# SUBSIDIARY LEGISLATION 499.49

## TOWAGE (TARIFF OF RATES) REGULATIONS

13th August, 2007

*LEGAL NOTICE 208 of 2007, as amended by Legal Notices 425 of 2007, 143 of 2008, 373 of 2010 and 217 of 2012.*

Citation.

**1.** The title of these regulations is the Towage (Tariff of Rates) Regulations.

Tariff of rates.

**2.** The charges for tug assistance to vessels entering, leaving or shifting in ports, including Grand Harbour, Marsamxett Harbour or Marsaxlokk Harbour, shall be at the rates specified in the Schedule.

Computation of time.

**3.** (1) The time for which the rates are applicable in accordance with the Schedule shall start running either from the time the tug is ordered to commence work or from the time of leaving berth, whichever is the earlier, and the time of completion shall be that when the tug reaches berth.

(2) Subject to the provisions of subregulation (1), the time spent by the tug proceeding from berth to vessel to commence operations or from vessel following the end of operation to berth shall be calculated on the basis of a set rate irrespective of the actual time taken, if the service is provided within -

(*a*) Grand Harbour, at 20 minutes;

(*b*) Marsamxett Harbour, at 30 minutes;

(*c*) Marsaxlokk Harbour, at 20 minutes;

(*d*) Grand Harbour or Marsaxlokk Harbour, if the tug or tugs are based at the other harbour, within 60 minutes;

(*e*) other ports, actual time from berth to berth.

Ordering of tugs.

**4.** The ordering of tugs shall take place as follows:

(*a*) for movements that can be carried out by the tugs continuously manned in Grand Harbour and at Marsaxlokk, the order shall be placed at least three hours before the commencement of the operations:

Provided that when additional tugs are required over and above the tugs continuously manned in that Harbour, the order for the additional tugs so required shall be placed at least four hours before the commencement of the operation;

(*b*) if orders for tugs are not placed in accordance with the provisions of paragraph (*a*), tug assistance shall be rendered subject to the other provisions of these regulations and to note (1) and note (7) of the Schedule.

Exemption from towage.

**5.** The Malta Maritime Authority may exempt from towage any ship in any particular case.

Cancellation of order for a tug.

**6.** (1) No charge shall be made in the case of tugs continuously manned in that Harbour if an order for the service of a tug is cancelled and notice of such cancellation is given at least one hour before the time such service was due to commence:

Provided that in the case of additional tugs being used over and above the tugs continuously manned in that Harbour, the notice of such cancellation shall be of at least four hours.

(2) If the notice of cancellation is not given as provided in sub-regulation (1) , there shall be charged the minimum rate of one hour as specified in Column 2 or Column 3 of the Schedule, depending on the time and day when the service was due to commence.

SCHEDULE
(Regulation 2)

*Substituted by:*
*L.N. 425 of 2007;*
*L.N. 143 of 2008.*
*Amended by:*
*L.N. 373 of 2010.*
*Substituted by:*
*L.N. 217 of 2012.*

Rates per tug per hour or part thereof

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| | Normal Rates (Vide Note 2) | Rates applicable between 1800 hours of one day and 0600 hours of the next following day and at any time on Saturdays, Sundays and Public Holidays. (Vide Note 3) |
| | € | € |
| For vessels up to 3,000 gross tons (gt) | 290 | 395 |
| For vessels of gross tons (gt) between | | |
| 3,001 and 6,000 | 365 | 520 |
| 6,001 and 10,000 | 460 | 660 |
| 10,001 and 13,000 | 550 | 795 |
| 13,001 and 16,000 | 640 | 930 |
| 16,001 and 20,000 | 780 | 1,130 |
| 20,001 and 24,000 | 900 | 1,315 |
| 24,001 and 35,000 | 1,025 | 1,495 |
| 35,001 and 45,000 | 1,115 | 1,635 |
| 45,001 and 60,000 | 1,225 | 1,805 |
| 60,001 and 80,000 | 1,360 | 2,010 |
| 80,001 and 100,000 | 1,495 | 2,215 |
| 100,001 and 150,000 | 1,610 | 2,370 |
| 150,001 and 200,000 | 1,760 | 2,600 |
| For vessels exceeding 200,000 gross tons (gt) | 1,910 | 2,830 |

Notes:

(1) Subject to availability of the number of continuously manned tugs based at Grand Harbour and Marsaxlokk respectively and subject to the prioritisation of shipping movements in ports, towage services shall be delivered within one hour's notification of actual commencement of the operation.

(2) Normal rates in accordance with the charges computed under Column 2 shall apply on normal working days - Monday to Friday - between 0600 hours and 1800 hours, excluding public holidays:

Provided that when additional tugs are required over and above the tugs continuously manned in the Grand Harbour or Marsaxlokk respectively, the charges for the additional tugs required shall be computed at the rates under Column 3 or the charges computed at the rates under Column 2 increased by €350 per tug, whichever

is the greater.

(3) For services between 1800 hours of one day and 0600 hours of the next following day or at any time on a Saturday, Sunday or public holiday, there shall be applicable either the charges computed at the rates under Column 3 or the charges computed at the rates under Column 2 increased by €690 per tug, whichever is the greater.

(4) Subject to the provisions of regulation 6, the minimum charge shall in no case be less than the rate calculated for two hours.

(5) Subject to the provisions of regulation 2, the rates payable for the assistance of vessels with 50% and over transhipment cargo calling at the Malta Freeport facilities at Marsaxlokk and for vessels calling at Marsaxlokk in connection with oil blending and storage operations for transhipment or re-export purposes only, shall be calculated at a minimum rate of one hour or, if in excess of one hour, the actual time of operation to the nearest quarter of an hour.

(6) The rates payable for the assistance of disabled vessels shall be increased by fifty per centum, subject to a minimum of €1,375 per tug for vessels up to 3,000 gross tons (gt) and subject to a minimum of €2,290 per tug for vessels exceeding 3,000 gross tons (gt):

Provided that this additional charge shall not apply to non self-propelled barges and other vessels, both under forty-five (45) metres in length.

"Disabled vessel" means any vessel which because of some circumstances is unable to manoeuvre safely and under its own control and includes:

- vessels arriving off Malta or leaving Malta on tow;
- vessels with engine breakdown (partial or otherwise), including loss of power or engines, regardless of percentage loss and including cases where only one of a number of engines are operational;
- vessels with rudder trouble (partial or otherwise), including rudder locked in a particular position;
- vessels with loss of steering abilities, regardless of limitations;
- vessels with generator failure;
- vessels with any other defect which affects the capability of the vessel when manoeuvring, including loss of propeller;
- cold moves or dead ships;
- oil rigs and other craft/floating objects not of a normal design of a ship.

This applies to any tug assistance to such vessels/crafts entering, shifting or leaving the Maltese Harbours, and within Malta's territorial limits.

Provided that the definition of "disabled vessel" shall not apply to breakdowns or defects of a temporary nature which occur during the performance of a normal towage operation, when such breakdown or defect lasts for 30 minutes or less.

(7) Subject to the provisions of regulation 4, when an additional tug is ordered for service, over and above the tugs continuously manned in the Grand Harbour or Marsaxlokk respectively, at any time, without being given at least four hours notice, an extra charge of €460 per tug shall be made.

(8) A fuel surcharge (BAF) shall be applied to cover fluctuations in the international price of oil. The surcharge based on the price of gas oil shall be calculated as a percentage on the normal rates charged for the service in accordance

with Column 2 and shall be revised periodically to reflect fluctuations in oil prices, as published or announced from time to time by the competent authority responsible for the publication of the official fuel price notifications. The fuel surcharge will be charged over and above the normal rates included in the invoiced price of each operation, and will not be subject to any rebates.

(9) The rates applicable for a vessel (including any type of craft or floating object) whose breadth moulded is in excess of 25% of its length overall, shall be increased by one hundred per centum (100%).

(10) "Gross tonnage (gt)" is calculated in accordance with the International Convention on Tonnage Measurements of Ships 1969 which became mandatory for all vessels in July 1994: provided that when the official Gross Tonnage Certificate of a vessel has not been issued and, or cannot be determined by a competent authority in accordance with the provisions of the relative Convention, the rate per tug per hour shall be determined by the length overall of the vessel on the basis of the gross tonnage of such vessels of the same or similar length overall.