

**SUBSIDIARY LEGISLATION 352.10****YACHTING CENTRES REGULATIONS**

1st August, 1992

*LEGAL NOTICE 71 of 1992, as amended by Legal Notices 100 of 1992, 182 of 1993 and 204 of 1997.*

1. The title of these regulations is the Yachting Centres Regulations. Citation.

2. In these regulations, unless the context otherwise requires - Definitions.

"Executive Director" means the Executive Director responsible for yachting centres, and includes any person authorised by him in writing to act on his behalf;

"facilities", in reference to a yachting centre, means any buoys, moorings, wharves, jetties, piers, pontoons, boats and any fittings or appurtenances connected therewith and any property movable or immovable provided at a yachting centre;

"master" includes the owner-master of a yacht and any person for the time being in charge of a yacht;

"serviced quay" means a quay where water, electricity and telephone services are available;

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

"yachting centre" means such part of a port as is declared to be a yachting centre under regulation 3.

3. The following areas shall be yachting centres:

(a) Ta' Xbiex Yachting Centre: the quay walls and sea area at Lazzaretto Greek within Marsamxetto Harbour west of the following co-ordinates:

Lat 35° 54' .22 N (Manoel Island)

Long 14° 30' .08 E

Lat 35° 54' .17 N (Lazzaretto Creek)

Long 14° 30' .03 E

Lat 35° 54' .08 N (Ta' Xbiex)

Long 14° 30' .06 E

and east of the following co-ordinates:

Lat 35° 54' .90 N

Long 14° .29' 78 E (Gzira)

Lat 35° 54' .12 N

Long 14° .29' .92 E;

(b) Msida Yachting Centre: the quay walls, pontoons and sea area at Msida Creek within Marsamxett Harbour West of following co-ordinates:

Yachting centres.  
Amended by:  
L.N. 182 of 1993.

- Lat 35° 53' .91 N (Msida Point at Ta' Xbiex)  
 Long 14° 30' .05 E  
 Lat 35° 53' .84 N (Pietà Creek)  
 Long 14° 30' .05 E  
 and North of the following co-ordinates:  
 Lat 35° 53' .84 N (Pietà Point)  
 Long 14° 29' .89 E  
 Lat 35° 53' .84 N (Pietà Creek)  
 Long 14° 30' .05 E
- (c) Sliema Yachting Centre: the North-East part of Sliema Creek within Marsamxetto Harbour with quay walls between the following two co-ordinated positions and the sea area sixty metres therefrom:  
 Lat 35° 54' .58 N (Sliema)  
 Long 14° 30' .38 E  
 Lat 35° 54' 48 N (Tigné)  
 Long 14° 30' 58 E
- (d) Mġarr Yachting Centre, Gozo: the quay walls, pontoons and sea area at Mġarr Harbour in Gozo enclosed within the following co-ordinates:  
 Lat 36° 01' .63 N (North Break Water)  
 Long 14° 18' .15 E  
 Lat 36° 01' .64 N (Mġarr Harbour)  
 Long 14° 18' .02 E  
 Lat 36° 01' .53 N (Mġarr Harbour)  
 Long 14° 17' .90 E  
 Lat 36° 01' .52 N (Landing place)  
 Long 14° 17' .92 E
- (e) Vittoriosa Yachting Centre: the quay wall at Vittoriosa Wharf and sea area between the following co-ordinates:
- |   | Latitude        | Longitude        |
|---|-----------------|------------------|
| A | 35 deg 53'.30 N | 14 deg 31'.25 E  |
| B | 35 deg 53'.31 N | 14 deg 31'.28 E  |
| C | 35 deg 53'.48 N | 14 deg 31'.13 E  |
| D | 35 deg 53'.50 N | 14 deg 31'.19 E. |
- All the positions mentioned above are on a European Datum.

Yachts in a yachting centre are subject to regulations.

**4.** Yachts berthing and using the facilities of a yachting centre shall do so in accordance with the provisions of these regulations.

5. No vessel other than a yacht may berth at or use the facilities of a yachting centre unless specially authorised so to do by the Executive Director and, in any such case, the provisions of these regulations shall apply to any such vessel as though it were a yacht. Vessels permitted to use a yachting centre.
6. (1) Yachts shall berth or moor or shift berth at a yachting centre as, where and when directed by the Executive Director. Yachts to berth as directed.
- (2) The master of a yacht shall be responsible to ensure that the yacht is safely moored in a proper manner at all times when berthed or moored at a yachting centre.
- (3) In the absence of the master of a yacht, the Executive Director shall have the right to adjust or alter its position or to remove it to any other berth or mooring, at the risk and expense of the owner of the yacht.
7. No yacht shall be moved from one berth to another within a yachting centre without the prior authorisation of the Executive Director. Moving from berth to berth to be authorised.
8. A yacht relinquishing its berth for a time in excess of twenty-four hours shall forfeit the right to that berth unless the Executive Director, upon prior notice of absence from a yachting centre, otherwise directs. Absence from yachting centre for a time in excess of twenty-four hours.
9. The owner and the master of a yacht shall at all times be responsible for the safety of the yacht and they shall be liable *in solidum* for any damage caused by the yacht to a yachting centre or its facilities. Responsibility and liability of owners, masters, etc.
10. No person shall discharge or allow to escape any oil, garbage or other refuse into the waters of a yachting centre. Refuse.
11. No person shall deposit on the quay any craft, stores, supplies or other material, or in any way obstruct the quay or its approaches: Quays not to be obstructed.
- Provided that the Executive Director may, in his discretion, allow that craft, stores and supplies to yachts be kept on a quay for a limited period of time subject at the payment of a fee specified in the Schedule for crafts so authorised to be kept on a quay:
- Provided further that the owners of any craft that is deposited on the quay without the authority of the Executive Director will automatically become subject to the payment of five liri for every running metre or part thereof of overall length for every week or part thereof without prejudice to any other action which may be taken in terms of the provisions of these regulations.
12. Tenders may be left in the water or pulled ashore but only in such manner as the Executive Director, at his discretion, may direct: Tenders.
- Provided that tenders shall not obstruct the right of way to or from on a quay or pontoon, or constitute in any way a source of

	danger.
Sunken craft to be removed by owner.	<p><b>13.</b> Any craft or other object which may sink at a yachting centre shall be removed by the owner:</p> <p>Provided that, if the owner fails to remove any such craft or other object within a time considered reasonable by the Executive Director, the Executive Director may remove it at the owner's risk and expense.</p>
Use of engines.	<p><b>14.</b> Unless with the permission of the Executive Director, or for the purpose of entering or leaving a yachting centre, no auxiliary or main engine may be used except between 0800 hours and 1300 hours and between 1600 hours and 1930 hours:</p> <p>Provided that the Executive Director may, in his discretion, prohibit in any particular case the use of any such engine at any time for any purpose whatsoever.</p>
Speed limit within yachting centre. S.L.352.15	<p><b>15.</b> Notwithstanding the provisions of regulation 25 of the Small Ships Regulations, no person shall cause or permit any craft to proceed at a speed in excess of five knots within a yachting centre.</p>
Notification of departure.	<p><b>16.</b> Owners and masters of yachts in respect of which any fees, charges or rates are due shall notify the Executive Director of their departure intention to leave the yachting centre not later than twenty-four hours before the expected time of departure:</p> <p>Provided that such notice shall not be deemed to have satisfied the provisions of any other law or regulation relating to the clearance outwards of vessels.</p>
Executive Director not responsible for loss or damage to yachts.	<p><b>17.</b> The Executive Director shall not be liable in respect of loss of, or damage to, any yacht, its furniture, stores, machinery or equipment occurring for any cause whatsoever while at a yachting centre.</p>
Reservations.	<p><b>18.</b> (1) Berthing or mooring space in a yachting centre may be reserved by the Executive Director for any yacht at the request of its owner or master and upon the payment of a booking fee equivalent to one week's berthing fees. Such a fee shall not be reimbursed under any circumstances.</p> <p>(2) Where any such space is not taken up by the yacht for which it was reserved within seven days of the date from which the reservation was to take effect, the Executive Director may reallocate it to other yachts:</p> <p>Provided that, in any case of proved <i>force majeure</i>, the Executive Director may, in his discretion, extend the said period of seven days as he will deem proper.</p>
Charge of yachts.	<p><b>19.</b> Yachts shall at all times be under the charge of a master or of any other person or persons duly authorised to assume full responsibility for the yacht:</p> <p>Provided that the owner or the master, as the case may be,</p>

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of any yacht shall submit to the Executive Director the name and address in Malta of the person or persons authorised to take charge of the yacht before charge is taken by any such person or persons.

**20.** There shall be paid in advance to the Executive Director in respect of each yacht berthing or mooring in a yachting centre a fee as specified in the Schedule. Berthing fee.

**21.** Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred liri or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and, in the case of a continuing offence, he shall moreover be liable to an additional fine of not more than five liri for each day during which such contravention continues. Penalties.

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Amended by:  
L.N. 100 of 1992;  
L.N. 204 of 1997.

SCHEDULE  
Regulations 11 and 20

1. Fees payable for craft duly authorised to be kept on quays for every running metre or part thereof of overall length, for every week or part thereof:

- (a) for the first three weeks - Lm1  
(b) thereafter until removed - Lm5

2. Fees payable for berthing or mooring in a yachting centre in respect of any yacht for such a period as shown under the respective column:

SIZE		ANNUAL	SUMMER	WINTER	SUMMER MONTHLY	WINTER MONTHLY	SUMMER F/ NIGHTLY	WINTER F/ NIGHTLY	SUMMER WEEKLY	WINTER WEEKLY	SUMMER DAILY	WINTER DAILY
RUNNING METER	Lm	Lm	Lm	Lm	Lm	Lm	Lm	Lm	Lm	Lm	Lm	Lm
A	<8	324	258	207	63	50	42	34	25	21	4.00	3.25
B	>8-9	388	293	236	71	57	46	37	29	23	4.50	3.75
C	>9-10	428	323	259	78	63	52	42	32	26	5.25	4.25
D	>10-12	512	387	310	94	75	63	50	39	31	6.25	5.00
E	>12-14	604	456	366	110	88	73	58	46	37	7.50	6.00
F	>14-16	706	534	428	130	104	86	68	53	43	9.25	7.50
G	>16-18	832	629	504	152	122	102	81	64	51	11.00	8.75
H	>18	42	32	25	7.50	6	5	4	3.20	2.50	0.75	0.60

per metre

Notes

(A) Category 1 - Duty paid or built in Malta - subject to 25% discount

Category 2 - Registered in Malta - subject to 15% discount

Category 3 - Other

(B) Yachts sizes A to G will be berthed on pontoons. Berthing fees include water and electricity charges.

(C) Yachts of size H will be berthed on quays where water and electricity charges will be paid separately. The rates shown above for size H are charged per running metre or part thereof.

(D) Where a yacht of size A to G is berthed on metred quays, a reduction of 7c per metre per week will be allowed.

(E) A 30% surcharge will be levied on yachts that are "lived upon" on pontoon berths on an annual, summer or winter contract.

(F) The winter contract covers the period from 1 October to 30 April whilst the summer contract covers the period from 1 May to 30 September.

(G) Unserviced Quays are subject to 30% discount.

(H) Multihulled craft pay one and a half times the normal rates (150%).

3. Annual berthing fees applicable to craft registered as full-time or part-time fishermen or small sport boats when berthed on unserviced pontoons, quays or mooring chains within a yachting centre:

Class	Beam	Full-time Fishermen on Pontoons	Part-time Fishermen Sport Boats on Pontoons
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		Lm	Lm
A	up to 1.52m	5	5
B	1.53m to 1.85m	7	5
C	1.86m to 2.44m	9	10
D	2.45m to 3.05m	11	20
E	3.06m to 3.96m	13	30
F	3.97m to 4.88m	15	40

A nominal sum of Lm5 is payable when berthed on quays or mooring chains.

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