

MEMORANDUM FOR CABINET BY THE MINISTER OF
INDUSTRIAL DEVELOPMENT AND TOURISM

Yachting Centre

It has become necessary to provide for the proper running and control of the Yachting Centre. For this purpose it is considered advisable, inter alia, that the Yachting Centre should impose a scale of charges on yachts using the Marina.

2. Under the Present Port Dues Ordinance (Cap. 160) and also under the Ports Ordinance, 1962, private yachts are specifically exempted from the payment of port charges.

3. The possibility of levying charges on yachts at the Marina was discussed with the Crown Advocate General's Chambers and, in view of the specific exemptions referred to above, it was agreed that it would be necessary to pass an amendment of the relevant ordinance through the House of Representatives before any charges can be legally levied.

4. The Crown Advocate General has prepared the enclosed legislation amending the Port Dues Ordinance, which amendment is also acceptable to the Superintendent of Ports. The object of the Bill, entitled "An Act to amend the Port Dues Ordinance, Cap. 160", is to empower the Minister responsible for ports to prescribe fees, including booking fees, to be paid by yachting and any other vessels berthing or mooring in that part of a harbour or bay reserved for yachts and to prescribe the conditions which are to govern such berthing or mooring.

5. Hon. Ministers are invited to agree that the amending law above referred to be submitted to the House of Representatives for approval.

25th August, 1965.

A BILL
entitled

AN ACT to amend the Port Dues Ordinance,
Cap. 160.

BE IT ENACTED by the Queen's most
Excellent Majesty, by and with the advice and
consent of the House of Representatives of
Malta, in this present Parliament assembled,
and by the authority of the same, as follows:-

Short title.

1. This Act may be cited as the Port Dues
(Amendment) Act, 1965 and shall be read and
construed as one with the Port Dues Ordinance,
hereinafter referred to as "the principal law".

Amendment of
Section 2 of the
principal law.

2. In section 2 of the principal law
immediately after the definition of "auxiliary
vessel" there shall be inserted the following:-

"yachting centre" means such part of
any harbour or bay of these Islands as the
Minister responsible for ports may prescribe by
regulations."

"yacht" means registered sea going
vessel not below 10 gross registered tons used
solely for pleasure purposes."

Amendment of
Section 5 of the
principal law.

3. In section 5 of the principal law for the
words from "on the demand" to "arrival of the
vessel" there shall be substituted the words "on
the demand of the Superintendent of Ports at any
time after the arrival of the vessel".

Amendment of
Section 7 of the
principal law.

4. Section 7 of the principal law shall be
amended as follows:-

- (a) for the words "The provisions of this
Ordinance" there shall be substituted the
words "The foregoing provisions of this
Ordinance";
- (b) in paragraph (c) thereof after the words
"private yachts" there shall be inserted
the words "and also any other vessel
allowed to berth or moor in a yachting
centre".

Insertion of
new section in
the principal
law.

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5. Immediately after section 7 of the principal law there shall be inserted the following new sections:-

"Minister's
power to
make
regulations.

8. The Minister responsible for ports may by regulations -

- (a) prescribe any part of any harbour or bay of these Islands to be a yachting centre, by specifying and describing the area in which such centre is situated;
- (b) prescribe fees, including booking fees, to be paid on the demand of the Superintendent of Ports by private yachts or any other vessels allowed to berth or moor in a yachting centre; and
- (c) prescribe the terms under which the berthing or mooring in a yachting centre of private yachts or any other vessels is to be deemed to have taken place.
- (d) prescribe fees and conditions in respect of any work or services which may be performed or provided by the Superintendent of Ports to the advantage of private yachts or any other vessel allowed to berth or moor in a yachting centre."

"Persons
liable for
payment of
dues and
fees.

9. (1) The following persons shall be liable for the payment of such dues and fees as may be levied in accordance with the provisions of this Ordinance or of any regulations made thereunder:-

- (a) the master, the owner or charterer of the vessel or private yacht; or

(b) /

(b) the agent of the vessel or private yacht who shall have paid or made himself liable to pay any charge on account of such vessel or private yacht.

(2) The Superintendent of Ports may claim payment from any of the said persons".

Objects and Reasons

The object of this Bill is to empower the Minister responsible for ports to prescribe fees, including booking fees, to be paid by yachts and any other vessels berthing or mooring in that part of a harbour or bay reserved for yachts and to prescribe the conditions which are to govern such berthing or mooring.