

SUBSIDIARY LEGISLATION 499.38**BERTHAGE AND ANCHORAGE DUES
REGULATIONS**

1st October, 2005

*LEGAL NOTICE 174 of 2005, as amended by Legal Notice 425 of 2007;
Act XV of 2009; and Legal Notice 228 of 2010.*

1. The title of these regulations is the Berthage and Anchorage Dues Regulations.

Citation.
Amended by:
L.N. 228 of 2010.

2. In these regulations, unless the context otherwise requires:

Definitions.
Amended by:
XV. 2009.49;
L.N. 228 of 2010.
Cap. 499.

"the Act" means the Authority for Transport in Malta Act;

"anchorage zones" means those zones within the ports, internal waters or territorial waters of Malta designated by the Authority wherein vessels are allowed to anchor in order to receive any service from Malta, and includes stopping zones;

"Authority" means the Authority for Transport in Malta as established by the Act;

"berth" shall have the same meaning as that assigned to "quay" in the Ports Regulations;

S.L. 499.01

"internal waters" shall have the same meaning as that assigned to it in the Act;

"length overall of a vessel (LOA)" means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

"operation" means any purpose of call of a vessel at a berth or anchored in an anchorage zone, and it includes cargo handling, passenger operations, bunkering, ship handling, victualling, repairs and crew changes;

"port" shall have the same meaning as that assigned to it in the Act;

"territorial waters" shall have the same meaning as that assigned to it in the Act;

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

3. Every vessel at a berth or anchored in an anchorage zone which are under the control or management of, or are being operated by the Authority, within a port, the internal waters or the territorial waters, shall be subject to berthage or anchorage dues as specified in the Schedule:

Berthage and anchorage dues.
Substituted by:
L.N. 228 of 2010.

Provided that such berthage or anchorage dues shall not apply to:

(a) a vessel that is charged a due, for the use of a berth or

an anchorage zone, in terms of other legislative provisions or arrangements and agreements concluded and approved by the Authority; and

- (b) a vessel belonging to a foreign Government, provided it does not engage in trade or commerce.

Documents to be produced.

4. Any person who is liable for the payment of the dues specified in the Schedule shall produce to the Authority any documents which it may require to ascertain the amount of dues payable.

Change of agent of a vessel.

5. A change in the agent of a vessel shall be notified in writing to the Authority by both the former and by the new agent of the vessel immediately such change is registered. In the absence of such notification, the initial agent of the vessel shall be liable for payment of any dues which in terms of these regulations accrue in respect of the vessel for the whole duration of its stay in Malta.

Transitory period.

6. Vessels which have been in a port or in the internal or territorial waters prior to the date on which these regulations come into force, shall be deemed to have arrived in such waters on the said date and the dues specified in these regulations shall be paid in respect of such vessels as from such date.

Special agreements.

7. Notwithstanding the provisions of these regulations, the Authority may enter into any special agreement or arrangement in respect of any matter referred to in these regulations in place of any dues leviable under these regulations

Exemption from dues.

*Amended by:
XV. 2009.49.
Substituted by:
L.N. 228 of 2010.*

8. The Authority may exempt any vessel from the payment of berthage or anchorage dues subject to any condition which it may deem fit to impose.

SCHEDULE
(Regulation 3)

*Amended by:
L.N. 425 of 2007;
XV. 2009.49.
Substituted by:
L.N. 228 of 2010.*

1. Every vessel at a berth or anchored in an anchorage zone under the control and management of the Authority shall be subject to berthage or anchorage dues for every period of 24 hours and part thereof as follows:

	Berthage Dues	Anchorage Dues as from 1st May 2010	Anchorage Dues as from 1st May 2011
LOA less than 80 metres	€ 80	€110	€160
LOA between 80 metres and 200 metres	€115	€160	€230
LOA over 200 metres	€175	€245	€350

2. The Authority may levy dues at an increased rate, varying between 200% and 500% of the dues specified in paragraph 1, if, in its opinion, the master, owner, or agent of the vessel, without a reasonable justification:

- (a) postpones the commencement of an operation after the arrival of the vessel at a berth or after anchoring in an anchorage zone; or
- (b) leaves the vessel idle at berth or anchored in an anchorage zone for a period of time without carrying out any operation, even after an operation has commenced and has subsequently been suspended; or
- (c) delays the sailing of the vessel from a berth or from an anchorage zone after the completion of an operation; or
- (d) fails to carry out a direction by the Authority to vacate a berth or from the anchorage zone within a period of time established by the Authority in a written notice; or
- (e) leaves a vessel at a berth or anchored in an anchorage zone for a longer period than that established by a written agreement entered into with the Authority.

3. When a vessel is ordered by the Authority to shift from one berth to another, the length of stay shall be calculated as though the vessel had been at berth for the whole duration.

4. When a vessel is ordered by the Authority to shift from one anchorage zone to another, the length of stay shall be calculated as though the vessel had been in the same anchorage zone for the whole duration.

5. When a vessel is ordered by the Authority to shift from a berth to an anchorage zone, the length of stay shall be calculated as follows:

- (a) for the period during which the vessel is at berth including the time take to shift from the berth to the anchorage zone, berthage dues shall be charged; and
- (b) for the period during which the vessel is anchored in the anchorage zone, anchorage dues shall be charged.

6. When a vessel is ordered by the Authority to shift from an anchorage zone to a berth, the length of stay shall be calculated as follows:

- (a) for the period during which the vessel is anchored in the anchorage zone including the time taken to shift from the anchorage zone to the berth, anchorage dues shall be charged; and
 - (b) for the period during which the vessel is at berth, berthage dues shall be charged.
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