

Provisions of the Ports Ordinance, 1962 which
are coming into force after the incorporation
of the Pilotage Corps into Government Service

Interpretation

2. In this Ordinance, unless the context otherwise requires -

"animals" means animate things of every kind except human beings;

"approach to a port" means any navigable waters declared to be an approach to a port under section 4 of this Ordinance;

"Board" means, except in Part VII, the Ports Advisory Board established under section 7 of this Ordinance and in Part VII the Pilotage Board established under Section 19 of this Ordinance;

"contractor" means a person acting in pursuance of an agreement entered into with the Superintendent of Ports under sub-paragraph (ii) of paragraph (j) of subsection (1) of section 6 of this Ordinance;

"department" means the Port Division of the Customs and Port Department;

"dues" includes ships' dues and harbour dues;

"goods" includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

"Malta" includes Gozo and Comino;

"master" means, when used in relation to any ship, the person having command or charge of the ship for the time being, but does not include a pilot;

"navigational services" includes the clearing and improving of any port;

"perishable goods" means goods liable to rapid deterioration and includes fish, fruit, vegetables, potatoes, plants, bread, meat, game, butter, eggs, milk, cheese and any other similar thing which the Superintendent of Ports may by notice in the Government Gazette declare to be perishable goods;

"pilot" means a person licensed by the Superintendent of Ports in accordance with the provisions of this Ordinance to pilot ships;

"person" includes a body of persons being a partnership, company or society of persons, whether corporate or un-incorporate and whether vested with legal personality or not;

"port" means a port declared under section 4 of this Ordinance to be a port;

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

"the provisions of this Ordinance" includes the provision of any regulations made under this Ordinance;

"rates" means rates levied by the Superintendent of Ports in accordance with the provisions of section 42 of this Ordinance;

"regulate" includes prohibit;

"ship" includes any ship, vessel, tug, lighter, or boat of any kind whatsoever, whether propelled by mechanical means or otherwise or towed;

"vehicle" means any vehicle, other than a ship;

"warehouse" means transit shed, building, place, wagon, ship or vehicle when used by the Superintendent of Ports or a contractor, as the case may be, for the purpose of warehousing or depositing goods in accordance with the provisions of this Ordinance.

PART VII
PILOTAGE

Compulsory
Pilotage Ports

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

Provided that where an excepted ship -

- (a) has not taken a berth assigned to her by the Superintendent of Ports and in the opinion of the Superintendent of Ports is foul of or 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 Superintendent of Ports 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 Superintendent of Ports may direct that such berthing or unberthing shall be carried out under direction of a pilot.

(2) For the purposes of this section, 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) pleasure yachts and fishing vessels;
- (d) ships of less than five hundred tons gross register calculated in accordance with the rules for the time being in force for the measurement of ships under the Acts of the United Kingdom Parliament entitled Merchant Shipping Acts;
- (e) ships trading exclusively between ports of 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 stress of weather.

(3) The Superintendent of Ports may exempt from compulsory pilotage any ship in any particular

case.

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

Licensing of pilots.

18. (1) The Superintendent of Ports may license pilots for the purpose of conducting ships within the waters of Malta:

Provided that no person shall be licensed as a pilot unless he shall have -

- (a) passed such qualifying examinations as may be prescribed;
- (b) been appointed as pilot in the department 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 provided for in paragraph (b) as may be prescribed; and
- (d) been confirmed in his appointment as pilot in the department.

(2) The licence shall indicate the limits within which the licensee is qualified to act.

(3) Nothing in this section shall extend to any person employed as an Admiralty pilot.

Pilotage Board

19. (1) There shall be established a Board, to be called the Pilotage Board, which shall exercise and perform the functions assigned to it by this Part of this Ordinance.

(2) The Board shall consist of a Chairman and such other members as the Governor may appoint:

Provided that not less than three members shall be persons of nautical or pilotage experience.

- (3) It shall be the duty of the Board to -
- (a) conduct examinations in connection with the licensing of pilots and appoint panels of examiners for the purpose;
 - (b) advise the Superintendent of Ports in respect of any misconduct by any pilot under this Ordinance;
 - (c) advise the Superintendent of Ports on any matter he may refer to it.

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Licensing of pilots not to involve any liability

20. The grant or renewal of a licence to a pilot by the Superintendent of Ports in accordance with the provisions of this Ordinance does not

impose any liability on the Superintendent of Ports or the Government of Malta for any loss or damage occasioned by any act or default of the pilot, whether the employment of a pilot is compulsory or otherwise.

Suspension or revocation of a pilot's licence

21. A pilot's licence shall be automatically cancelled when his appointment in the department is terminated for any reason whatsoever.

Declaration as to draught of ship

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

Licensed pilot to produce licence to employer

23. 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.

Liability of owner or master in case of compulsory pilotage

24. 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.

Regulations by Governor

25. The Governor may make regulations for all or any of the following purposes -

- (a) determining the qualifications to be required from persons seeking appointment as pilots in the department and providing for the examination of such persons, and fixing the term for which a licence is to be in force and the conditions under which a licence may be renewed;
- (b) providing for the manner in which and the conditions under which pilots are to perform their duties in accordance with the provisions of this Ordinance;
- (c) determining the circumstances in which and the conditions under which, notwithstanding that the provisions of subsection (1) of section 17 have been complied with and not-

by a headline, or to pull or tow on a long wire or towline, or where a tug or tugs not being Admiralty tugs are engaged.

(2) Admiralty Tug Masters may act as pilots on ships other than Admiralty ships in the circumstances specified in sub-paragraphs (a), (b) and (c) of paragraph (1) of this regulation.

Use of pilot flag

10. No person, not being a pilot afloat and on duty, shall hoist or display a pilot flag within the limits of or approaches to a port and no master of any ship or the person in charge of any tug, launch or other craft shall allow such flag to be so displayed except by a pilot.

Penalties

11. Any person who contravenes or fails to comply with the provisions of regulation 8 or 10 shall be guilty of an offence and liable on conviction to a fine (multa) not exceeding fifty pounds.