

## A.L. 153 ta' l-2004

**ATT DWAR SERVIZZI TA' L-IVVJAĠĠAR U  
TAT-TURIŻMU GĦAL MALTA  
(KAP. 409)**

**Regolamenti ta' l-2004 dwar Provdituri tas-Servizz ta'  
l-Ghads Rikreattiv.**

BIS-SAHHA tas-setghat mogħtija bl-artikolu 47 ta' l-Att dwar Servizzi ta' l-Ivvjaġġar u tat-Turiżmu għal Malta, il-Ministru tat-Turiżmu u Kultura, fuq ir-rakkomandazzjoni ta' l-Awtorità tat-Turiżmu ta' Malta, għamel ir-regolamenti li ġejjin:-

**1.** (1) It-titolu ta' dawn ir-regolamenti hu **Regolamenti ta' l-2004 dwar Provdituri tas-Servizz ta' l-Ghads Rikreattiv.** Titolu u skop.

(2) Dawn ir-regolamenti għandhom japplikaw għal kull persuna, korp jew organizzazzjoni, li joffru servizz ta' l-ghads rikreattiv għall-pubbliku jew għall-membri tagħhom.

(3) Il-provdiment tas-Servizzi ta' l-Ghads Rikreattiv għandu jiġi kkunsidrat bħala operazzjoni turistika skond l-Att u għaldaqstant għandu jkun soġġett għall-provdimenti ta' l-Att u tar-regolamenti relattivi kollha mahruġa tahtu.

**2.** F' dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra :- Tifsir.

“l-Att” tfisser l-Att dwar Servizzi ta' l-Ivvjaġġar u tat-Turiżmu għal Malta; Kap 409.

“l-Assoċjazzjoni” tfisser kull għaqda ta' persuni kostitwita kif support, li skond l-opinjoni tal-Ministru tirrappreżenta l-aħjar l-għarfien, l-interessi u l-opinjoni jiet ta' l-industrija ta' l-ghads f' Malta;

“l-Awtorità” tfisser l-Awtorità tat-Turiżmu ta' Malta;

“BSAC” tfisser British Sub Aqua Club;

“ċentru ta’ l-ghads” tfisser il-post minn fejn kull persuna jew entita toffri servizzi ta’ l-ghads rikreattiv lill-klijenti u, jew lill-membri;

“CMAS” tfisser il-Konfederazzjoni Mondjali ta’ l-Attivitajiet ta’ l-Ghads;

“direttur ta’ l-ghads” tfisser għalliem ta’ l-ghads li jmexxi s-servizzi ta’ l-ghads f’ċentru ta’ l-ghads u li huwa tali rikonoxxut mill-Awtorita;

“gass tan-nifs” tfisser tahlita ta’ gassijiet inertji flimkien ma’ porzjon ta’ ossiġnu li jipproduċi pressjoni li ma teċċediex 1.6 Bar fil-massimu tal-fond operattiv;

“ghaddas indipendenti” tfisser persuna li tkun lestiet b’mod sodisfaċenti kors t’organizzazzjoni ta’ taħriġ rikonoxxut għal ghaddas indipendenti, liema kors huwa rikonoxxut mill-Awtorita;

“ghads immexxi” tfisser għadsa organizzata fejn il-persuni huma akkumpanjati wkoll taħt l-ilma minn għalliem ta’ l-ghads jew kap ta’ l-ghads;

“ghadsa organizzata” tfisser servizz, fejn persuni b’minimu ta’ grad ta’ ghaddasa indipendenti huma mehuda f’post ta’ l-ghads u jipparteċipaw f’ghads rikreattiv;

“għalliem ta’ l-ghads” tfisser persuna li tkun lestiet b’mod sodisfaċenti, kors ta’ organizzazzjoni ta’ taħriġ rikonoxxut għal għalliem ta’ l-ghads, liema kors huwa rikonoxxut mill-Awtorita;

“ilma fil-miftuh” tfisser ammont ta’ ilma sinifikament akbar minn pixxina li joffri kondizzjonijiet bħall-baħar lokali;

“ilmijiet konfinati” tfisser pixxina b’fond massimu ta’ erba’ metri jew ammont ta’ ilma li joffru l-istess kondizzjonijiet simili;

“kap ta’ l-ghads” tfisser persuna li tkun lestiet b’mod sodisfaċenti, kors ta’ organizzazzjoni ta’ taħriġ għal kap ta’ l-ghads, liema kors huwa rikonoxxut mill-Awtorita;

“klijent” tfisser individwu jew grupp ta’ individwi li jutilizzaw is-servizzi ta’ ċentru ta’ l-Ghads għall-provista ta’ servizzi ta’ l-ghads;

“il-Ministru” tfisser il-Ministru responsabbli ghat-turizmu;

“organizzazzjoni ta’ tahrig rikonoxxut” tfisser entita rikonoxxuta mill-Awtorita, li ttiprovdi programmi ta’ tahrig ghal ghads *scuba* rikreattiv u certifikazzjoni, u li hi responsabbli ghal kwalita ta’ l-immaniġġar tal-programmi ta’ tahrig ta’ l-ghaddas *scuba* tagħhom;

“operatur” tfisser il-persuna jew entita li attwalment tmexxi u topera ċ-ċentru ta’ l-ghads;

“PADI” tfisser Assoċjazzjoni ta’ l-Ghalliema ta’ l-Ghads Professionali”;

“persuna li jkollha liċenza” tfisser persuna jew entita li f’ismha giet mahruġa liċenza mill-Awtorita biex ttiprovdi servizz ta’ l-ghads rikreattiv;

“persuna kompetenti” tfisser kull persuna jew entita, rikonoxxuta mill-Awtorita, li ghandha l-kwalifiki neċessarji, l-abilta, kapacitajiet u l-kompetenzi li tohorġ ċertifikati rilevanti dwar xi soġġett partikolari indikat mill-Awtorita;

“provdituri tas-servizz ta’ l-ghads rikreattiv” tfisser entita, li tkun jew individwu jew organizzazzjoni, inkluż individwu li jidher ghan-nom ta’ dik l-entita, li joffri servizz ta’ l-ghads rikreattiv;

“*scuba*” tfisser apparat tan-nifs ta’ taht l-ilma li jkun kontenut minnu nniffsu;

“servizzi ta’ l-ghads rikreattiv” tfisser wahda minn dawn is-servizzi ta’ l-ghads offruti minn xi persuna jew entita:-

- tahrig u edukazzjoni ;

- ghads organizzat u mmexxi ghal ghaddasa ;

- kiri ta’ *scuba* ;

- il-forniment ta’ gassijiet tan-nifs ghal ghaddasa, jekk mghotija miċ-ċentru ta’ l-ghads;

“sessjoni introduttiva” tfisser esperjenza informali ta’ ghads li ssir biex tintroduci lill-klijent għall-ghads *scuba*.

“studju ta’ riskju” tfisser l-identifikazzjoni ta’ perikli, dawk li jistgħu iwegġgħu minn tali perikli, u proceduri adottati biex jiżguraw li r-riskju jkun kontrollat fil-qies li dan ikun possibilment raġonevili;

“tagħmir ta’ l-ghads” tfisser tagħmir li jinkludi, fost l-ohrajn, tagħmir li jgħinek tghum, maskli, pajp, ċilindru, *demand regulator*, sors ta’ gass tan-nifs alternattiv, sistema ta’ ċilindru ta’ sostenn u inkluż apparat ta’ kontroll biex titla’ fil-wiċċ (jekk hemm bżonn), sistema hafifa ta’ kif tnaqqas il-piż, *gauge* tal-pressjoni biex tinzel fil-qiegh (*monitor* tal-pressjoni tal-gass tan-nifs), mezz biex tkejjel il-fond u l-hin u biex tillimita b’mod protett l-espożizzjoni għall-gass inert, libsa ta’ l-ghads (jekk hemm bżonn). L-ambjent speċifiku jista’ jitlob tagħmir addizzjonali apposta bħal għajnuna ta’ navigazzjoni għal taht l-ilma, sikkina u, jew apparat li jaqta’;

(2) Kliem u espressjonijiet użati f’dawn ir-regolamenti u li huma użati wkoll fl-Att, għandu jkollhom l-istess tifsira ta’ l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort’ohra.

Liċenza.

**3.** (1) L-ebda persuna ma għandha topera jew thalli li ssir l-operazzjoni ta’ ċentru ta’ l-ghads kemm-il darba ma jkunx hemm liċenza valida għal dak l-iskop mahruġa mill-Awtorita.

(2) L-applikazzjonijiet għal liċenzja biex topera ċentru ta’ l-ghads għandhom isiru fuq formola ta’ applikazzjoni mahruġa apposta mill-Awtorita.

(3) L-Awtorita tista’ tohroġ liċenza għall-operazzjoni ta’ ċentru ta’ l-ghads kemm-il darba tkun sodisfatta li:-

(a) l-hruġ ta’ tali liċenza tkun konformi mal-gwidi turistiċi korrenti;

(b) l-applikant jissottometti lill-Awtorita d-dokumentazzjoni u l-informazzjoni kollha mehtieġa kif indikat fl-applikazzjoni nnifisha;

(ċ) il-postijiet minn fejn dawn l-operazzjonijiet turistiċi għandhom isiru huwa konformi mal-provdimenti tar-regolament 4 ta’ dawn ir-regolamenti;

(d) il-persuna li tapplika għal-liċenza jkollha fil-pussess polza ta’ assigurazzjoni ta’ terzi għal ammont minimu ta’

Lm100,000 biex tkopri lill-klijenti u, jew lill-membri fir-rigward ta' incidenti taht l-ilma;

(e) iċ-ċentru ta' l-ghads ikollu direttur reġistrat soġġett għall-provdimenti kif imnizzla fir-regolament 6 ta' dawn ir-regolamenti.

4. (1) Ebda persuna ma għandha toffri jew tippovdi servizzi rikreattivi ta' ghads *scuba* kemm-il darba ma jkollhiex postijiet fissi u mmobbli minn fejn jigu organizzati servizzi ta' l-ghads. Postijiet ta' ċentri ta' l-ghads.

(2) Il-postijiet minn fejn tali servizzi ta' l-ghads rikreattivi huma organizzati għandhom:-

(a) ikunu adegwati u f'sura għal tali attivita u jkunu aċċessibbli għall-pubbliku;

(b) ikunu miżmuma nodfa, b'manutenzjoni tajba u organizzati fil-hinjiet kollha;

(ċ) jipprovdu kaxxi ta' l-ewwel għajna mghammra sabiex joffru l-ewwel għajna lill-klijenti. Kaxxa ta' l-ewwel għajna għandha tkun impoġġija fiċ-ċentru ta' l-ghads u fuq kull mezz ta' trasport bl-art jew bil-baħar użati miċ-ċentru;

(d) ikollhom id-dettalji ta' kuntatt għal servizzi ta' emerġenza muri b'mod prominenti, inkluzi faċilitajiet ta' rikompresjoni ;

(e) ikollhom il-provista ta' faċilitajiet ta' sejhiet ta' emerġenza fiċ-ċentru ta' l-ghads u fil-postijiet kollha minn fejn isir l-ghads;

(f) ikollhom partijiet speċifikati għat-tagħlim, tindif u hażna tat-tagħmir u biex jimtlew iċ-ċilindri ta' l-ghads, jekk tali servizzi u tagħmir jigu pprovduti.

(3) Il-persuna liċenzata u l-operatur taċ-ċentru ta' l-ghads għandhom jiżguraw illi –

(a) l-isem taċ-ċentru ta' l-ghads huwa muri b'mod prominenti barra mill-post, u

(b) l-isem tad-direttur ta' l-ghads huwa muri fuq ġewwa tal-post.

Manutenzjoni.

**5.** (1) Ghandu jkun id-dmir tal-persuna li jkollha liċenza u ta' l-operatur ta' ċentru ta' l-ghads li jiżguraw li l-postijiet li qed jiġu wżati bhala ċentru ta' l-ghads, it-tagħmir ta' l-ghads u aċċessorji oħra, kif ukoll bhal mezz ta' trasport bl-art jew bil-bahar użati miċ-ċentru, ikunu miżmuma regolarment u tajjeb f'kull waqt.

(2) Skeda bil-miktub tas-servizz ghandha tinzamm ghat-tagħmir kollu u l-installazzjonijiet. Din l-iskeda ghandha tidentifika kull oġġett u ghandha tiddokumenta kull xogħol ta' manutenzjoni li jsir minn żmien għal żmien.

Direttur ta' l-ghads.

**6.** (1) Il-persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads ghandhom -

(a) jinkarigaw direttur ta' l-ghads biex ikun responsabbli għas-servizzi ta' l-ghads rikreattiv, biex iqassam id-dmirijiet u jzomm *records* relattivi,

(b) jinformat lill-Awtorita meta jkun sar dak l-inkarigu, jipprezentaw id-dettalji kollha ta' dik il -persuna, bhal ma huma dettalji personali, kwalifiki u esperjenza.

(2) Id-direttur ta' l-ghads ghandu jilhaq il-kriterji li ġejjin:-

(a) ikun fil-pussess ta' kwalifiki mitluba skond it-Tieni Skeda li tinsab ma dawn ir-regolamenti;

(b) ikollu mill-anqas sentejn esperjenza *full time* bhala għalliem fl-ghads rikreattiv f'Malta;

(ċ) ikun persuna li ghandu d-dritt li joqgħod f'Malta;

(d) ikollu reġistrazzjoni valida ma' ċentru ta' l-ghads bhala għalliem ta' l-ghads.

(3) Direttur ta' l-ghads ghandu jaġixxi f'dik il-kariga, għal ċentru ta' l-ghads wiehed biss fl-istess hin:

Iżda jekk huwa jippossjedi il-kwalifiki neċessarji mnizzla f'dawn ir-regolamenti, xejn f'dan l-artiklu ma ghandu jeskludi lill-persuna li jkollha liċenza ta' ċentru ta' l-ghads, milli taġixxi bhala direttur ta' l-ghads.

Reġistrazzjoni ta' l-għalliem ta' l-ghads.

**7.** (1) L-ebda persuna ma ghandha taġixxi bhala għalliem ta' l-ghads kemm-il darba huwa ma jkunx irreġistra qabel ma' ċentru ta' l-ghads li jkollu liċenza.

(2) Il-persuna li jkollha liċenża u l-operatur ta' ċentru ta' l-ghads ma ghandhomx jirreġistraw persuna bhala għalliem ta' l-ghads kemm-il darba ma jkunx sodisfatti li l-persuna li tkun qed tapplika għal dik ir-reġistrazzjoni:-

(a) tkun applikat id-dokumentazzjoni u l-informazzjoni mitluba fil-formola ta' reġistrazzjoni;

(b) ikollha kwalifiki ta' għalliem ta' l-ghads skond it-Tieni Skeda li tinsab ma' dawn ir-regolamenti;

(ċ) tkun għaddiet b' mod sodisfaċenti eżami mediku minn tabib li jkun jispeċjallizza fil-mediċina ta' l-ghads. Dan l-eżami ghandu jsir kull sena.

**8.** Liċenża biex topera ċentru ta' l-ghads ghandha tkun valida mid-data tal-hruġ sal-31 ta' Diċembru ta' l-istess sena, u ghandha tkun imġedda mill-Awtorita minn sena għal sena mal-hlas tal-miżata, jekk dan ikun japplika.

Validita ta' liċenża ta' ċentru ta' l-ghads.

**9.** (1) Il-persuna li jkollha liċenża għal ċentru ta' l-ghads tista' tirreġistra kull persuna bhala għalliem ta' l-ghads temporanju. Din ir-reġistrazzjoni ghandha tkun valida għal għoxrin ġurnata konsekuttiva, sakemm din il-persuna tissodisfa l-istess rekwiżiti kif imniżżla fir-regolament 7 ta' dawn ir-regolamenti.

Reġistrazzjoni ta' għalliem ta' l-ghads temporanju.

(2) Persuna reġistrata bhala għalliem ta' l-ghads temporanju ghandu jgħallem biss lill-membri jew klijenti ta' ċentru ta' l-ghads ma' min ikun reġistrat.

**10.** Il-persuna li jkollha liċenża u l-operatur ta' ċentru ta' l-ghads ghandhom, qabel ir-reġistrazzjoni ta' minuri biex jippartecipaw f' attivitajiet ta' għads rikreattiv, iġibu l-kunsens bil-miktub tal-ġenitur jew tal-gwardjan legal tal-minuri.

Minuri.

**11.** Il-persuna li jkollha liċenża u l-operatur ta' ċentru ta' l-ghads ghandhom jiżguraw illi:-

Stqarrija medika.

(a) qabel jintuża *scuba*, l-ghaddasa kollha ghandhom jimlew u jiffirmaw stqarrija medika dovuta biex jiżguraw l-abbilta tagħhom għal għads rikreattiv skond l-Ewwel Skeda li tinsab ma dawn ir-regolamenti ;

(b) jekk it-tweġibiet fl-istqarrija medika tissuggerixxi riskju mediku fl-ghads, id-direttur ta' l-ghads ghandu jitlob lill-klijent biex jagħmel eżami mediku komplut għand tabib, li

ghandu jaghti l-approvazzjoni tieghu bil-miktub qabel ma dak il-klijent ikun jista' juza' *scuba*;

(c) minkejja t-tweġibiet fl-istqarrija medika, f'kull każ ta' dubju jew fid-diskrezzjoni tad-direttur ta' l-ghads, klijenti jistgħu jiġu mitluba li jagħmlu eżami mediku komplut minn tabib, li għandu jaghti l-approvazzjoni tieghu bil-miktub qabel ma' dak il-klijent ikun jista' juza *scuba*;

(d) il-persuna li jkolha liċenza u l-operatur ta' centru ta' l-ghads għandhom iżjomm *record* ta' l-istqarrija medika, ċertifikati mediċi u dokumenti relatati oħra għal perjodu ta' mhux inqas minn sena;

(e) meta klijent isir jaf b'tibdil fil-kondizzjoni medika tieghu f'xi hin, il-klijent għandu jirrepeti l-proċess mediku.

Studju ta riskju.

**12.** (1) Il-persuni li jkollhom liċenza u l-operaturi ta' centru ta' l-ghads għandhom iżjguraw li jkun sar studju dokumentat ta' riskju fir-rigward tal-postijiet kollha ta' l-ghads li jigu wżati miċ-centru ta' l-ghads għas-servizzi ta' l-ghads rikreattiv.

(2) Il-fatturi li ġejjin għandhom jiġu kkunsidrati bhala parti minn studju ta' Riskju bhal dak li jqis il-kapaċita tal-moviment fl-ilma tal-partecipanti, il-fond, il-vizibilta ta' taht l-ilma, it-tniġġis, metodi ta' dhul u, jew hrug, żoni ristretti, fejn il – post fejn l-attivitajiet huma ppjanati li jsiru u pjan ta' azzjoni għall-emergenza.

(3) Il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom jipprevenu kull klijent milli jiehu parti f'xi servizz ta' ghads rikreattiv jekk, wara l-istudju ta' riskju, dan ikun meqjus li hu fl-aħjar interess tal-klijent u, jew ta' persuni oħra.

Tagħmir ta' emergenza u proċeduri.

**13.** (1) Il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom iżjguraw id-disponibilita ta' li ġej fil-postijiet kollha fejn' ikun qed isir l-ghads rikreattiv:-

(a) kaxxa ta' l-ewwel għajnuna, mghammra sewwa għall-attivitata ta' l-ghads ippjanata;

(b) *unit* ta' emergenza għall-ossigenu b'kapaċita li jqassam mill-inqas 15-il litru kull minuta ta' ossigenu pur għal mill-anqas 20 minuta;

(2) Il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom jipprovdu pjan dokumentat ta' emergenza għal



kull post fejn attivitajiet ta' l-ghads ikunu qed isiru li ghandu jinkludi l-informazzjoni u l-preparazzjoni li ġejjin:-

(a) proċeduri kif taġixxi waqt aċċident, reżuxxittazzjoni u evakwazzjoni;

(b) l-użu ta' forniment ta' ossiġnu għall-emergenza;

(ċ) informazzjoni dwar l-eqreb rizorsi, inkluża informazzjoni dwar id-disponibilità ta' *hyperbaric recompression chamber*.

**14.** (1) Il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom jagħtu l-informazzjoni li ġejja lill-klijent qabel il-provdiment tas-servizzi ta' l-ghads:-

Informazzjoni li trid tingħata lill-klijenti.

(a) punti kontrattwali li jinkludu kondizzjonijiet, bidu u tmiem tal-kuntratt;

(b) il-bżonnijiet mehtieġa qabel u kull bżonn ta' kwalifiki sabiex ikollok is-servizz, bħal ċertifikat mediku u ċertifikazzjoni ta' l-ghads;

(ċ) bżonnijiet ta' tagħmir;

(d) spejjeż;

(e) bżonnijiet ta' assigurazzjoni skond ir-regolamenti nazzjonali;

(f) konsiderazzjonijiet ta' l-ambjent lokali;

(g) liġijiet relatati ma' l-ghads u kull bżonn legali għar-rigward tat-tip ta' servizz speċifiku li ser jiġi provdut.

(2) Il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom juru b'mod ċar, lista tal-prezzijiet ta' l-ispejjeż għal tipi differenti ta' attivitajiet ta' l-ghads u għall-kiri ta' tagħmir ta' l-ghads offruti miċ-centru ta' l-ghads.

(3) Jekk is-servizz provdut jinvolti t-tahriġ, il-persuna li jkollha liċenza u l-operatur ta' centru ta' l-ghads għandhom jagħtu l-informazzjoni li ġejja miżjuda mal-bżonnijiet skond is-subregolament (1) ta' dan ir-regolament:-

(a) il-limitazzjonijiet ta' l-eventwali kwalifika;

(b) l-iskop tal-kors ta' tahrig;

(c) il-proċeduri tal-kors;

(d) il-meżzi u l-metodi ta' studju, kriterji għal tmiem b'suċċess;

(e) li *r-records* ta' l-informazzjoni personali jkunu ser jinżammu fiċ-ċentru u li dawn ir-*records* jistgħu jiġu mghoddija lil xi organizzazzjoni ta' tahrig.

(4) Qabel kull għadsa jew sessjoni ta' tahrig, il-persuna li jkollha liċenza u l operatur ta' ċentru ta' l-għads għandhom jiddentifikaw proċeduri importanti ta' sigurta lill-klijenti li għandhom jinkludu dawn li ġejjin:-

(a) l-identità u min huma l-impjegati;

(b) proċeduri ta' emerġenza;

(c) arrangamenti li jikkonċernaw in-numru tat-tim u l-grupp;

(d) xogħol tat-tim jew tal-grupp;

(e) informazzjoni li tikkonċerna il-post ta' l-għads, partikolarment il-perikli li jistgħu jolqtu is-sigurta ta' l-għadsa, bhal ostakli ta' taht l-ilma;

(f) il-fond u, jew limitazzjonijiet tal-hin;

(g) l-imġieba mitluba mill-klijenti.

Ċertifikazzjoni tal-kompressuri minn persuna jew entita.

**15.** (1) L-applikant għall-liċenza ta' ċentru ta' l-għads għandu, qabel il-hruġ ta' dik il-liċenza mill-Awtorita, jippreżenta lill-Awtorita ċertifikat minn persuna kompetenti jew entita rikonoxxuta mill-Awtorita, li jikkonferma li l-kompressuri u l-post fejn tali kompressuri qeghdin mahżuna u użati biex jimtlew bl-arja, jkunu jikkonformaw mar-regolamenti u, jew gwidi tas-sahha u sigurta.

(2) Iċ-ċertifikazzjoni mitluba skond is-subregolament ta' dan ir-regolament għandha tiġi ppreżentata wkoll lill-Awtorita kull sena qabel it-tiġdid tal-liċenza.

Ċertifikazzjoni ta' tagħmir minn persuna kompetenti jew entita.

**16.** Il-persuni li jkollhom liċenza u l-operaturi ta' ċentri ta' l-għads għandhom jippreżentaw lill-Awtorita, qabel tinhareġ jew tiġġedded il-liċenza taċ-ċentru ta' l-għads, dikjarazzjoni minn

persuna kompetenti jew entita rikonoxxuta mill-Awtorita' li tiċċertifika li t-tagħmir użat miċ-ċentru ta' l-ghads ikunu jkkonformaw mal-provdimenti kif stipulati fil-paragrafi 13(1)(b), 17 u 18(2) ta' dawn ir-regolamenti kif ukoll f'regolament 8 tat-Tieni Skeda li tinsab ma dawn ir-regolamenti.

**17.** (1) Il-persuni li jkollhom liċenza u l-operaturi ta' ċentri ta' l-ghads, qabel ma' jagħtu l-gassijiet tan-nifs għall *scuba* lill-persuni, għandhom jiżguraw li dawk il -persuni huma kwalifikati bħala għaddasa indipendenti kemm-il darba dawk il-persuni ma jkunux akkumpanjati minn għalliem tal-ghads *scuba*.

Bejgh ta' gassijiet tan-nifs.

(2) F'każijiet meta l-gass tan-nifs ikun arja, dan għandu jkun fornut minn ċentri ta' l-ghads skond *standards* u regoli nazzjonali fis-seħh.

(3) Il-persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads għandhom jimlew biss dawk iċ-ċilindri li jkollhom spezzjonijiet viżibbli, testijiet u sinjali tal-pressjoni skond *standards* u regolamenti nazzjonali fis-seħh.

(4) Il-persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads ma għandhomx jimlew xi ċilindru kemm-il darba huma ma' jagħmlux spezzjoni esterna taċ-ċilindru, u f'kull każ ta' dubju dwar il-kondizzjoni tiegħu, għandhom jirrifjutaw li jimlew iċ-ċilindru.

(5) F'każijiet fejn jiġu offruti l-gassijiet tan-nifs li ma jkunux arja kompressata, il persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads għandhom jagħtu dawn il-gassijiet biss lill-klijenti li għandhom it-tahriġ speċċjalizzat għaldaqshekk.

**18.** (1) Proċeduri ta' l-operat ta' ċentru ta' l-ghads u tagħmir ta' l-ghads użati miċ-ċentri ta' ghads għandhom ikunu skond it-Tieni Skeda u skond il-provdimenti ta' dawn ir-regolamenti.

*Standards* ta l-operat.

(2) Il-persuni li jkollhom liċenza u l-operaturi ta' ċentri ta' l-ghads għandhom jiżguraw li l-proċeduri ta' l-operat imsemmija fit-Tieni Skeda u fil-provdimenti ta' dawn ir-regolamenti huma obduti l-hin kollu.

**19.** L-Awtorita tista' tikkonsulta l-Assoċjazzjoni fil-kwistjoni ta' liċenzi għal ċentri ta' l-ghads.

Konsultazzjonijiet ma' Assoċjazzjoni.

**20.** L-Awtorita tista' tikkonsulta l-Assoċjazzjoni fil-pubblikazzjoni ta':-

Awtoriżazzjoni ekwivalenti.

- (a) kwalifiki rikonoxxuti ghal ghaddasa ndipendenti;
- (b) kwalifiki rikonoxxuti ghal kapijiet ta' l-ghads;
- (ċ) kwalifiki rikonoxxuti ghal ghalliema ta' l-ghads;
- (d) kwalifiki rikonoxxuti ghad-diretturi ta' l-ghads u, jew
- (e) kull tali dokumentazzjoni jew informazzjoni li tista', minn żmien ghal żmien, tkun ta' ghajnuna fid-determinazzjoni tal-kwalifiki ta' ghaddas u ghalliem ta' l-ghads.

Manutenzjoni ta' records.

**21.** Il-persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads għandhom:-

(a) iżommu *r-records* li ġejjin fir-rigward tal-persuni kollha li jipprovdu servizzi lill-klijenti miċ-ċentru ta' l-ghads:-

i) isem, indirizz u data tat-twelid;

ii) esperjenza u ċertifikazzjoni relatata mad-dmirijiet assenjati;

iii) ċertifikazzjoni medika;

(b) iżommu *r-records* li ġejjin fir-rigward tal-klijenti li jutilizzaw is-servizzi taċ-ċentru ta' l-ghads:-

i) isem, indirizz u data tat-twelid;

ii) kopja ta' l-istudju mediku;

iii) kopja ta' xi tahriġ li sar qabel u, jew ċertifikazzjoni u esperjenza;

iv) kopja tal-kunsens tal-ġenituri jekk dak il-kunsens ikun mehtieġ.

(ċ) iżommu *records* għar-rigward ta' klijenti li jagħmlu għads organizzat jew bil-gwida, kif ukoll għar-rigward ta' kiri ta' tagħmir għal mill-inqa sitt xhur;

(d) iżommu *records* għar-rigward ta' klijenti li jagħmlu t-tahriġ f'kull livell għal mill-anqas sentejn, inklużi *records* li juru dati ta' sessjonijiet fil-magħluq, fl-ilma fil-miftuħ u fil-klassi, iffirmati mill-ghalliem u minn min ikun qed jiehju t-tahriġ.

- 22.** Il-persuna li jkollha liċenza u l-operatur ta' ċentru ta' l-ghads għandhom iżommu indiċi ta' l-ghads għal kull sessjoni ta' l-ilma fil-magħluq u fil-miftuħ organizzata miċ-ċentru. Id-*dive log* għandu juri l-ismijiet tal-klijenti, l-impjegati li jassistu lil tali klijenti, il-post ta' l-ghads, id-data, il-hin tad-dhul u tal-hruġ, il-fond, il-gass użat, il-kondizzjonijiet tar-riħ u l-baħar. Kull *dive log*, kif ukoll l-istudju tar-riskju, għandhom jiġu miżmuma għal mill-inqas sitt xhur. Indiċi ta' l-ghads.
- 23.** Id-dokumenti, permessi u ċertifikati kollha relatati maċ-ċentru ta' l-ghads, ma' l-operatur taċ-ċentru ta' l-ghads u ma' l-impjegati taċ-ċentru ta' l-ghads għandhom ikunu disponibbli fil-post taċ-ċentru fil-hinijiet kollha. Disponibilità tad-dokumenti.
- 24.** Id-direttur ta' l-ghads u l-ghalliema għandhom, waqt il-provdiment tas-servizzi ta' l-ghads, ikunu fil-pussess ta' forma ta' identifikazzjoni li tinkludi isimhom u ritratt. Karti ta' l-identita.
- 25.** Il-persuni li għandhom il-liċenza u l-operaturi taċ-ċentri ta' l-ghads għandhom jiżguraw li ċ-ċentri ta' l-ghads tagħhom huma konformi mal-bżonnijiet *standard* taċ-ċentri ta' l-ghads kif jista' jiġi stabbilit mill-Awtorita minn żmien għal żmien. Standards.
- 26.** Konformita mal-provdimenti ta' dawn ir-regolamenti għandhom jitqiesu bħala kondizzjoni li għaliha liċenza biex topera ċentru ta' l-ghads hija soġġetta, irrispettivament minn jekk riferenza għal dawn ir-regolamenti issirx jew le fil-liċenza nnifisha. Kondizzjonijiet tal-liċenza.
- 27.** L-Awtorita tista' tiehu lura jew tissospendi l-liċenza ta' ċentru ta' l-ghads jekk il-persuna li jkollha liċenza jew l-operatur ta' ċentru ta' l-ghads jieqaf milli jonora l-kondizzjonijiet speċifikati fir-regolamenti 3 u 4, jew xi waħda mill-kondizzjonijiet li għaliha l-liċenzja kienet mahruġa, jew jonqsu milli jobdu xi provdiment ieħor ta' dawn ir-regolamenti. Tehid jew sospensjoni tal-liċenza taċ-Ċentru.
- 28.** Kull persuna illi tonqos milli thares xi waħda mill-provdimenti ta' dawn ir-regolamenti tkun hatja ta' offiża u tista', meta tinstab hatja, tehel multa ta' mhux aktar minn elf lira. Multi u pieni.

**L-Ewwel Skeda**

Stqarrija Medika

**Ghall-Parteċipant:**

Inti ghandek timla' din l-istqarrija medika, li tinkludi l-parti ta' l-informazzjoni ta' l-istorja medika, qabel ma' tgawdi minn xi servizzi ta' l-ghads *scuba* rikreattiv.

L-ghan huwa li tinformak jekk inti ghandekx tiġi eżaminat minn tabib qabel ma' tipparteċipa f' tahrig ta' ghads rikreattiv. Jekk xi wahda minn dawn il-kondizzjonijiet japplikaw ghalik, dan mhux neċessarjament ifisser li ser tkun skwalifikat. Ifisser biss illi ghall-ahjar tieghek, inti ghandek tfittex l-opinjoni ta' tabib qabel ma' tipparteċipa f' ghads *scuba* rikreattiv.

Jekk joghgbok uri li qrajt u fhimt din l-informazzjoni mnizzla hawn taht billi timmarka bl-inizjali kull punt.

<b>1. INTI GHANDEK TIKKONSULTA TABIB JEKK:</b>	<b>Iva jew Le</b>	<b>Inizjali</b>
Inti tqila jew tissuspetta illi inti tqila		
Inti regolarment tiehu mediċini (bl-eċċezzjoni tal-kontroll tat-tqala)		
Inti ghandek iktar minn 45 sena u wahda minn dawn li ġejjin tapplika ghalik		
Inti tpejjep		
Inti ghandek livell gholi ta' kolesterol		

<b>2. INTI GHANDEK TIKKONSULTA TABIB JEKK QATT KELLEK</b>	<b>Iva jew Le</b>	<b>Inizjali</b>
Ażma, jew tharhir man-nifs, jew tharhir ma' l-eżerċizzju		
Xi tip ta' mard fil-pulmun		
Pneumothorax (pulmun batut)		
Passat ta' infezzjoni fis-sider Klawstrofobija jew agorafobija (biża mill-magħluq jew spazji miftuħa)		
Epilepsi, aċċessjonijiet, konvulzjonijiet jew tiehu mediċini biex tipprevenijhom		

Passat ta' telf mis-sensi jew hass hazin (tintilef minn sensik totalment/parzjalment)		
Passat ta' aċċidenti ta' l-ghads jew mard ta' dekompressjoni		
Passat ta' djabete		
Passat ta' pressjoni gholja tad-demm jew tiehu mediċini biex tikkontrolla l-pressjoni tad-demm		
Passat ta' mard tal-qalb		
Passat ta' mard fil-widna, telf ta' smiegh jew problemi bil-bilanċ		
Passat ta' trombosi jew biċċiet tad-demm		
Mard tal-mohh		

<b>3. JIENA KONXJU ILLI NISTA' MA NKUNX TAJJEB BIEX NGHODDS JEKK IKOLLI JEW TIŻVILUPPALI XI WAHDA MINN DAWN IL-KONDIZZJONIJIET LI ĠEJJIN:</b>	
Rih, sinużite, jew xi problemi tan-nifs (eż. bronkite, allergija)	
Emikranja akuta jew uġiegh ta' ras	
Kull tip ta' operazzjoni fl-ahhar 6 ġimgħat	
Taht l-influenza ta' l-alkohol, drogi jew mediċini li jaffettwaw l-abbilita li tirreaġixxi	
Deni, sturdamenti, nawsea, dardir jew dijarreja	
Problemi ta' ekwilibru ( widnejn ifaqgħu)	
Gastrite ta' ulċeri akuta	
Tqala	

Isem .....

Indirizz .....

.....

.....

Data tat-twelid .....

Nikkonferma illi t-tweġibiet għal dawn il-mistoqsijiet huma veri u kompluti.

**Firma** ..... **Data** .....

**Kunsens ta' Parentela/Gwardjan meta l-parteeċipant huwa minuri.**

**Isem tal-Ġenitur/Gwardjan\* ..... (\*hassar skond ma japplika).**

**Indirizz** .....

.....

**Firma** ..... **Data** .....

Din id-dikjarazzjoni hija valida għal sena mid-data tal-firma



## It-Tieni Skeda

### Standards ta' l-Operat

#### Bżonnijiet ghat-taħriġ

1. (1) Dawk li jipprovdu s-servizz ta' għads rikreattiv għandhom jiżguraw li l-klijent jissodisfa l-bżonnijiet kollha ta' qabel jieħu parti fil-kors ta' taħriġ.

(2) Meta jkun qed isir kors ta' taħriġ li jwassal għal ċertifikazzjoni minn organizzazzjoni ta' taħriġ rikonoxxuta, il-proċeduri kollha ta' l-organizzazzjoni rikonoxxuta iridu jiġu segwiti.

(3) Għall-livell tal-kors tad-dhul u għas-sessjoni ta' introduzzjoni, l-ewwel lezzjoni fl-ilma għandha ssir f'ilma magħluq b'porzjon massimu ta' 6 studenti għal kull għalliem kemm-il darba kondizzjonijiet aktar stretti ma jkunux fis-seħh mill-organizzazzjoni ta' taħriġ rikonoxxuta.

#### Facilitajiet ta' tagħlim u taħriġ.

2. Lezzjonijiet ta' teorija għandhom jiġu mmexxija f'ambjent ta' tagħlim, bħal klassi, li hija libera minn distrazzjonijiet sinifikanti għat-tagħlim. Dan għandu jipprovdi lill-istudenti b'facilitajiet ta' xogħol suffiċjenti u għajnuniet ta' taħriġ (eż. uċuħ fejn tikteb, materjal ta' riferenza, *computer*, materjal viżiv jew awdjo) biex jiżgura li l-istudenti huma kapaċi jifhmu l-informazzjoni li qed tiġi ppreżentata.

#### Esperjenza ta' impjegati.

3. (1) Huwa għalliem reġistrat biss li għandu jmexxi t-taħriġ ta' għaddasa *scuba* rikreattiv sa u inkluż kap ta' l-għads.

(2) Għalliema li għandhom kwalifiki addizzjonali rilevanti biss għandhom imexxu korsijiet ta' taħriġ li jinvolvi parametri ta' operat aktar tqil li mhux inkluż fil-kwalifiki jew l-esperjenza ta' l-għalliem ta' *scuba* (eż. għads bil-lejl, għads b'viżibilita limitata, għads fil-fond, għads mal-blat, għads b'libsa niexfa, għads fil-kurrent, għads fl-għerien, għads bin-nitru, għad *strimix*, *rebreathers*).

(3) Għaddasa li għandhom mhumiex ċertifikati bhala għaddasa indipendenti għandhom jiġu kkunsidrati bhala għaddasa fit-taħriġ u għandhom ikunu akkumpanjati fl-ilma l-hin kollu minn għalliem ta' l-għads reġistrat.

(4) Dawk li jipprovdu s-servizz ta' l-għads rikreattiv jistgħu jdaħħlu kapijiet ta' l-għads biex ighinuhom fil-kontroll tal-klijenti u biex itejjbu s-sigurta imma mhux biex jeżaminaw jew jgħallmu xi manuvri jew tagħlim ieħor lill-klijenti.

(5) Individwu li hu ta' l-anqas ikkwalifikat bhala kap ta' l-għads għandu jipprovdi s-servizzi kuntrattati fil-kuntest ta' għads iggwidat u għads organizzat.

Jekk għadsa għandha bżonn manuvri li huma aktar mill-kwalifiki tal-kap ta' l-għads, l-individwu li qed imexxi l-għadsa għandu jkun irċieva taħriġ speċjalizzat jew esperjenza ekwivalenti.

### **Kwalifiki ta' impjegati.**

4. (1) Il-kwalifiki mitluba għal DIRETTUR TA' L-GHADS għandu jkun ta' l-inqas għalliem PADI, għalliem CMAS 2 STILEL jew għalliem avvanzat ta' BSAC jew xi haġa oħra ekwivalenti li tista' tiġi rikonoxxuta mill-Awtorita minn żmien għal żmien.

(2) Il-kwalifiki mitluba għal GHALLIEM TA' L-GHADS għandhom ikunu mill-inqas għalliem PADI *Open Water*, għalliem CMAS STILLA 1 jew għalliem BSAC *Open Water* jew xi haġa oħra ekwivalenti li tista' tiġi rikonoxxuta mill-Awtorita minn żmien għal żmien.

(3) Il-kwalifiki mitluba għal KAP TA' L-GHADS għandhom ikunu mill-anqas PADI *Dive Master*, għaddas CMAS 3 STILEL, kap ta' l-għads BSAC jew xi haġa oħra ekwivalenti li tista' tiġi rikonoxxutamill-Awtorita minn żmien għal żmien.

(4) Il-kwalifiki mitluba għal GHADDAS INDIPENDENTI għandhom ikunu mill-anqas għaddas avvanzat PADI, għaddas CMAS 2 STILEL, għaddas ta' l-isport BSAC jew xi haġa oħra ekwivalenti li tista' tiġi rikonoxxuta mill-Awtorita minn żmien għal żmien.

### **Għads organizzat.**

5. (1) Grupp jista' jinkludi għalliema *scuba* jew kapijiet ta' l-għads li jistgħu jieħdu ftit mid-dmirijiet jew kollha biex jipprovdu superviżjoni tajba tal-membri tal-grupp skond dawn ir-regolamenti. Tali arrangament, bejn dak li jipprovdi s-servizz ta' l-għads rikreattiv u l-kap tal-grupp, għandu jkun miftiehem miż-żewġ naħat qabel xi attività taħt l-ilma.

(2) Biex tkun intitolat tgawdi s-servizz ta' għadsa organizzata, kull klijent għandu jkun għaddas indipendenti jew, jekk mhux, għandu jkun akkumpanjat minn għalliem ta' l-għads reġistrat. Iċ-ċertifikazzjoni u l-indiċi personali tal-klijent għandhom ikunu iċċekkjati qabel l-għadsa u d-dettalji mpoġġija fir-*records*.

(3) Individwu minn ta' l-anqas bi kwalifiki ta' kap ta' l-għads għandu jkun preżenti fil-post ta' l-għads u fil-kontroll ta' l-attivitàjiet ta' l-għads.

(4) Għads organizzat fejn ikun hemm bżonn kwalifiki speċjallizzati, eż. għads bil-lejl, għads mal-blat eċċ., jista' jsir biss jekk kull klijent individwu għandu l-kwalifiki apposta (ċertifikazzjoni speċjali) jew esperjenza mnizzla ekwivalenti.

### **Ghads iggwidat.**

6. (1) Sabiex ikun jista' jgawdi s-servizz ta' ghadsa iggwidata, kull klijent ghandu jkun ghaddas indipendenti jew, jekk mhux, ghandu jkun akkumpanjat minn ghalliem ta' l-ghads registrat. Iç-çertifikazzjoni u l-indiçi personali ta' l-ghads tal-klijent ghandhom ikunu verifikati qabel l-ghads u d-dettalji imnizzla fir-*record*.

(2) Ghads iggwidat fejn ikun hemm bżonn kwalifiki speċjali, eż. ghads bil-lejl, ghads mal-blat eċċ., jista' jsir biss jekk kull klijent individwu ghandu l-kwalifiki apposta jew esperjenza ekwivalenti.

(3) Ghads iggwidat li ghandu bżonn kwalifiki speċjali jew esperjenza ekwivalenti, fejn il-klijent ma jistax jipprovdi prova ta' tali kwalifiki jew esperjenza, ghandu jiġi kkunsidrat bhala ghads ta' tahriġ u ghandu japplika r-regolament 4 ta' din l-Iskeda.

### **Postijiet.**

7. Dak li jipprovdi s-servizz ta' l-ghads rikreattiv ghandu jiżgura li l-persuna risponsabbli mill-ghads ikun jaf u jifhem il-karatteristiçi u l-perikli tal-lokalita intenzjonata għall-ghads. Il-persuna risponsabbli ghandha tagħmel kull sforz raġonevoli biex jiżgura li l-post fejn ikun qed isir it-tahriġ jew l-ghads huwa tajjeb għall-klijenti u għal dik l-attività.

### **Standards tat-tagħmir ta' l-ghads.**

8. (1) It-tagħmir kollu ta' l-ghads użat għas-servizzi għandhom ikunu ta' stil użat fil-preżent fl-industrija sportiva ta' l-ghads u ghandu jkun konformi ma *standards* lokali u Ewropej.

(2) It-tagħmir kollu ta' l-ghads ghandu jkun sigur għall-użu fiż-żmien li johroġ u ghandu jkun miżmum tajjeb skond il-bżonnijiet legali u/jew l-ispeċifikazzjonijiet ta' min ikun hađmu.

(3) Min jipprovdi s-servizz ta' l-ghads rikreattiv ghandu jstabilixxi skeda ta' servizz bil-miktub kif support li tkun tidentifika ç-çilindri individwali kollha, *demand regulators*, sorsi ta' gass għan-nifs alternattiv, sistema ta' support ta' çilindri u l-apparat li jikkontrolla biex tibqa' fil-wiçċ.

### **Kiri ta' tagħmir ta' l-ghads.**

9. (1) Is-servizz jinkludi l-kiri ta' oġġetti ta' tagħmir ta' l-ghads lil klijenti li jistgħu jużaw tali tagħmir kemm għall-attivitajiet ta' l-ghads sorveljat u mhux sorveljat.

(2) Min jipprovdi s-servizz ta' l-ghads rikreattiv ghandu jizgura li l-impjegati jifhmu l-karatteristiċi u l-funzjoni tat-tagħmir mikri. Il-haddiema ghandhom ikunu kompetenti biex javżaw lill-klijenti dwar u kif iridu jużaw it-tagħmir ta' l-ghads f'attivitajiet speċifiċi ta' l-ghads.

(3) Ghandhom ikunu offruti lill-klijent kull ghajnuna u parir fl-ghażla tat-tagħmir ta' l-ghads tajjeb skond l-attivitá ta' l-ghads u l-kwalifika u l-bżonnijiet tal-klijent (eż. il-qagħda ta' l-apparat li jikkontrolla biex tibqa' fil-wiċċ u l-ilbies).

(4) It-tagħmir ta' l-ghads provdut lill-klijent ghandu jkun soġġett għal spezzjoni minn min jipprovdi s-servizz ta' l-ghads rikreattiv u l-klijent qabel ma' jinghata sabiex jiġi aċċertat illi dan ikun qed jiffunzjona sew għallkollox.

(5) Ċilindri ta' l-ghads u *scuba demand valves* jistgħu jiġu mikrija biss lill-ghaddasa indipendenti li ghandhom jintrabtu li ma jhallux li dawn jiġu użati minn ghaddasa ohra li jkollhom livell ta' ċertifikazzjoni anqas.

**L.N. 153 of 2004**

**MALTA TRAVEL AND TOURISM SERVICES ACT  
(CAP. 409)**

**Recreational Diving Service Provider Regulations, 2004**

IN exercise of the powers conferred by article 47 of the Malta Travel and Tourism Services Act, the Minister for Tourism and Culture on the recommendation of the Malta Tourism Authority has made the following regulations:-

**1.** (1) The title of these regulations is the Recreational Diving Service Provider Regulations, 2004. Citation and Scope.

(2) These regulations shall apply to any person, body corporate or organisation, offering recreational diving services to the public or to their members.

(3) The provision of Recreational Diving Services is to be considered a tourism operation in terms of the Act and shall therefore be subject to the provisions of the Act and to any relative regulations issued thereunder.

**2.** (1) In these regulations, unless the context otherwise requires- Interpretation.

“the Act” means the Malta Travel and Tourism Services Act; Cap. 409.

“the Association” means any duly constituted body of persons which, in the opinion of the Minister, best represents the expertise, interests and views of the diving industry in Malta;

“the Authority” means the Malta Tourism Authority;

“breathing gas” means a mixture of inert gases together with a portion of oxygen which will produce a partial pressure not exceeding 1.6 Bar at the maximum operational depth;

“BSAC” means British Sub Aqua Club;

“client” means an individual or group of individuals who utilise the services of a dive centre for the provision of diving services;

“CMAS” means Confederation Mondiale Des Activites Subaquatiques;

“competent person” means any person or entity, recognised by the Authority, who has the necessary qualifications, aptitude, capabilities and competence to issue certification relevant to a particular subject indicated by the Authority;

“confined water” means a swimming pool with a maximum depth of four metres or body of water that offers similar conditions;

“director of diving” means a diving instructor who runs the diving services at a dive centre and who is recognised as such by the Authority;

“dive centre” means the premises from where any person or entity offers recreational diving services to clients and, or to members;

“diving equipment” means equipment which includes, among others, fins, masks, snorkel, cylinder, demand regulator, alternative breathing gas source, cylinder support system and buoyancy control device included (if appropriate), a quick release weight system, submersible pressure gauge (breathing gas pressure monitor), means to measure depth and time and to safely limit exposure to inert gas, diving suit (if appropriate). The specific environment may require appropriate additional equipment such as an underwater navigational aid, knife and, or cutting device;

“diving instructor” means a person who has satisfactorily completed a recognised training organisation course for a diving instructor, which course is recognised by the Authority;

“dive leader” means a person who has satisfactorily completed a recognised training organisation course for a dive leader, which course is recognised by the Authority;

“guided dive” means an organised dive where persons are also accompanied underwater by a diving instructor or a dive leader;

“independent diver” means a person who has satisfactorily completed a recognised training organisation course for an independent diver, which course is recognised by the Authority;

“licensee” means a person or entity in whose name a licence to provide recreational diving services has been issued by the Authority;

“the Minister” means the Minister responsible for tourism;

“open water” means a body of water significantly larger than a swimming pool, offering typical local sea conditions;

“operator” means the person or entity who actually runs and manages a dive centre;

“organised dive” means a service, where persons with at least independent diver status are taken to a dive site and participate in recreational diving;

“PADI” means Professional Association of Diving Instructors;

“recreational diving services” means any of the following scuba diving services offered by any person or entity:-

- training and education
- organised and guided diving for divers
- rental of scuba
- the supply of breathing gases to divers, if supplied by a dive centre;

“recreational diving service provider” means an entity, being either an individual or an organisation, including any individual acting on behalf of such entity, which offers a recreational diving service;

“recognised training organisation” means an entity, recognised by the Authority, providing recreational scuba diving training programmes and certification, and which is responsible for the quality management of their scuba diver training programmes;

“risk assessment” means the identification of hazards, persons who may be harmed by such hazards, and procedures

to be adopted to ensure that the risk is controlled as far as is reasonably possible;

“scuba” means self-contained underwater breathing apparatus;

“taster session” means an informal diving experience undertaken to introduce the client to scuba diving.

(2) Words and expressions used in these regulations which are also used in the Act shall, unless the context otherwise requires, have the same meaning as in the Act.

Licence.

**3.** (1) No person shall operate or allow the operation of a dive centre unless there is a valid licence for this purpose issued by the Authority.

(2) Applications for a licence to operate a dive centre are to be made on an appropriate application form issued by the Authority.

(3) The Authority may issue a licence for the operation of a dive centre provided that it is satisfied that:-

(a) the issue of such a licence is in conformity with current tourism policy;

(b) applicant submits to the Authority the required documentation and information as indicated in the appropriate application;

(c) the premises from where such tourism operation is to be carried out conforms with the provisions of regulation 4 of these regulations;

(d) the person applying for a licence is in possession of a third party liability insurance for a minimum amount of Lm100,000 to cover clients and or members in respect of underwater activities;

(e) the dive centre has a registered director of diving subject to the provisions set out in regulation 6 of these regulations.



**4.** (1) No person shall offer or provide recreational scuba diving services unless he has fixed and immovable premises from where diving activities are organised. Dive centre premises.

(2) The premises from where such recreational diving services are organised shall:-

(a) be suitable and adequate for such activity and shall be accessible to the public;

(b) be kept clean, well maintained and organised at all times;

(c) provide first aid kits suitably equipped for offering first aid to clients. A first aid kit shall be sited at the dive centre and on all land and sea transport vehicles used by the centre;

(d) have the contact details for emergency services prominently displayed, including recompression facilities;

(e) have the provision of emergency call facilities at the dive centre and at sites from where diving is taking place;

(f) have specific areas for instruction, cleaning and storing of equipment and for filling of diving cylinders, if such services and equipment are provided.

(3) The licensee and operator of a dive centre shall ensure that -

(a) the name of the dive centre is prominently displayed outside the premises, and

(b) the name of the director of diving is displayed inside the premises.

**5.** (1) It shall be the duty of the licensee and the operator of the dive centre to ensure that the premises being used as a dive centre, the diving equipment and other accessories, as well as all land and sea transport vehicles used by the dive centre, are regularly and properly maintained at all times. Maintenance.

(2) A written service schedule shall be kept of all equipment and installations. This schedule should identify each item and should document all maintenance work carried out from time to time.

**6.** (1) The licensee and operator of a dive centre shall -

(a) engage a director of diving to be responsible for all recreational diving services, to assign duties and to maintain relative records,

(b) inform the Authority when such an engagement has been made, submitting full details of such person, such as personal, qualifications, experience.

(2) The director of diving shall meet the following criteria:-

(a) be in possession of qualifications required in terms of the Second Schedule to these regulations;

(b) have at least two years full-time experience as an instructor in recreational diving in Malta;

(c) be a person who has the right of abode in Malta;

(d) have a valid registration with a dive centre as a diving instructor.

(3) A director of diving shall act in such capacity for only one dive centre at the same time:

Provided that if he possesses the necessary qualifications set out in these regulations, nothing in this section shall exclude the licensee of a dive centre from acting as director of diving.

**7.** (1) No person shall act as a diving instructor unless he shall have previously registered with a licensed dive centre.

(2) The licensee and operator of a dive centre shall not register a person as a diving instructor unless they are satisfied that the person applying for such registration:-

(a) has submitted the documentation and information requested in the registration form;

(b) has diving instructor qualifications in terms of the Second Schedule to these regulations;

(c) has successfully undergone a medical examination by a physician specialising in diving medicine. Such an examination shall be carried out annually.

**8.** A licence to operate a dive centre shall be valid from the date of issue up to the 31st December of the same year, and shall be renewed by the Authority from one year to the next on payment of the applicable fee. Validity of dive centre licence.

**9.** (1) The licensee of a dive centre may register any person as a temporary diving instructor. Such registration shall be valid for twenty consecutive days, provided that such person fulfils the same requirements as set out in regulation 7 of these regulations. Registration of a temporary diving instructor.

(2) A person registered as a temporary diving instructor shall instruct only members or clients of the dive centre with which he is registered.

**10.** The licensee and operator of a dive centre shall, prior to registration of a minor to participate in recreational diving activities, obtain the written consent of the parent or of the legal guardian of the minor. Minors.

**11.** The licensee and operator of a dive centre shall ensure that:- Medical statement.

(a) before using scuba, all divers shall fill and sign an appropriate medical statement to ensure their suitability for recreational diving in terms of the First Schedule to these regulations;

(b) if the answers in the medical statement suggest a medical risk in diving, the director of diving shall request the client to undergo a full medical examination by a physician who shall give his approval in writing before such client may use scuba;

(c) notwithstanding the answers in the medical statement, in any case of doubt or at the discretion of the director of diving, clients may be requested to undergo a full medical examination by a physician who shall give his approval in writing before such client may use scuba;

(d) the licensee and operator of a dive centre shall retain a record of the medical statement, medical certificates and other related documents for a period of not less than one year;

(e) should a client become aware of a change in his medical condition at any time, the client shall repeat the medical process.

Risk assessment.

**12.** (1) Licensees and operators of a dive centre shall ensure that a documented risk assessment has been conducted in respect of all diving sites to be used by the dive centre for recreational diving services.

(2) The following factors shall be considered as part of this Risk Assessment taking into account the capability of the participants – water movement, depth, underwater visibility, pollution, entry and, or exit methods, restricted zones, suitability of site for planned activities and emergency action plan.

(3) The licensee and operator of a dive centre shall prevent any client from taking part in any recreational diving services if, following the risk assessment, this is deemed to be in the best interest of the client and, or other persons.

Emergency equipment and procedures.

**13.** (1) The licensee and operator of a dive centre shall ensure the availability of the following in all locations where recreational diving is taking place:-

(a) a first aid kit, suitably equipped for the planned diving activity;

(b) an emergency oxygen unit with a capacity of delivering at least 15 litres/min of pure oxygen for at least 20 minutes;

(c) a communication system suitable for alerting emergency services.

(2) The licensee and operator of a dive centre shall provide a documented emergency plan for each site where diving activities are taking place which shall include the following information and preparation:-

(a) procedures for casualty recovery, resuscitation and evacuation;

(b) the use of the emergency oxygen supply;

(c) information about the nearest resources, including data about the availability of a hyperbaric recompression chamber.

**14.** (1) The licensee and operator of a dive centre shall give the following information to the client prior to the provision of diving services:- Information to be provided to clients.

(a) contractual issues including conditions, delivery and termination of the contract;

(b) prerequisites and any qualification requirements in order to obtain the service, such as medical certification and diver certifications;

(c) equipment requirements;

(d) costs;

(e) insurance requirements according to national regulations;

(f) local environmental considerations;

(g) diving related legislation and any legal requirements with regard to the specific kind of service to be provided.

(2) The licensee and operator of a dive centre shall clearly exhibit a price list of all charges for the different types of diving activities and for the hire of diving equipment on offer at the dive centre.

(3) If the service provided involves training, the licensee and operator of a dive centre shall give the following information in addition to that required as per subregulation (1) of this regulation:-

(a) the limitations of the eventual qualification;

(b) the scope of the training course;

(c) the course procedures;

(d) the means and methods for assessment, criteria for successful completion;

(e) that records of their personal data will be kept at the centre and that these records may be passed on to a training organisation.

(4) Prior to each dive or training session, the licensee and operator of a dive centre shall identify important safety procedures to clients which shall include the following:-

- (a) the identity and roll of staff;
- (b) emergency procedures;
- (c) arrangements concerning teams and group size;
- (d) team and, or group assignments;
- (e) information concerning the dive site, in particular the hazards which could affect the safety of the dive, such as underwater obstructions;
- (f) depth and, or time limitations;
- (g) the conduct required of clients.

Certification of compressors by competent person or entity.

**15.** (1) The applicant for a dive centre licence shall, prior to the issue of such a licence by the Authority, submit to the Authority a certificate by a competent person or entity recognised by the Authority, confirming that the compressors and the location where such compressors are stored and used for the filling of air, conform with relevant health and safety regulations and, or guidelines.

(2) The certification required as per subregulation (1) of this regulation shall also be submitted to the Authority every year prior to the renewal of the licence.

Certification of equipment by competent person or entity.

**16.** Licensees and operators of dive centres shall submit to the Authority prior to the issue and renewal of the dive centre licence, a declaration by a competent person or entity recognised by the Authority certifying that the equipment used by the dive centre conforms with the provisions as stipulated in regulations 13 (1) (b), 17 and 18 (2) of these regulations as well as paragraph 8 of the Second Schedule to these regulations.

**17.** (1) Licensees and operators of dive centres, prior to supplying persons with breathing gases for scuba, shall ascertain that such persons are qualified as independent divers unless such persons are accompanied by a scuba instructor.

Sale of breathing gases.

(2) In cases when the breathing gas is air, this shall be supplied by dive centres in accordance with national standards and regulations.

(3) The licensee and operator of a dive centre shall only fill those cylinders with current visual inspections, pressure tests and markings in accordance with current national standards and regulations.

(4) The licensee and operator of a dive centre shall not fill any cylinder unless they first carry out an external inspection of the cylinder and in case of doubt about its condition, they shall refuse to fill the cylinder.

(5) In cases when breathing gases other than compressed air are offered, the licensee and operator of a dive centre shall supply such gases only to clients who have the appropriate specialised training.

**18.** (1) Operational procedures of dive centres and diving equipment used by dive centres shall be in accordance with the Second Schedule and with the provisions of these regulations.

Operational standards.

(2) Licensees and operators of dive centres shall ensure that the operational procedures referred to in the Second Schedule and in the provisions of these regulations are adhered to at all times.

**19.** The Authority may consult the Association in the issue of licenses for dive centres.

Consultations with Association.

**20.** The Authority may consult the Association in the publication of :-

Authorised equivalents.

- (a) recognised qualifications for independent divers;
- (b) recognised qualification for dive leaders;
- (c) recognised qualifications for diving instructors;
- (d) recognised qualifications for directors of diving and,

or

(e) any other such documentation or information which may, from time to time, be helpful in determining diver and diving instructor qualifications.

Maintenance of records.

**21.** The licensee and operator of a dive centre shall:-

(a) maintain the following records in respect of all persons providing services to clients from the dive centre:-

i) name, address and date of birth;

ii) experience and certification related to the duties assigned;

iii) medical certification;

(b) maintain the following records in respect of clients utilising the services of the dive centre:-

i) name, address and date of birth;

ii) copy of medical assessment;

iii) copy of any previous training and, or certification and experience;

iv) copy of parental consent if such consent is required;

(c) retain records regarding clients undertaking organised or guided diving as well as regarding rental of equipment for at least six months;

(d) retain records regarding clients undergoing training at any level for at least two years including records showing dates of confined, open water and classroom sessions signed by both instructor and trainee.

Dive log.

**22.** The licensee and operator of a dive centre shall maintain a dive log for every confined and open water session organised by the centre. The dive log shall show the names of clients, staff members assisting such clients, dive site, date, entry and exit time, depth, gas used, wind and sea conditions. All dive logs, as well as the risk assessment shall be retained for at least six months.



**23.** All documents, permits and certificates relating to the dive centre, to the operator of the dive centre and to the employees of the dive centre shall be available on site at the centre at all times.

Availability of documents.

**24.** The director of diving and the instructors shall, during the provision of diving services, be in possession of a form of identification which includes their name and photograph.

Identity cards.

**25.** Licensees and operators of dive centres shall ensure that their dive centre complies with standard requirements of dive centres as may be established by the Authority from time to time.

Standards.

**26.** Compliance with the provisions of these regulations shall be deemed to be a condition to which a licence to operate a dive centre is subject, irrespective of whether or not reference to these regulations is made in the licence itself.

Conditions of licence.

**27.** The Authority may withdraw or suspend the licence of a dive centre should the licensee or operator of a dive centre ceases to meet any of the conditions specified in regulation 3 or 4, or any of the conditions under which the licence was issued, or fail to adhere to any other provision of these regulations.

Withdrawal or suspension of dive centre licence.

**28.** Any person who fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand liri.

Fines and penalties.

**First Schedule**

Medical Statement

**To the Participant:**

You must complete this Medical Statement, which includes the medical-history information section, prior to enjoying any recreational scuba diving services.

Its purpose is to inform you whether you should be examined by a physician before participating in recreational diving training. If any of these conditions apply to you, this does not necessarily disqualify you. It only means that for your own safety, you must seek the advice of a physician prior to participating in recreational scuba diving.

Please acknowledge that you have read and understood the information provided below by initialling each individual point.

<b>1. YOU MUST CONSULT A PHYSICIAN IF :</b>	<b>Yes or No</b>	<b>Initials</b>
you are pregnant or you suspect you may be pregnant		
you regularly take medications (with the exception of birth control)		
you are over 45 years of age and one or more of the following apply		
you smoke		
you have a high cholesterol level		

<b>2. YOU MUST CONSULT A PHYSICIAN IF YOU EVER HAD</b>	<b>Yes or No</b>	<b>Initials</b>
Asthma, or wheezing with breathing, or wheezing with exercise		
Any form of lung disease		
Pneumothorax (collapsed lung)		
History of chest surgery		
Claustrophobia or agoraphobia (fear of closed or open spaces)		
Epilepsy, seizures, convulsions or take medications to prevent them		
History of blackouts or fainting (full/partial loss of consciousness)		

History of diving accidents or decompression sickness		
History of diabetes		
History of high blood pressure or take medications to control blood pressure		
History of any heart disease		
History of ear disease, hearing loss or problems with balance		
History of thrombosis or blood clotting		
Psychiatric diseases.		

<b>3. I AM AWARE THAT I COULD BE UNFIT TO DIVE IF I HAVE OR DEVELOP ANY OF THE FOLLOWING CONDITIONS:</b>	<b>Initials</b>
cold, sinusitis, or any breathing problems (e.g. bronchitis, hay fever)	
acute migraine or headache	
any kind of surgery within the last 6 weeks	
under influence of alcohol, drugs or medications effecting the ability to react	
Fever, dizziness, nausea, vomiting and diarrhoea	
problems equalising (popping ears)	
acute gastric ulcers	
Pregnancy	

Name .....

Address.....

.....

.....

Date of Birth.....

I confirm that the answers to the questions above are true and complete.

**Signature** ..... **Date**.....

**Parental/Guardian consent where participant is a minor.**

Name of Parent/Guardian\* ..... \* delete as applicable

Address.....

.....

**Signature** ..... **Date**.....

This declaration is valid for one year from date of signature

## SECOND SCHEDULE

### **Operational Standards**

#### **Requirements for Training.**

1. (1) Recreational Diving Service Providers shall ensure that the client fulfils the prerequisites to take part in the training course envisaged.

(2) When conducting a training course leading to certification by a recognised training organisation, all the procedures of the recognised training organisation shall be met.

(3) For entry level courses and taster sessions, the first water lesson should be conducted in confined water with a maximum ratio of 6 students to 1 instructor unless more stringent conditions are set by the recognised training organisation.

#### **Teaching and training facilities.**

2. Theory lessons shall be carried out in a suitable learning environment, such as a dedicated classroom, that is free from significant distraction to learning. This shall provide students with sufficient working facilities and training aids (e.g. writing surfaces, reference materials, computer, visual or audio materials) to ensure that students are able to understand the information being presented.

#### **Personnel experience.**

3. (1) Only a registered instructor shall conduct the training of recreational scuba divers up to and including dive leader.

(2) Only instructors who have relevant additional qualifications shall conduct training courses involving more demanding operational parameters not covered by the scuba instructor's qualifications or experience (e.g. night dives, limited visibility dives, deep dives, wreck dives, dry suit dives, drift dives, cave dives, nitrox dives, trimix dives, rebreathers)

(3) Divers not yet certified as independent divers shall be considered as trainees and shall be accompanied in the water at all times by a registered diving instructor.

(4) Recreational Diving Service Providers may engage dive leaders to help control clients and improve safety but not to assess or to teach any skills or knowledge to clients.

(5) An individual of at least dive leader qualification shall provide the contracted services in the framework of guided dives and organised dives. If a dive requires specific skills beyond the qualifications of a dive leader, the individual leading the dive shall have received relevant specialised training or have equivalent experience.

### **Personnel Qualifications.**

4. (1) The qualifications required for a DIRECTOR OF DIVING shall be at least PADI staff instructor, CMAS 2 STAR Instructor or BSAC Advanced Instructor or any other equivalents that may be recognised by the Authority from time to time. (open-water instructor)

(2) The qualifications required for a DIVING INSTRUCTOR shall be at least PADI Open Water Instructor, CMAS 1 STAR Instructor or BSAC Open Water Instructor or any other equivalents that may be recognised by the Authority from time to time.

(3) The qualifications required for a DIVE LEADER shall be at least PADI Dive Master, CMAS 3 STAR Diver, BSAC Dive Leader or any other equivalents that may be recognised by the Authority from time to time.

(4) The qualifications required for an INDEPENDENT DIVER shall be at least PADI Advance Diver, CMAS 2 STAR Diver, BSAC Sport Diver or any other equivalents that may be recognised by the Authority from time to time.

### **Organised Diving.**

5. (1) A group may include scuba instructors or dive leaders who may take on some or all of the duties for providing proper supervision of members of the group in accordance with these regulations. Any such arrangement between the Recreational Diving Service Provider and the group leader shall be agreed by both parties, in advance of any underwater activities.

(2) To be entitled to enjoy the service of an organised dive, each client shall be an independent diver or, if not, he shall be accompanied by a registered diving instructor. The certification and the client's personal dive log shall be checked prior to the dive and details placed on record.

(3) An individual of at least dive leader qualification shall be present at the dive site and in control of diving activities.

(4) Organised dives which require specific qualifications, e.g. night diving, wreck diving etc. may only be carried out if each individual client has appropriate qualifications (speciality certification) or equivalent logged experience.

**Guided Diving.**

6. (1) In order to be entitled to enjoy the service of a guided dive, each client shall be an independent diver or, if not, he shall be accompanied by a registered diving instructor. The certification and the client's personal dive log shall be checked prior to the dive and the details placed on record.

(2) Guided dives which require specific qualification, e.g. night diving wreck diving etc. may only be carried out if each individual client has the appropriate qualifications or equivalent experience.

(3) Guided dives requiring specific qualifications or equivalent experience, for which the client cannot provide proof of such qualifications or experience, shall be considered to be training dives and regulation 4 of this Schedule shall apply.

**Locations.**

7. The Recreational Diving Service Provider shall ensure that the person in charge of the dive has the knowledge and understanding of the features and hazards of the intended diving locality. The person in charge shall make every reasonable effort to ensure that the site at which the training or diving is to be carried out is suitable for the clients and the envisaged activity.

**Diving Equipment Standards.**

8. (1) All diving equipment used for the services shall be of a style currently in use in the sports diving industry and shall comply with local or European standards.

(2) All diving equipment shall be safe to use at time of issue and shall be serviced according to legal requirements and/or manufacturers specifications.

(3) The recreational diving service provider shall establish an appropriate written service schedule which identifies all individual cylinders, demand regulators, alternative breathing gas sources, cylinder-support-system and buoyancy control devices.

**Rental of Diving Equipment.**

9. (1) The service comprises rental of items of diving equipment to clients who may use such equipment both for supervised and unsupervised diving activities.

(2) The recreational diving service provider shall ensure that the personnel understand the characteristics and function of the diving equipment

rented. Staff shall be competent to advise clients about the proper fit and use of the diving equipment in specific diving activities.

(3) Assistance and advice shall be offered to the client in selecting the proper diving equipment taking into account the envisaged diving activity and the qualification and needs of the clients (e.g. the proper fit of buoyancy control device and suits).

(4) Diving equipment provided to client shall be subjected to an inspection by the recreational diving service provider and the client prior to delivery in order to ascertain that it is fully operational.

(5) Diving cylinders and scuba demand valves may only be rented to independent divers who must undertake not to allow these to be used by other divers of a lesser certification level.