence issued by the Authority under regulation 29 or 30 of these regulations shall bear the licensee's signature and shall contain the licensee's photograph. Form of nautical licence.

Water skiing
schools etc.

32. (1) No person shall run or operate a speedboat driving or a water skiing school, or provide water skiing facilities, or hire speedboats to be driven by the hirer or otherwise, unless he is in possession of a relative licence by the Authority.

(2) The Authority shall not issue any such licence unless the applicant is 18 years old and is capable to give such service or facilities.

(3) The Authority may attach to any such licence any such condition as it may deem fit.

(4) Any licence issued by the Authority under this regulation shall indicate thereon the registration number of the speedboats covered by the licence.

(5) Any such licence shall be displayed in a conspicuous place in the premises used as office by the licensee.

Contents of
application for
licence.

33. An application for any licence under these regulations shall be made on a form supplied for the purpose by the Authority and shall bear such information as the Authority may require.

Revocation of
licence etc.

34. (1) The Authority may at any time without assigning any reason therefor, suspend, cancel or revoke any licence previously granted or renewed by it under these regulations.

(2) The Authority may at any time disallow the use of any speedboat or other sea craft if such boat or craft is considered by it, in its absolute discretion, as not being seaworthy.

Surrender of
licence.

35. Any person whose licence under these regulations has been suspended, cancelled or revoked by the Authority, shall, within 24 hours of such suspension, cancellation or revocation, deliver his licence to the Authority.

Hire of speedboats.

36. (1) No person shall hire or rent to any other person any speedboat for any purpose whatsoever unless the registration number of such speedboat is entered on the hirer's licence.

(2) Any person licensed to hire speedboats in terms of regulation 32 may not lease, hire or rent a speedboat to or for operation by any person under 18 years of age.

(3) Licensed operators must administer boating safety instructions in compliance with existing regulations to all hirers of rental vessels who do not have a valid nautical licence.

(4) In addition, the licensee must supply to any hirer in print, prior to rental –

- (a) the operational characteristics of the hired speedboat;
 - (b) the boating regulations peculiar to the area of rental;
- and
- (c) the common courtesies of operating a speedboat on the water, and the effect on the environment and other water users.

37. The holder of any licence issued under these regulations shall comply with any instructions, orders or directives given from time to time by the Authority or by the Executive Director with regard to – Compliance with orders etc.

- (a) the assurance of the safety of water skiers and of sea craft;
- (b) the avoidance of collision at sea or undue interference with other users of the area;
- (c) generally, the control, limitations, restrictions and safe operation or conduct of water skiing and cruising.

38. No person shall drive or navigate a speedboat at a skiing speed and having on tow a skier unless there is on such speedboat another person, being over 18 years of age, who keeps constant watch on, and observation of, the skier. Observer during cruising.

39. No person may hire any speedboat except from a person licensed under regulation 32 of these regulations. Hire of speedboats.

40. (1) Any person who holds a licence under regulation 32 of these regulations shall keep a register showing the following information:- Register.

- (a) the date, and the time of departure and of arrival, of any speed boat hired from him, and
- (b) the name and the nautical licence number of the driver of the speedboat, or
- (c) the name, address and nautical licence number of the person hiring a speedboat to be driven by the hirer where applicable.

(2) Such hire shall only be made to persons as required under regulation 36.

Information by
owner of
speedboat.

41. The owner of any speedboat shall, if so required, give to any police officer or any officer or employee of the Authority such information as is required by him to lead to the identification of the person who was driving or navigating such speedboat during any particular time.

Abatement or
refund of fees.

42. Fees on initial registration and annual fees shall not be subject, unless the Executive Director directs otherwise, to abatement or refunds.

Penalties.

43. Any person who fails to comply with or contravenes any of the provisions contained in these regulations, or give false information in connection with any declaration required under these regulations, or who, in making an application to the Executive Director under these regulations, gives information which is false or misleading in any particular detail, shall be guilty of an offence under these regulations and shall be liable to the penalties laid down in Part IX of the Act.

Repeals L.N 19 of
1985.

44. The Speed Boats and Water Skiing Regulations, 1985, are hereby repealed.

FIRST SCHEDULE

(Regulation 12)

1. For the Registration of a boat or ship, including pleasure boats:—

(a) where the boat has no engine (exceeding 3.6 metres in length overall)	Lm 25
where the boat has an engine—	
(b) not exceeding 10 H.P.	Lm 25
(c) exceeding 10 H.P. but not exceeding 25 H.P.	Lm200
(d) exceeding 25 H.P. but not exceeding 50 H.P.	Lm250
(e) exceeding 50 H.P. but not exceeding 75 H.P.	Lm300
(f) exceeding 75 H.P. but not exceeding 150 H.P.	Lm325
(g) exceeding 150 H.P.	Lm500

For the purpose of this regulation “pleasure boat” means such craft which, by the nature of their built or construction or use, are considered to be a pleasure boat by the Executive Director.

For the Initial Registration of a boat or ship other than a pleasure boat:—

Fishing boats registered with the Department responsible for fisheries and aquaculture	NIL
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2. For the annual renewal, or as otherwise indicated, of Registration of any boat or ship, including pleasure boats:

(a) where the boat has no engine (exceeding 3.6 metres in length overall), every five years	Lm 15
where the boat has an engine—	
(b) not exceeding 10 H.P., every five years	Lm 15
(c) exceeding 10 H.P. but not exceeding 25 H.P.	Lm 20
(d) exceeding 25 H.P. but not exceeding 50 H.P.	Lm 25

(e) exceeding 50 H.P. but not exceeding 75 H.P.	Lm 35
(f) exceeding 75 H.P. but not exceeding 150 H.P.	Lm 45
(g) exceeding 150 H.P.	Lm 60
3. For the transfer of ownership, change in details or issue of a duplicate certificate.....	Lm 5
(Regulation 29)	
4. For the issue of a nautical licence to drive a speedboat.....	Lm 10
(Regulation 30)	
5. For the issue of a nautical licence to act as a skiing instructor	Lm 30
(Regulation 32)	
6. For the issue of an annual licence to operate a Water-Skiing School or a speedboat hire outlet:-	
(a) to operate water skiing and/or paragliding	Lm 75
(b) to hire mechanically driven seacraft	Lm 75
(c) to hire paddle boats, canoes and other seacraft not mechanically driven.....	Lm 25
7. For the issue of an annual licence for the hire of a speedboat or for the use of a speedboat by a water-skiing school	Lm 5

SECOND SCHEDULE

(Regulation 2)

PART I

Harbours

Malta

1. Grand Harbour
2. Marsamxett Harbour
3. That part of St. Julians Bay to the West of a line drawn from the Hotel Cavalieri to the entrance of College Street, St. Julians
4. St. George's Bay, St. Julians
5. Pretty Bay, Birzebbugia
6. St. George's Bay, Birzebbugia

Gozo

1. Xlendi Bay
2. Marsalforn Bay
3. Mgarr Harbour

PART II

Harbours

1. Grand Harbour
2. Marsamxett Harbour