

SUBSIDIARY LEGISLATION 409.13**RECREATIONAL DIVING SERVICES
REGULATIONS**

19th October, 2012

LEGAL NOTICE 359 of 2012.

1. (1) The title of these regulations is the Recreational Diving Services Regulations. Citation and scope.

(2) The aim of these regulations is to establish the licence and other requirements for service providers in the field of recreational scuba diving.

(3) These regulations shall apply to any physical or legal person offering recreational diving services to the public and any other person employed by such physical or legal person to carry out any of the duties prescribed in these regulations.

(4) 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 relevant regulations made 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 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;

"client" means an individual or group of individuals who enter into a contract with a service provider for the provision of recreational diving services for their use;

"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 is approved as such by the Authority in terms of regulation 7 to take responsibility for the management and operation of the recreational diving services being offered, promoted, organised and provided by a licensee;

"dive centre" means the premises from where any person or entity offers recreational diving services to clients;

"dive leader" means a person who is qualified in accordance with MSA EN 14153-3 or equivalent and fulfils the requirements in regulation 9;

"dive site" means the location where diving activity takes place;

"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 including, if appropriate, a quick release weight system, submersible pressure gauge (breathing gas pressure monitor), equipment 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 is qualified in accordance with MSA EN 14413-2 or equivalent and fulfils the requirements of regulation 8;

"EN" means standard developed by the European Committee for Standardization (CEN);

"guided dive" means a dive where independent divers are accompanied by a dive leader or if a client is less qualified than an independent diver, by an instructor;

"independent diver" means a person who shall have at least scuba diver level certification in accordance with MSA EN 14153-2 or equivalent and is also certified to dive to at least thirty metres or twenty-one metres if younger than fifteen years old, and accompanied by an adult who holds a certification in accordance with MSA EN14153-2 or equivalent and also certified to dive to at least thirty metres;

"intro dive" means an informal diving experience undertaken to introduce the client to scuba diving;

"ISO" means a standard published by the International Standards Organization;

"licensee" means a physical or legal person in whose name a licence to provide recreational diving services has been issued by the Authority in terms of these regulations;

"the Minister" means the Minister responsible for tourism;

"minor" means any physical person who has not attained the age of eighteen years;

"MSA" means a standard published by the Malta Standards Authority;

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

"organised dive" means a service, where each individual client shall have at least independent diver status and is taken to a dive site to participate in recreational diving;

"recreational diving services" means any or all of the following scuba diving services offered by a recreational diving service provider:

- (a) training and education in recreational diving;
- (b) organised and guided diving for certified divers;
- (c) rental of diving equipment;

"recreational diving service provider" means a licensee, including any individual legally acting on behalf of such licensee,

who offers, promotes, organises or provides any recreational diving service or services;

"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.

(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.

3. (1) No person shall offer, promote, organise or provide any recreational diving service unless such person holds a valid licence for the purpose issued by the Authority in terms of these regulations. Any promotional material shall clearly state the name of the dive centre and the licence number issued by the Authority.

Licence.

(2) The Authority shall recognise the right of a recreational diving services provider that is legally established in another Member State to provide recreational diving services, or parts thereof in Malta, on a temporary and occasional basis, in terms of the Services (Internal Market) Act:

Cap. 500.

Provided that, for reasons of public safety, when providing such temporary and occasional services in Malta, such recreational diving service provider shall comply with the applicable safety and operational requirements and procedures established in regulations 12 to 23.

4. (1) Applications for a licence to provide recreational diving services are to be made on an appropriate application form issued by the Authority together with such other documentation required by these regulations and as shall be set out in the application form:

Application for a licence.

Provided that the Authority may, in ensuring whether an applicant satisfies the requirements for the granting of a licence, request and conduct an interview with such an applicant or request and conduct an inspection of the location and facilities being proposed to be used for the provision of such recreational diving services.

(2) Every applicant shall, together with the application form submitted to the Authority, make a payment of a one time, non-refundable application fee of fifty euro (€50) to the Authority.

(3) The Authority shall, without delay, acknowledge receipt of the application form and the application fee by letter to the applicant and shall specify:

- (a) the periods mentioned in sub-regulations (5) and (6) within which the Authority shall determine the application;
- (b) the procedure under which a refusal by the Authority to grant a licence may be appealed in terms of the Act; and
- (c) that an applicant shall not be deemed to have been

issued a licence where the Authority does not determine an application form within the periods mentioned in sub-regulations (5) and (6).

(4) In the case of an incomplete application form, the Authority shall, without delay, inform the applicant of the need to supply any additional information or documentation, and that the Authority shall not commence processing the application form unless and until such time that the Authority receives a complete application form:

Provided that an application form shall not be deemed to be complete unless and until the Authority is in receipt of all the documentation required to be submitted together with the application form or certification of compliance with all requirements.

(5) The Authority shall determine whether to issue a licence to an applicant, within consecutive forty-five days from the date of receipt of a complete application form.

(6) The period mentioned in sub-regulation (5) may, prior to the expiry of the relevant period, be extended by the Authority for one period of not more than consecutive thirty days. Such extension and the reasons thereof shall be notified to the applicant without delay.

(7) Due to the potential risks to public health associated with recreational diving services, when the Authority has not determined whether to issue a licence to an applicant, within the periods mentioned in sub-regulation (5), or within the extended period mentioned in sub-regulation (6), such applicant shall not be deemed, for all intents and purposes of law, to be licensed:

Provided that in the circumstances referred to in sub-regulation (7) it shall be possible for the applicant to appeal, as if the application has been refused by the Authority, in terms of the Third Schedule to the Act, on payment of the fee set out in the Fees (Tourism) Regulations.

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Issue of the licence.

5. (1) The Authority shall grant a licence to an applicant to offer, promote, organise or provide any recreational diving service provided that it is satisfied that:

- (a) the issue of such a licence is in conformity with current tourism policy;
- (b) the applicant is a fit and proper person, and is of good character standing;
- (c) the applicant and, or his staff, possess the relevant competencies and qualifications as required in terms of these regulations;
- (d) the applicant designates, and submits to the Authority for approval, a director of diving who shall be a person of good conduct and possesses the relevant competencies and qualifications in accordance with regulation 7;
- (e) the location, fixed and permanent infrastructure,

facilities, equipment, management, safety and operational requirements and procedures to be used and implemented for the provision of the relevant recreational diving services shall be adequate to meet the standards and requirements set in these regulations provided that a licence shall be restricted to one dive centre;

- (f) the applicant is in possession of a third party liability insurance policy, including professional indemnity insurance, for a minimum amount of two hundred and forty thousand euro (€240,000) to cover any third party liability arising from clients and, or members in respect of the recreational diving services being licensed.

6. A licence issued under these regulations shall be valid from the date of issue up to the thirty-first day of December of the same calendar year, and shall be renewed by the Authority for further periods of one year subject to the continued compliance with these regulations and payment of the applicable licence fee.

Validity of the licence and renewal.

7. (1) No licensee shall offer, promote, organise or provide recreational scuba diving services unless he has appointed a director of diving to fulfil the duties prescribed in these regulations.

Qualifications of director of diving.

(2) The appointment of a director of diving referred to in sub-regulation (1) or his substitute shall be subject to the prior approval of the Authority.

(3) The Authority shall approve the appointment if it is satisfied that the designated director of diving:

- (a) is in possession of a diving instructor qualification of at least a Level 2 in accordance with MSA EN 14413 - 2 or equivalent;
- (b) has adequate experience as an instructor in recreational diving proven by at least four hundred logged dives undertaken as a recreational diving instructor, of which three hundred such dives should have been undertaken in local waters within the five years preceding his engagement as a director of diving;
- (c) is of a good character and standing; and
- (d) has provided a signed declaration to the Authority that he has sufficient knowledge and competencies to fulfil his duties and responsibilities as director of diving as required by these regulations together with a commitment towards their fulfilment.

8. (1) No person shall act as a diving instructor unless such person fulfils the requirements established in these regulations.

Qualifications of diving instructors.

(2) A recreational diving service provider shall not employ or otherwise engage a person as a diving instructor unless such person fulfils the requirements established in these regulations.

	<p>(3) A diving instructor shall be qualified, as a diving instructor in accordance with MSA EN 14413 - 2 or equivalent.</p> <p>(4) A diving instructor shall be in possession of a valid medical certificate issued by a doctor specialising in diving medicine stating that the diving instructor is fit to dive. The medical certificate is valid for one year from the date on which it is issued.</p> <p>(5) A diving instructor shall be qualified to administer emergency oxygen.</p>
Qualifications of dive leader.	<p>9. (1) No person shall act as a dive leader unless he fulfils the requirements established in these regulations.</p> <p>(2) A recreational diving service provider shall not employ or otherwise engage a person as a dive leader unless he fulfils the requirements established in these regulations.</p> <p>(3) A dive leader shall:</p> <ul style="list-style-type: none"> (a) be qualified as at least a scuba diver level 3 diver in accordance with MSA EN 14153-3 or equivalent; (b) be in possession of a valid medical certificate issued by a doctor specialising in diving medicine stating that the dive leader is fit to dive. The medical certificate is valid for one year from the date on which it is issued; (c) have knowledge of the underwater terrain of the site in which he is assisting or diving is being conducted; (d) be qualified to administer emergency oxygen.
Relevant additional qualifications for instructors.	<p>10. Only instructors with the relevant additional certification shall be permitted to conduct recreational dive training which requires special knowledge and training outside that what is normally included in the scuba diving courses satisfying MSA EN 14153-1 to 3 or equivalent and MSA EN 14413 1 and 2 or equivalent.</p>
Identity.	<p>11. During the provision of recreational diving services, the director of diving, instructors and dive leaders shall be in possession of a form of identification which includes their name, photograph and qualification, and the name and licence number issued by the Authority of the dive centre on whose behalf they are providing the recreational diving service.</p>
General safety and operational requirements and procedures.	<p>12. (1) The dive centre from where the recreational diving services are offered, promoted, organised or provided shall:</p> <ul style="list-style-type: none"> (a) be suitable and adequate for such activity and shall be easily accessible to the public; (b) have the name of the appointed director of diving displayed in a prominent position that is easily visible to clients; (c) be kept clean, well maintained and organised at all times; (d) provide first aid kits which are fully and suitably equipped for offering first aid to clients. A first aid kit shall be sited at the dive centre location and at the dive

site;

- (e) have the contact details for emergency services prominently displayed, including contact details of recompression facilities;
- (f) have the provision of facilities to contact emergency services, where necessary, at the dive centre location and at all the sites from where diving is taking place;
- (g) have an area exclusively dedicated for theoretical instruction separated from the area dedicated for the storage of cleaning equipment, stores and the rental of equipment.

(2) It shall be the duty of the licensee to ensure that the facilities, the diving equipment and other accessories, as well as all land and sea transport vehicles used to provide recreational diving services to clients are regularly and properly maintained at all times.

(3) A written service schedule shall be kept of all equipment and installations. This schedule shall identify each item and shall document all maintenance work carried according to manufacturers instructions.

13. (1) The director of diving shall assume overall management and operational responsibility for the recreational diving services provided to clients by the licensee. This shall include the coordination and supervision of all training, of all organised and guided diving and for the rental of equipment.

Duties of director
of diving.

(2) The director of diving shall be responsible for ensuring that all recreational diving services are provided according to these regulations and best industry practices in order to minimise risks to the health and safety of clients and staff at all times.

(3) In order to perform these duties the director of diving shall be present at the dive centre during all operational hours.

(4) In the event that the director of diving is temporarily absent from the dive centre due to illness or other valid reason the licensee shall appoint an instructor with qualifications as detailed in regulation 7 to act as a substitute. This appointment shall only be valid for a period of twenty-eight consecutive days.

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

Provided that if the licensee fulfils the necessary requirements of a director of diving set out in these regulations, nothing in this regulation shall exclude the licensee from acting as the director of diving.

14. (1) The diving instructor shall be responsible:

- (a) for both the classroom and in-water training of the clients;
- (b) to carry out and record risk assessments before allowing clients to enter the water;

Duties of diving
instructor.

- (c) to maintain training records for all clients as required by the training agency for the course being taught; and
- (d) to maintain and sign documents as required by these regulations.

(2) In order to conduct his duties in a safe manner to himself, other staff and his clients, a diving instructor shall have personal knowledge of the underwater terrain of the site in which he is providing recreational diving training.

(3) The training of recreational scuba divers up to level 3 in accordance with MSA EN 14153-1, -2, -3 or equivalent shall be conducted by an instructor having a minimum qualification of MSA EN 14413 - 2 or equivalent:

Provided that recreational diving activities involving more demanding operational parameters not covered by the diving instructors' qualifications and experience, shall only be conducted by instructors who shall also have the relevant additional qualifications or experience to conduct such dives.

Duties of dive leader.

15. (1) The director of diving may be required to make use of dive leaders to help and control clients and improve safety but may not use dive leaders to assess or to teach any skills or knowledge to clients.

- (2) The functions and responsibilities of a dive leader shall be:
 - (a) to guide or organise a group of independent divers; and
 - (b) to offer and provide safety back-up and generally assist the diving instructor during a training session.

Information and documentation requirements.

16. (1) Prior to the provision of a recreational diving service, the director of diving shall be responsible for obtaining the following information and documents from clients, which shall be maintained by the licensee:

- (a) name, address and date of birth;
- (b) a completed and signed medical statement to ensure the client's fitness for recreational diving as indicated in the Schedule or a medical statement issued by an educational organisation that is credited to provide courses that lead to MSA EN 14153-1 to 3 or equivalent or MSA EN 14413 1 and 2 or equivalent or ISO 11121, provided that such statement shall not be accepted if it does not include all the information contained in the statement indicated in the Schedule. If the medical statement suggests a medical risk the director of diving shall request that the client undergoes a full medical examination by a physician: provided that notwithstanding the answers in the medical statement, in the case of doubt or at the discretion of the director of diving, clients may be requested to undergo the full medical examination. The examining doctor shall give his approval in writing before the client may perform scuba diving;

- (c) documentary proof of diving qualifications and experience, if and as applicable;
- (d) signed statement of understanding; and
- (e) parental or legal guardian's consent in the case of a minor in the course of providing recreational diving services, and additionally, in the case of a diving instructor -
 - (i) a valid medical certificate issued by a doctor specialising in diving medicine stating that the diving instructor is fit to dive. The medical certificate is valid for one year from the date on which it is issued;
 - (ii) documentary proof of third party insurance.

(2) Without prejudice to any other information requirements emanating from any other law current at the time, the director of diving shall be responsible to provide the following information to the clients prior to providing the recreational diving service:

- (a) contractual issues including conditions bearing on the signature, delivery and termination of the contract;
- (b) information regarding the services that are available and any qualification or experience required in order to obtain these recreational diving services;
- (c) costs and prices for obtaining any recreational service and, if requested -
 - (i) information on the competence of the member or members of staff who will provide any recreational diving service;
 - (ii) equipment requirements;
 - (iii) insurance requirements, if and as applicable;
 - (iv) local environmental and safety considerations;
 - (v) recreational diving related legislation and any other legal requirements concerned with the specific kind of recreational diving service.

(3) If the service to be provided involves training, the following additional information shall be provided:

- (a) limitations of eventual qualification,
- (b) scope of the training course,
- (c) course procedures,
- (d) means and methods of assessment and criteria required for successful completion:

Provided that clients shall be informed that records shall be kept of their personal data and that these records may be passed on to a training organisation.

(4) In the case of guided dives or organised dives the following additional information shall be provided at the diving site:

- (a) information concerning the dive site, in particular the hazards that could affect the safety of the dive, such as

underwater obstructions;

- (b) arrangements concerning buddy teams or group size;
- (c) water depth and time limitations.

Safety information to be given to client.

17. Prior to each guided or organised dive or training session, clients shall have safety provisions identified to them, which include:

- (a) the identity and role of all staff members involved in the session;
- (b) emergency procedures;
- (c) buddy and group assignments;
- (d) the conduct required from clients.

Diving logs.

18. (1) Before each recreational diving service, the director of diving shall prepare a diving log for each training or diving session. This shall include at least the following information:

- (a) the planned location where the diving will be conducted;
- (b) the name of the diving instructor or dive leader leading the session;
- (c) the date of the dive;
- (d) the names of the clients participating in the session;
- (e) the purpose of the dive.

(2) The diving instructor or dive leader shall be briefed by the director of diving on any special circumstances or information relating to the experience, skills or limitations of the clients undertaking the training or the dive.

(3) The diving log shall be signed by the diving instructor or dive leader before the training or diving session.

(4) Prior to the training or diving session any deviation from the diving log must be reported to the director of diving.

(5) Following the training or diving session, the following information shall be added to the diving log by the diving instructor or dive leader:

- (a) confirmation of the location of the dive;
- (b) the time of entry into the water and time of exit from the water;
- (c) the duration of the dive;
- (d) the maximum depth reached during the dive;
- (e) details of any deviation from the planned purpose as referred to in sub-regulation (1)(e) or exercise or any special circumstances, incident, or information relating to the experience, skills or limitations of the clients.

(6) The diving log shall then be countersigned by both the diving instructor or the dive leader and the director of diving. The

diving log shall be kept by the licensee.

19. (1) Prior to the undertaking of each dive, the diving instructor or dive leader shall conduct a risk assessment and shall adopt procedures to ensure that all risks are controlled as far as is reasonably possible. Risk assessment.

(2) In conducting the risk assessment, the following factors shall be taken into consideration, due regard being given to the capability of those persons who intend to participate in the dive, including clients and staff members:

- (a) water movement, such as current and wave action;
- (b) water depth;
- (c) underwater visibility;
- (d) pollution;
- (e) entry and exit methods;
- (f) restricted zones;
- (g) suitability of the site for planned activities; and
- (h) emergency action plan.

(3) The director of diving, diving instructor or dive leader shall have the right to prevent any client from taking part in the recreational diving services if, following the risk assessment, it is deemed to be in the best interest of the safety of any client.

20. (1) At all dive sites where a diving activity is taking place the director of diving shall ensure the availability of: Emergency equipment and procedures.

- (a) a fully equipped first aid kit suitable for the planned diving activities;
- (b) an emergency oxygen unit with a capacity of delivering at least 15 litres per minute of pure oxygen for at least twenty minutes;
- (c) a communication system suitable for alerting emergency services;
- (d) a documented emergency plan, comprising at least the following information: Emergency procedures.
 - (i) procedures for casualty recovery, resuscitation and evacuation;
 - (ii) information about the nearest medical resources, including data about the availability of a hyperbaric recompression chamber.

(2) If diving equipment is provided to a client for use in recreational dive training or in guided or organised diving, this shall be subject to regulation 23 concerning the rental of recreational diving equipment. Diving equipment.

21. (1) The director of diving shall ensure that: Training and education services.

- (a) each individual client and prospective trainee fulfils the prerequisites for taking part in the training course that is planned to be undertaken;

- (b) every trainee follows fully, all classroom and confined and open water training exercises as laid down in the Standards and Procedures Manual required for the course being undertaken;
- (c) the size of the class, and the proficiency of the members of each buddy team or group of divers, is appropriate to enable all diving activities to be carried out safely;
- (d) the first water lesson should be conducted in confined water with a maximum ratio of six trainees to one diving instructor unless more stringent conditions are set by the training institution whose course is being undertaken; and
- (e) training such as intro dives, or intro sessions, shall be carried out in accordance with ISO 11121.

(2) Theory teaching shall be conducted in an area exclusively dedicated to such teaching and which shall be free from significant distractions to learning.

(3) The director of diving shall designate and use training sites for confined water training or open water training that are appropriate to the ability of the trainees.

(4) Services involving more demanding operational parameters not covered by a diving instructor qualification shall only be conducted by diving instructors who have relevant additional qualifications.

Organised and guided diving for certified divers.

22. (1) A recreational diving services provider shall not provide the service of a guided dive unless each individual client is at least qualified as an independent diver. In the case where a client is not qualified as an independent diver, the leadership shall be provided by an instructor who is established in a Member State:

Provided that for organised diving a dive leader or dive instructor should always be on site to co-ordinate diving activities.

(2) The diving director shall ensure that the diving instructor or dive leader in charge of the dive has sufficient knowledge and understanding of the features and hazards of the intended diving locality.

(3) The director of diving is responsible for checking of the certification and each client's personal diving experience prior to the dive.

(4) The dive leader, or instructor shall provide a safety briefing, conduct a risk assessment, assign buddies, supervise clients, identify operational parameters and ensure an emergency support procedure is in place before dive.

(5) Guided dives which require specific qualifications, such as night diving, wreck diving, may only be carried out if each individual client has the appropriate qualifications, including speciality certification or equivalent logged experience or when an instructor with the appropriate qualifications or experience is responsible for the dive and for leading it underwater.

23. (1) All diving equipment provided for a rental service shall be of a style currently in use in the sports diving industry and shall comply with applicable local and European standards:

Equipment and rental of diving equipment.

Provided that for the rental of scuba regulations 12, 14 to 20(2) and regulations 21 to 22 do not apply.

(2) All diving equipment shall be safe to use at time of issue to clients and shall be serviced according to EU standards and manufacturers' specifications.

(3) The licensee shall establish an appropriate written equipment servicing schedule as per manufacturers' instructions which shall identify all individual cylinders, demand regulators, alternative breathing gas sources, cylinder-support-system and buoyancy control devices.

(4) Assistance and advice shall be offered to the client in choosing the proper diving equipment taking into account the envisaged diving activity and the qualification and needs of the clients including the proper fit of buoyancy control devices and suits.

(5) Diving equipment rented to clients shall be subjected to an inspection by recreational diving service provider and the client, prior to use in order to ascertain that it is fully operational.

(6) Scuba and compressed air shall only be supplied to divers that are at least qualified as an independent diver or to a lesser qualified client when accompanied by an instructor who is established in a Member State.

(7) Breathing gases, other than air, shall only be supplied to independent divers having the appropriate additional training and certification, or to a lesser qualified diver when accompanied by a Diving Instructor who is suitably qualified and is established in a Member State.

(8) Prior to the provision of equipment rental, the director of diving shall be responsible for obtaining the following information and documents from the recipient of the service, which shall be maintained by the licensee:

- (a) name, address and date of birth;
- (b) if renting scuba or breathing gasses a completed and signed medical statement to ensure the client's fitness for recreational diving as indicated in the Schedule or a medical statement issued by an educational organisation that is credited to provide courses that lead to MSA EN 14153-1 to 3 or equivalent or MSA EN 14413 1 and 2 or equivalent or ISO 11121, provided that such statement shall not be accepted if it does not include all the information contained in the statement indicated in the Schedule. If the medical statement suggests a medical risk the director of diving shall request that the client undergoes a full medical examination by a physician: provided that notwithstanding the answers in the medical statement, in the case of doubt or at the discretion of the director

of diving, clients may be requested to undergo the full medical examination. The examining doctor shall give his approval in writing before the client may use SCUBA;

- (c) documentary proof of diving qualifications and experience, if and as applicable;
- (d) signed statement of understanding; and
- (e) parental or legal guardian's consent in the case of a minor,

and additionally, in the case of a person acting as a diving instructor -

- (i) a valid medical certificate issued by a doctor specialising in diving medicine stating that the client is fit to dive. The medical certificate is valid for one year from the date on which it is issued;
- (ii) documentary proof of third party insurance.

(9) Without prejudice to any other information requirements emanating from any other law current at the time, the director of diving shall be responsible to provide the following information to the clients prior to providing the recreational diving service:

- (a) contractual issues including conditions bearing on the signature, delivery and termination of the contract; and
- (b) costs and prices for obtaining equipment rental:

Provided that clients shall be informed that records shall be kept of their personal data.

Documentation.

24. (1) The licensee shall maintain the following documentation in relation to the recreational services provided:

- (a) documents relating to recreational diving education and training services for a period of two years:
 - (i) client personal details;
 - (ii) qualification records;
 - (iii) medical statements;
 - (iv) statements of understanding;
 - (v) client training records;
 - (vi) dive logs;
- (b) documents relating to recreational organised dives and guided dives services for a period of one month:
 - (i) client personal details;
 - (ii) qualification records;
 - (iii) medical statements;
 - (iv) statements of understanding;
 - (v) dive logs;
- (c) documents relating to the rental of Scuba equipment services for a period of one month:

- (i) client personal details;
- (ii) qualification records;
- (iii) medical statements;
- (iv) statements of understanding;
- (v) equipment rented.

(2) The licensee shall maintain the following documentation on all staff members employed or otherwise engaged by him and delivering services to clients for the duration of their employment or engagement with the licensee and for a period of twelve months after such employment or engagement is terminated:

- (a) name, address and date of birth;
- (b) training certification supported by documentation issued by the relative training organisation confirming the authenticity of the certification;
- (c) medical examination certificate;
- (d) position, role and responsibilities held with the licensee;
- (e) experience.

(3) The licensee shall make the documentation referred to in sub-regulations (1) and (2) available for inspection and audit by the Authority or any other entity competent at law to inspect such documentation in the course of their legal functions.

25. (1) The Authority may withdraw or suspend a licence issued under these regulations should the licensee cease to meet any of the requirements specified in these regulations, or any of the conditions under which the licence was issued:

Suspension and withdrawal of licence, recourse to appeal of the Authority's decision.

Provided that the Authority shall notify the licensee whose license it intends to withdraw or suspend and shall give reasons for its decision.

(2) Any decision of the Authority referred to in sub-regulation (1) may be appealed from by the aggrieved person in terms of the provisions of the Third Schedule to the Act, on payment of the fee set out in the Fees (Tourism) Regulations.

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26. 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 minimum fine (*multa*) of one thousand euro (€1,000) but not exceeding two thousand and three hundred euro (€2,300):

Offences and penalties.

Provided that in every case, it shall be competent to the Authority to proceed against the licensee and, or the director of diving and, or the dive instructor and, or the dive leader.

27. Any licence issued under the the Recreational Diving Service Provider Regulations, 2010 (which are hereby revoked) and which is still valid and effective immediately before such revocation, shall continue to be valid and effective thereafter as if it were a licence granted under the provisions of these regulations.

Saving.
L.N. 357 of 2010.

SCHEDULE

Regulation 16(1)(b)

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.

1. YOU MUST CONSULT A PHYSICIAN IF:	Yes or No	Initials
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		
2. YOU MUST CONSULT A PHYSICIAN IF YOU EVER HAD	Yes or No	Initials
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 or 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 heart disease		
history of ear disease, hearing loss or problems with balance		
history of thrombosis or blood clotting		
psychiatric disease		
3. I AM AWARE THAT I COULD BE UNFIT TO DIVE IF I HAVE OR DEVELOP ANY OF THE FOLLOWING CONDITIONS:		Initials
Cold, sinusitis, or any breathing problems such as bronchitis and hay fever		
Acute migraine or headache		
Any kind of surgery within the last six weeks		

Under influence of alcohol, drugs or medication affecting the ability to react	
Fever, dizziness, nausea, vomiting and diarrhoea	
Problems equalising such as when popping ears	
Acute gastric ulcers	
Pregnancy	

<p>Name</p> <p>Address</p> <p>Date of Birth</p> <p>I confirm that the answers to the questions above are true and complete.</p> <p>Signature</p> <p>Date</p> <p>Parental / Guardian consent where participant is a minor</p> <p>Name of Parent / Guardian (delete as applicable)</p> <p>Address</p> <p>Signature</p> <p>Date</p> <p>THIS DECLARATON IS VALID FOR ONE YEAR FROM DATE OF SIGNATURE</p>
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