

## **Nru. 31**

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### MALTA

#### KAMRA TAD-DEPUTATI

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**ABBOZZ ta' Ligi mressaq mill-Ministru għall-Ikel, Agrikoltura u Sajd u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Novembru, 1992.**

**ATT biex jipprovdi għar-regolazzjoni, konservazzjoni u amministrazzjoni tas-sajd f'Malta u għal hwejjeg incidental għalihom.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

#### HOUSE OF REPRESENTATIVES

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**A BILL introduced by the Minister for Food, Agriculture and Fisheries and read the First time at the Sitting of the 23rd November, 1992.**

**AN ACT to make provision for the regulation, conservation and management of the fisheries of Malta and matters incidental thereto.**

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**RICHARD J. CAUCHI**  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI msejjah

*ATT biex jipprovdi għar-regolazzjoni, konservazzjoni u amministrazzjoni tas-sajd f'Malta u għal ħwejjeġ incidentali għalihom.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

### TAQSIMA I – PRELIMINARI

1. Dan l-Att jista' jissejjah l-Att ta' l-1992 dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd u għandu jibda jsehh f'dak il-jum li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta u l-Ministru jista' jistabbilixxi jiem differenti għall-bidu fis-sehh ta' dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att. Titolu u bidu fis-sehh.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx Tifsir.  
xort'ohra –

“area ta' konvenzjoni” tfisser, dwar xi konvenzjoni internazzjonali, l-area li għaliha tirreferi l-Konvenzjoni;

“Att” tfisser dan l-Att u tinkludi kull regolamenti, ordnijiet jew avvizi magħmula jew pubblikati bis-sahha tiegħu;

“bastiment” tfisser bastiment li jahdem bl-istim jew bil-makni, lanċa, dgħajsa, hovercraft, jew biċċa tal-baħar li toghdos jew li tibqa' fil-wieċ, ta' kull deskrizzjoni;

“bastiment tas-sajd” tfisser kull bastiment ta’ liema daqs ikun u li jitmexxa b’xi mod li jkun li fil-mument ikun qed jintuża għal hidma ta’ sajd jew għall-ipproċessar, hażna jew ġarr ta’ hut jew għal xi hidmiet (inkluż trasbord ta’ hut) anċillari għal dan iżda ma tinkludi ebda bastiment użat għall-ġarr ta’ hut jew prodotti ta’ hut bhala parti mill-merkanzija ġenerali tiegħu;

“bastiment tas-sajd barrani” tfisser bastiment tas-sajd li la jkun bastiment tas-sajd lokali u lanqas bastiment tas-sajd tal-konvenzjoni;

“bastiment tas-sajd liċenzjat” tfisser bastiment mogħti liċenza jew permiss biex jistad skond l-artikolu 8, 9 jew 10 ta’ dan l-Att;

“bastiment tas-sajd lokali” tfisser kull bastiment:

(a) li jkun proprjetà ta’ persuna wahda jew iżjed li ordinarjament jirrisjedu f’Malta, jew

(b) li jkun għal kollox proprjetà ta’ kumpannija, soċjetà jew assoċjazzjoni ta’ persuni inkorporata jew stabbilita taħt il-ligijiet ta’ Malta u kontrollata minn persuna wahda jew iżjed li ordinarjament jirrisjedu f’Malta;

“bastiment tas-sajd tal-konvenzjoni” tfisser bastiment tas-sajd li jkun ta’ pajjiż li jkun parti f’konvenzjoni li Malta wkoll tkun parti fih u li l-bastimenti tas-sajd tiegħu jkunu ġew dikjarati mill-Ministru b’avviż fil-Gazzetta li huma bastimenti tal-konvenzjoni;

“Bord” tfisser il-Bord tas-Sajd imwaqqaf taħt l-artikolu 5 ta’ dan l-Att;

“Direttur” tfisser id-Direttur responsabbli mis-sajd li huwa provdut għalih taħt l-artikolu 4 ta’ dan l-Att jew kull persuna li lilha jista’ jiddelegalha xi funzjonijiet taħt is-subartikolu (2) ta’ l-imsemmi artikolu 4;

“hut” tfisser kull animal akwatiku, sew jekk pixxin u sew jekk le u tinkludi frott tal-baħar bil-qoxra, krustaċeji, sponoż, rizzi, fkieren, mammali akwatiċi u ż-żgħar, bajd u qxur tagħhom kif ukoll partijiet minnhom u ikel imnissel mill-hut;

“ibhra interni” tfisser dawk l-ibhra li jmissu fuq in-naħa tax-tajta tal-linji bażi li minnhom jitkejlu l-ibhra territorjali ta’ Malta;

“ibhra tas-sajd” tfisser l-ibhra tas-sajd ta’ Malta kif provdut għalihom taħt l-artikolu 3 ta’ dan l-Att;

“kaptan” tfisser, dwar bastiment tas-sajd, il-persuna li fil-mument ikollha l-kmand jew tkun inkarigata mill-hidma tas-sajd abbord il-bastiment;

“konvenzjoni” tinkludi trattat, ftehim jew arrangament iehor;

“licenza tas-sajd” tinkludi licenza jew permess ghas-sajd kif provdut taht dan l-Att;

“Ministru” tfisser il-Ministru responsabbli ghas-sajd;

“processar” dwar hut tinkludi, tindif, *filleting*, tkessih, iffriżar, tqeghid fil-laned, salmura, affumikazzjoni, tisjir, immarinar, tnixxif jew prizervazzjoni jew thejjija ohra ta’ hut b’kull metodu jkun li jkun;

“qroll” tfisser skeletru kalkarju mnissel minn kolenterati polipojdi tal-klassi *anthozoa*;

“Registru ta’ bastimenti tas-sajd” tfisser ir-registru ta’ bastimenti tas-sajd lokali miżmum mid-Direttur taht l-artikolu 7 ta’ dan l-Att;

“sajd” tfisser:—

(a) il-qbid jew tehid ta’ hut;

(b) kull attività ohra li b’mod ġenerali tkun mistennija li tirriżulta fil-qbid jew tehid ta’ hut; jew

(ċ) kull hidma fuq il-baħar li tghin lil xi attività kif deskritt fil-paragrafi (a) u (b) ta’ hawn fuq jew li tkun bi thejjija ghaliha;

“sajd kummerċjali” tfisser il-qbid jew it-tehid ta’ hut għall-bejgh;

“sajjed kummerċjali” tfisser:—

(a) fil-każ ta’ individwu, persuna li tkun taħdem jew fi hsiebha taħdem fis-sajd għall-bejgh matul is-sena kollha jew fi stagun speċifiku jew parti minn stagun kull sena u li tissodisfa lid-Direttur li matul dak iż-żmien li fih taħdem fis-sajd għall-bejgh tkun tiddependi mill-attivitajiet tagħha tas-sajd għad-dhul kollu tagħha jew parti minnu; jew

(b) fil-każ ta' kumpannija, soċjetà jew assoċjazzjoni ta' persuni, tkun tissodisfa lid-Direttur li jkollha investment sostanzjali fl-industrija tas-sajd jew hekk tkun bi hsiebha tinvesti;

“stabbiliment ta' l-ipproċessar” tfisser kull post jew bastiment li fih jew fuqu xi hut ikun proċessat jew maħzun iżda ma tinkludix xi ristoranti, lukanda jew post ta' l-ikel jew xi post fejn il-hut jithejja u jkun maħzun għall-bejgħ bl-imnut lill-pubbliku;

“stabbiliment ta' l-ipproċessar għall-esportazzjoni” tfisser kull stabbiliment li jipproċessa jew ihejji hut jew prodotti tiegħu li jkunu f'parti jew għal kollox maħsuba għall-esportazzjoni minn Malta;

“stabbiliment ta' l-akwakultura” tfisser kull area, gheluq, konfini, post jew struttura mibnija jew użata fuq l-art jew fil-baħar għall-kultivazzjoni ta' hut tal-baħar jew ta' l-ilma helu u tinkludi kull sodda għall-kultivazzjoni ta' gajdri jew frott iehor tal-baħar jew ċattra jew struttura oħra wżati għall-kultivazzjoni ta' gajdri u frott iehor tal-baħar;

“trasbord ta' hut” tfisser it-trasferiment ta' hut minn bastiment tas-sajd għal iehor sew jekk il-hut ikun tghabba għall-ewwel darba fuq il-bastiment li jkun qed jagħmel it-trasferiment u sew jekk le;

“uffiċjal għat-tharis tas-sajd” tfisser id-Direttur u kull wiehed mill-uffiċjali għat-tharis tas-sajd provdut għalihom taht is-subartikolu (4) u (5) ta' l-artikolu 4 ta' dan l-Att u kull persuna li għall-finijiet ta' dan l-Att tkun awtorizzata minn uffiċjal għat-tharis tas-sajd jew tkun qed tagixxi taht l-ordnijiet tiegħu;

“uffiċjal tas-sajd tal-konvenzjoni” tfisser persuna mahtura mill-gvern ta' pajjiż iehor jew li jkollha s-setgħa taht il-ligijiet ta' dak il-pajjiż li tinforza konvenzjoni, li Malta tkun parti fiha, u li tipprovdi għat-tharis u t-tmexxija ta' hidmiet tas-sajd jew hidmiet anċillari għalihom.

## TAQSIMA II – IBHRA TAS-SAJD

Ibhra tas-sajd.

### 3. L-ibhra tas-sajd ta' Malta jinkludu:

(a) l-ibhra interni;

(b) l-ibhra territorjali hekk dikjarati taht is-subartikolu (2) ta' l-artikolu 3 ta' l-Att ta' l-1971 dwar l-ibhra Territorjali u Ż-Zona Kontigwa; u

(ċ) kull ibhra ohra li dwarhom bi proklama, liġi jew konvenzjoni li tkun issehh f'Malta ikunu ġew dikjarati drittijiet sovrani għall-fini ta' esportazzjoni u esplotazzjoni, konservazzjoni u amministrazzjoni ta' riżorsi hajjin f'dawk l-ibhra.

### TAQSIMA III – AMMINISTRAZZJONI

4. (1) Dan l-Att ikun amministrat mid-Direttur li jkun uffiċjal pubbliku u li jkun responsabbli għal:-

Direttur  
responsabbli mis-  
sajd u uffiċjali għat-  
tharis tas-sajd.

- (a) il-konservazzjoni ta' stokkijiet ta' hut;
- (b) it-tehid ta' dawk il-miżuri li jidhirlu mehtieġa xierqa għat-tharis ta' stokkijiet ta' hut mill-effetti ta' tniġġiż sew jekk għal żmien kontinwu jew għal żmien qasir u mill-effetti, li huma jew jistgħu jkunu ta' hsara għall-istokkijiet ta' hut, u miżuri li jittiehdu biex it-tniġġiż jispiċċa jew ikun kontrollat;
- (ċ) l-istima ta' stokkijiet ta' hut u l-ġbir ta' statistika, maghduda dettalji dwar qbid ta' hut;
- (d) l-iżvilupp u l-amministrazzjoni tas-sajd;
- (e) iż-żamma ta' registru ta' bastimenti tas-sajd;
- (f) *monitoring*, kontroll u sorveljanza ta' hidmiet tas-sajd;
- (g) ir-regolazzjoni tat-tmexxija ta' hidmiet tas-sajd maghduda hidmiet ta' akwakultura u hidmiet anċillari għalihom;
- (h) il-hruġ, bdil, sospensjoni u revoka ta' permessi u liċenzi għal sajd, akwakultura, trasbord, u hidmiet ohra li jehtieġu permessi u liċenzi taht dan l-Att;
- (i) il-ġbir ta' drittijiet dwar permessi u liċenzi u ta' registrazzjonijiet fir-registru tal-bastimenti tas-sajd;
- (j) l-ghemil ta' dawk ir-rapporti lill-Ministru li dan ikun jehtieġ jew li d-Direttur jidhirlu xieraq li jagħmel;
- (k) it-tehid tal-miżuri xierqa b'konsultazzjoni ma' dik l-awtorità li minn żmien għal żmien tkun responsabbli għall-ambjent sabiex speċi protetti ma jinqerdux;
- (l) hwejjeġ ohra li skond dan l-Att għandhom ikunu amministrati.

(2) Id-Direttur jista' bil-miktub jawtorizza lil kull uffiċjal pubbliku biex jeżerċita s-setgħat kollha tad-Direttur jew uħud minnhom jew flimkien miegħu jew meta jkun nieqes, b'dawk il-kondizzjonijiet, magħduda dawk li għandhom x'jaqsmu ma' restrizzjonijiet territorjali, kif jista' jistipula fl-awtorizzazzjoni.

(3) Id-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu jkunu bla hsara għad-dispożizzjonijiet tas-subartikolu (12) ta' l-artikolu 35 ta' dan l-Att.

(4) Dan l-Att ikun infurzat mill-uffiċjali għat-tharis tas-sajd li jaġixxu taht id-direzzjoni tad-Direttur u għal dan l-ghan l-uffiċjali għat-tharis tas-sajd ikollhom is-setgħat murija fl-artikolu 19 ta' dan l-Att.

(5) Il-persuni li ġejjin ikunu uffiċjali għat-tharis tas-sajd għall-finijiet ta' dan l-Att—

- (a) persuni li jkunu mahtura uffiċjali tas-sajd;
- (b) il-membri kollha tal-Korp tal-Pulizija ta' Malta; u
- (c) il-membri kollha tal-Forzi Armati ta' Malta.

Bord dwar is-Sajd.

**5.** (1) Qieghed hawnhekk jitwaqqaf Bord li jkun magħruf bhala l-Bord tas-Sajd.

(2) Il-Bord ikun magħmul mid-Direttur, *ex officio* bhala *chairman* u mill-membri li ġejjin mahtura mill-Ministru:—

(a) membru tad-Dipartiment tas-Sajd fuq il-parir tad-Direttur, li jkun deputat *chairman*;

(b) membru minn fost u nominat mis-sajjieda kummerċjali fil-gżira ta' Malta;

(c) membru minn fost u nominat mis-sajjieda kummerċjali fil-gżira ta' Ghawdex;

(d) membru minn fost u nominat mill-pitkali tal-pixkerija;

(e) membru minn fost u nominat mill-bejjiegha tal-hut bl-imnut;

(f) hames membri oħra minn fost persuni li jkollhom interess fi hwejjeg jew li jkollhom tagħrif dwar hwejjeg li għandhom x'jaqsmu mas-sajd jew ma' l-industrija tas-sajd.

(3) Membri fil-Bord ikunu mahtura, bla hsara għad-dispożizzjonijiet tas-subartikoli (4) u (5) ta' dan l-artikolu, għal żmien ta' tliet snin.

(4) Membru tal-Bord jista' jirreżenja mill-kariga tiegħu f'kull żmien billi jagħti avviż bil-miktub lill-Ministru.

(5) Il-Ministru jista' f'kull żmien inehhi membru tal-Bord minhabba inkapaċità, falliment jew traskuraġni tad-dmirijiet.

(6) Il-*quorum* mehtieg għal-laqgħat tal-Bord ikun iċ-*chairman* jew fin-nuqqas tiegħu, id-deputat *chairman* u hames membri oħra.

(7) Uffiċjal pubbliku nominat mid-Direttur jagħmilha ta' segretarju tal-Bord.

(8) Bla hsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-Bord jista' jirregola l-proċeduri u l-laqgħat tiegħu stess b'dak il-mod li jidhirlu xieraq.

6. Ikun id-dmir tal-Bord li jagħti pariri lill-Ministru fuq kull haġa li l-imsemmi Ministru jista' jirreferilu u b'mod ġenerali dwar l-iżvilupp, l-amministrazzjoni u l-konservazzjoni tas-sajd f'Malta u b'mod partikolari għandu:–

Funzjonijiet tal-Bord.

(a) jikkunsidra u jagħmel proposti għall-għemil ta' regolamenti taht l-artikolu 37 ta' dan l-Att;

(b) jikkunsidra u jagħmel proposti għall-introduzzjoni ta' miżuri li jipprojbixxu jew jirrestringu l-qbid ta' speċi ta' hut;

(ċ) jikkunsidra u jagħmel proposti sabiex isir ftehim jew arrangamenti skond l-artikolu 18 ta' dan l-Att;

(d) jikkunsidra kull haġa referita lilu minn membru tal-Bord, minn Dipartiment tal-Gvern jew minn xi membru tal-pubbliku u jagħmel ir-rakkomandazzjonijiet tiegħu dwarhom jekk u kif il-Bord jidhirlu xieraq;

(e) jissottometti lill-Gvern dawk il-proposti li jidhirlu xierqa;

(f) jissottometti lill-Ministru rapport annwali ta' l-attivitajiet tiegħu;

(g) dawk il-funzjonijiet u dmirijiet oħra li jistgħu jkunu preskritti.

## TAQSIMA IV – BASTIMENT TAS-SAJD LOKALI

Reġistrazzjoni ta' bastimenti tas-sajd lokali.

7. (1) Id-Direttur ghandu jzomm regjistru tal-bastimenti tas-sajd lokali.

(2) Sid ta' bastiment tas-sajd lokali li jkun bi hsiebu juża l-bastiment ghas-sajd jista' japplika ghand id-Direttur bil-mod preskritt sabiex ikun regjistrat fir-Regjistru ta' bastimenti tas-sajd.

(3) Bastiment ma jkunx regjistrat taht dan l-artikolu kemm-il darba:-

Kap. 234.

(a) ma jkunx regjistrat taht l-Att dwar il-Bastimenti Merkantili jekk bil-liġi hekk ikun mehtieġ jaghmel;

(b) il-bastiment ma jkollux il-marki ta' identifikazzjoni kif jista' jiġi preskritt;

(c) il-bastiment ma jgorrx dak it-tagħmir u ma jkunx ihares dawk il-htigijiet l-oħra li jistghu jkunu preskritti;

(d) is-sid tal-bastiment ma jkunx ta dak it-tagħrif jew hares dawk il-htigijiet l-oħra li jistghu jkunu preskritti.

(4) Id-Direttur jista' jhassar kull reġistrazzjoni fir-Regjistru ta' bastimenti tas-sajd taht dan l-artikolu jekk xi wahda mill-htigiet tas-subartikolu (3) ta' dan l-artikolu ma jibqghux ikunu sodisfatti mill-bastiment regjistrat fir-Regjistru, iżda ghandu jerga' jaghmel dik ir-reġistrazzjoni malli jkun sodisfatt li dak in-nuqqas ikun rimedjat.

(5) Iċ-ċertifikat tar-reġistrazzjoni fir-Regjistru ta' bastimenti tas-sajd lokali ghandu, bla hsara ghas-subartikolu (4) ta' dan l-artikolu, ikun validu ghal sena u jkun jista' jiġġedded.

Liċenzi ghal bastimenti tas-sajd lokali.

8. (1) Ebda bastiment tas-sajd lokali ma jista' jintuża ghal sajd kummerċjali:-

(a) fl-ibhra tas-sajd, jew

(b) f'xi area barra l-ibhra tas-sajd li biex tistad fiha tkun mehtieġa liċenza jew permess taht dan l-Att;

kemm-il darba ma jkunx regjistrat fir-Regjistru ta' bastimenti tas-sajd skond l-artikolu 7 ta' dan l-Att u kemm-il darba ma jkunx awtorizzat li hekk jistad skond liċenza jew permess mogħti taht dan l-Att.

(2) Meta bastiment tas-sajd lokali jintuża bi ksur tas-subartikolu (1) ta' dan l-artikolu, il-kaptan, is-sid u min jikrih ikunu hatja, kull wiehed minnhom ta' reat u jistgħu jehlu multa ta' mhux inqas minn Lm 1,000 u mhux iżjed minn Lm 25,000 kull wiehed.

9. (1) Il-Ministru jista' b'regolamenti, jehtieg lil sidien ta' bastimenti tas-sajd lokali li jkunu jixtiequ jistadu barra l-ibhra tas-sajd li japplikaw għand id-Direttur għal permess li bih ikun jista' jsir sajd f'arei speċifikati f'dak il-permess.

Permessi biex bastimenti tas-sajd lokali jkunu jistgħu jistadu barra l-ibhra tas-sajd.

(2) Regolamenti magħmula taht is-subartikolu (1) ta' dan l-artikolu jistgħu wkoll jipprovdu għal permessi li jagħtu jedd esklussiv għal sajd f'arei speċifikati f'dawk il-permessi.

(3) F'kull każ barra minn dak provdut għalih fil-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 8 ta' dan l-Att, kull persuna li tistad bla permess meta dan ikun mehtieg b'regolamenti magħmula taht is-subartikolu (1) ta' dan l-artikolu jew tistad f'area li dwarha ma jkollhiex permess taht dawk ir-regolamenti tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn Lm 500 u mhux iżjed minn Lm 5,000.

## TAQSIMA V – BASTIMENTI TAS-SAJD BARRANIN

10. (1) Sajd minn bastiment barrani fl-ibhra tas-sajd hu projbit jekk ma jkunx awtorizzat b'licenza mogħtija taht dan l-Att.

Sajd minn bastimenti barranin mingħajr licenza hu projbit.

(2) Meta xi bastiment tas-sajd jintuża bi ksur tas-subartikolu (1) ta' dan l-artikolu, il-kaptan, is-sid u min jikrih ikunu, kull wiehed minnhom, hatja ta' reat u jehlu, meta jinsabu hatja, multa ta' mhux inqas minn Lm 4,000 u mhux iżjed minn Lm 50,000 kull wiehed.

11. (1) Kaptan ta' bastiment tas-sajd barrani li jkollu hut abbord għandu —

Avviż dwar hut abbord meta bastimenti tas-sajd barranin jidhru fl-ibhra tas-sajd.

(a) qabel ma l-bastiment jidhol fl-ibhra tas-sajd; jew

(b) qabel ma l-bastiment jitlaq minn area ta' l-ibhra tas-sajd li fiha s-sid, il-kaptan, jew min jikrih ikollu licenza biex jistad,

javża lil ufficjal għat-tharis tas-sajd bl-ammonti, b'deskrizzjonijiet u preżentazzjoni ta' hut abbord il-bastiment.

(2) Jekk kaptan jonqos li jagħti l-avviż mehtieg taht is-subartikolu (1) ta' dan l-artikolu, ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux inqas minn Lm 2,000 u mhux iżjed minn Lm 25,000.

## PARTI VI – DWAR IL-BASTIMENTI TAS-SAJD KOLLHA

Htiġiet u kondizzjonijiet ta' liċenza dwar bastimenti lokali u barranin.

12. (1) Liċenza tas-sajd ghandha tinghata lill-kaptan, lis-sid jew lill-kerrej dwar bastiment tas-sajd speċifikat.

(2) Il-hrug ta' kull liċenza tas-sajd tkun fid-diskrezzjoni tad-Direttur u tista' tawtorizza jew sajd b'mod ġenerali jew tista' taghti awtorita' limitata b'riferenza, b'mod partikolari ghal:-

(a) area li fiha s-sajd ikun awtorizzat;

(b) il-perijodi, iż-żminijiet jew vjaġġi partikolari li matulhom is-sajd ikun awtorizzat;

(ċ) id-deskrizzjonijiet, kwantitajiet, daqs u preżentazzjoni ta' hut li jista' jittiehed;

(d) il-mod tas-sajd.

(3) Liċenza tas-sajd tista' tawtorizza s-sajd jew b'mod ġenerali jew suġġett ghal dawk il-kondizzjonijiet li fil-fehma tad-Direttur ikunu mehtieġa jew spedjenti biex ikun regolarizzat is-sajd fil-baħar, jew il-konservazzjoni jew l-amministrazzjoni tas-sajd fl-ibhra tas-sajd u b'mod partikolari liċenza jista' jkollha, bla hsara tal-ġeneralità ta' l-imsemmija kondizzjonijiet, kondizzjonijiet dwar:-

(a) it-tniżzil l-art ta' hut taht l-awtorita' tad-detentur tal-liċenza;

(b) l-immarkar tal-bastiment tas-sajd liċenzjat;

(ċ) ir-registrazzjoni tal-hidmiet tas-sajd li ghandhom jinżammu abbord il-bastiment tas-sajd liċenzjat;

(d) it-tagħmir ta' navigazzjoni u l-mapep li ghandhom jingarru abbord il-bastiment tas-sajd liċenzjat; u

(e) il-post jew il-postijiet fejn bastiment tas-sajd liċenzjat jista' jittrasborda l-hut;

u jekk il-kaptan u s-sid jew il-kerrej tal-bastiment tas-sajd jiksru xi wahda mill-kondizzjonijiet preskritti fil-liċenza, dan ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux anqas minn Lm 1,000 u mhux iżjed minn Lm 10,000.

(4) Liċenza tas-sajd tista' tkun -

- (a) mibdula minn żmien ghal iehor, jew
- (b) revokata jew sospiża,

jekk fil-fehma tad-Direttur dan ikun mehtieg jew spedjenti biex ikun regolat is-sajd fil-bahar, il-konservazzjoni u l-amministrazzjoni tas-sajd fl-ibhra tas-sajd jew għall-benefiċċju ekonomiku ta' Malta.

(5) Il-fatt li d-Direttur ikun eżercita s-setgħa li tinsab fis-subartikolu (3) ta' dan l-artikolu ma jkunx jista' jigi kontestat, rivedut, imhassar jew dubitat f'xi qorti minhabba li r-raġunijiet għall-eżercizzju tas-setgħa mid-Direttur ma jkunux inqalghu jew kienu spiċċaw.

(6) Jekk liċenza tas-sajd tkun varjata, revokata jew sospiża d-Direttur jista', jekk jidhirlu xieraq fiċ-ċirkostanzi kollha tal-każ, iħallas lura d-dritt kollu mħallas għal-liċenza jew parti minnu.

(7) Ma tista' tittiehed ebda azzjoni għal danni kontra d-Direttur għax ikun applika d-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.

**13.** Ikun reat li kaptan iħalli li abbord bastiment tas-sajd, fl-ibhra tas-sajd, jinżamm jew iħalli li jinżamm hut li ma jkunx ittieded skond liċenza tas-sajd provduta taht dan l-Att.

Min iżomm il-hut illegalment.

**14.** (1) F'kull żmien meta bastiment tas-sajd ikun qiegħed f'area ta' l-ibhra tas-sajd jew jekk ikun bastiment tas-sajd lokali wkoll f'xi area barra l-ibhra tas-sajd u jew:

Stivar ta' tagħmir.

- (a) ikun projbit b'dan l-Att li jistad f'dik l-area; jew
- (b) bil-liċenza tas-sajd jew xort'ohra jkun permess li jistad biss għal ċerti speċi jew deskrizzjonijiet ta' hut f'dik l-area,

f'dak il-każ, it-tagħmir tas-sajd tiegħu jew dik il-parti mit-tagħmir li ma tkunx mehtieġa għas-sajd permess, għandhom ikunu stivati b'dak il-mod li ma jkunux għal-lest li jintużaw għas-sajd jew stivati b'dak il-mod l-iehor li jista' jkun preskritt.

(2) F'każ ta' ksur ta' dan l-artikolu:

(a) il-kaptan tal-bastiment jehel, meta jinsab hati, multa ta' mhux inqas minn Lm 2,000 u mhux iżjed minn Lm 25,000; u

(b) il-qorti li timponi l-multa tista' tordna l-konfiska ta' kull tagħmir tas-sajd li jkun jinsab jew li jkun użat minn xi persuna fuq il-bastiment jew mehud minn xi persuna ohra mill-bastiment.

Taghrif statistiku.

**15.** (1) Id-Direttur ghandu, qabel ma jirregistra fir-Registru tal-bastimenti tas-sajd, bastiment tas-sajd lokali jew qabel ma jaghti licenza tas-sajd, jehtieg lill-kaptan, lis-sid jew lill-kerrej tal-bastiment tas-sajd speċifikat fl-applikazzjoni ghar-registrazzjoni fir-Registru, jew fl-applikazzjoni ghal licenza, li jaghtih dak it-taghrif statistiku dwar is-sajd li jista' jordnalu.

(2) Id-Direttur ikollu s-setgħa li jehtieg lil sajjied kummerċjali u lil persuni li jkunu sidien, jew li jahdmu fuq, bastimenti tas-sajd lokali u lil pitkala, bejjiegħa tal-hut bl-imnut u lil propratarji ta' stabbilimenti li jipprovdu l-ikel biex jagħmlu prospetti f'dik il-forma li jiddeċiedi d-Direttur u kull tant żmien kif jista' jkun preskritt dwar il-hut tal-baħar kollu li jinqabad, jitniżżel l-art, jinxtara jew jinbiegħ minnhom.

Trasbord u  
esportazzjoni ta'  
hut.

**16.** (1) Il-Ministru jista' b'regolamenti jipprovdi għal-licenza ta' trasbord jew riċeviment ta' hut minn bastimenti tas-sajd fl-ibħra tas-sajd jew it-trasport mill-ibħra interni jew ibħra territorjali minn xi bastiment ta' hut trasbordat minn xi bastiment ieħor.

(2) Ir-regolamenti magħmula taht is-subartikolu (1) ta' dan l-artikolu jistgħu japplikaw dawk ir-restrizzjonijiet u kondizzjonijiet ma' l-ghoti ta' licenzi jew permessi li l-Ministru jidhirlu xierqa u b'mod partikolari jistgħu jipprovdu għal:

(a) l-arei li fihom jista' jsir it-trasbord;

(b) iż-żminijiet li fihom hut jista' jkun trasbordat jew trasportat;

(ċ) in-numru ta' trasbordi u trasportazzjonijiet li jistgħu jsiru u l-kwantitajiet u deskrezzjonijiet ta' hut li jista' jkun trasbordat jew trasportat.

(3) Regolamenti magħmula taht is-subartikolu (1) ta' dan l-artikolu jagħtu s-setgħa lid-Direttur li fl-ghoti ta' licenzi jew permessi bis-saħħa tagħhom jimponi dawk il-kondizzjonijiet li jidhirlu meħtieġa sabiex ikun regolat it-trasbord jew l-esportazzjoni ta' hut magħduda kondizzjonijiet dwar it-trattament abbord bastimenti tas-sajd ta' hut riċevut abbord u jistgħu jkunu imposti kondizzjonijiet differenti dwar bastimenti tas-sajd differenti jew bastimenti tas-sajd ta' deskrezzjoni differenti.

## TAQSIMA VII – ARRANGAMENTI SPECĠJALI

17. (1) Il-Ministru, li jaġixxi fuq il-parir tad-Direttur u wara konsultazzjoni mal-Bord, jista' jaghti permess lil kaptan, sid jew kerrej ta' bastiment speċifikat li jawtorizza sajd għal għanijiet ta' riċerka xjentifika fl-ibhra tas-sajd jew f'arej ta' l-ibhra tas-sajd.

Permessi għal riċerka dwar is-sajd.

(2) Id-detentur ta' permess taht is-subartikolu (1) ta' dan l-artikolu u l-bastiment speċifikat f'dak il-permess għandhom, bla hsara għad-dispożizzjonijiet tas-subartikoli (3), (4) u (5) ta' dan l-artikolu, ikunu eżentati mid-dispożizzjonijiet ta' dan l-Att.

(3) Il-bastiment tar-riċerka jkun suġġett għall-ispezzjoni mid-Direttur jew minn kull uffiċjal iehor delegat minnu u d-detentur tal-permess jista' jkun mehtieg, fuq talba, li jagħti lid-Direttur rapport tal-hidmiet tiegħu.

(4) Permess mogħti taht is-subartikolu (1) ta' dan l-artikolu jkun suġġett għal dawk il-kondizzjonijiet, li jistgħu jinkludu l-applikazzjoni ta' kull dispożizzjoni ta' dan l-Att, kif ikun speċifikat fil-permess.

(5) Il-Ministru jista' b'avviż bil-miktub mogħti lid-detentur ta' permess mogħti taht is-subartikolu (1) ta' dan l-artikolu:-

(a) jirrevoka l-permess;

(b) jibdel jew jirrevoka l-kondizzjonijiet li għalihom ikun suġġett il-permess jew jispeċifika aktar kondizzjonijiet li għalihom il-permess għandu jkun suġġett.

18. (1) Il-Ministru jista', wara konsultazzjonijiet mal-Bord, jibda negozjati li jwasslu għal kull ftehim ta' aċċess għas-sajd ma' stati oħra u assoċjazzjonijiet li jirrapprezentaw sidien jew kerrejja ta' bastimenti tas-sajd li jipprovdi għall-allokkazzjoni ta' liċenzi tas-sajd lil bastimenti minn dawk l-istati jew assoċjazzjonijiet.

Ftehim dwar aċċess għas-sajd.

(2) Kull ftehim negozjat taht dan l-artikolu għandu jinkludi dispożizzjoni li ttiprovdi għar-responsabbiltà ta' l-istat barrani jew ta' l-assoċjazzjoni li jiehdu l-miżuri mehtieġa biex ikun żgurat tharis minn bastimenti ta' dak l-istat jew ta' dik l-assoċjazzjoni tal-pattijiet u l-kondizzjonijiet tal-ftehim u tal-ligijiet dwar is-sajd fl-ibhra tas-sajd.

(3) Għall-finijiet ta' dan l-artikolu l-frazi "stat" tinkludi kull organizzazzjoni ta' integrazzjoni ekonomika reġjonali li lilha tkun inqas ta' is-setgħa mill-pajjiżi membri tagħha li tinnegozja ftehim ta' aċċess.

(4) Ebda ftehim ta' access dwar sajd ma jkun jorbot lill-Gvern sakemm dan jiġi ratifikat b'rizoluzzjoni tal-Kamra tad-Deputati.

### TAQSIMA VIII – INFURZAR TA' L-ATT

Setgħat generali ta' l-uffiċjali għat-tharis tas-sajd.

**19.** (1) Sabiex ikunu nfurzati d-dispożizzjonijiet ta' dan l-Att uffiċjal għat-tharis tas-sajd jista' jeżerċita s-setgħat li ġejjin dwar kull bastiment tas-sajd jew bastiment li jkun qed jistad fl-ibhra tas-sajd:-

(a) jista' jwaqqaf il-bastiment;

(b) jista' jehtieg lill-kaptan li jieqaf mis-sajd u li jtella' lura abbord it-tagħmir tas-sajd;

(ċ) jista' jehtieg lill-kaptan li jiffacilita t-tluġh abbord il-bastiment bil-mezzi xierqa kollha;

(d) jista' jitla' abbord il-bastiment u jtella' miegħu lil dawk il-pesuni l-oħra li jidhirlu mehtieġa biex jghinuh fl-eżerċitazzjoni tas-setgħat tiegħu;

(e) jista' jehtieg lill-kaptan, lill-ekwipaġġ jew lil xi hadd biex jipproduci, u l-uffiċjal jista' jeżamina u jiehu kopja ta', kull ċertifikat ta' registrazzjoni, licenza, *log book* uffiċjali, karta uffiċjali, artikoli ta' ftehim, registrazzjoni ta' hut maqbud u kull dokument ieħor dwar il-bastiment u l-ekwipaġġ jew kull membru tiegħu jew dwar xi persuna li tkun abbord il-bastiment, li jkunu fil-pussess jew taht il-kontroll tagħhom abbord il-bastiment;

(f) jista' jiġbor flimkien l-ekwipaġġ tal-bastiment;

(g) jista' jehtieg lill-kaptan biex jidher quddiemu biex jagħtih spjegazzjoni dwar il-bastiment u kull membru ta' l-ekwipaġġ jew persuna oħra li tkun abbord il-bastiment u dwar kull dokument imsemmi fil-paragrafu (e) ta' hawn fuq;

(h) jista' jagħmel kull tfittxija, eżami jew mistoqsija li jidhirlu mehtieġa biex jara li ebda wahda mid-dispożizzjonijiet ta' dan l-Att ma tkun inkisret;

(i) jekk ikollu raġuni xierqa jissospetta li xi persuna tkun għamlet reat kontra dan l-Att dan jista' mingħajr ċitazzjoni, mandat jew proċedura oħra, jiehu lill-persuna li tkun suspettata li għamlet ir-reat u li jiehu jew jehtieg lill-kaptan tal-bastiment biex jiehu dak il-bastiment flimkien ma' l-ekwipaġġ tiegħu, f'port f'Malta

sabiex issir kull tfittxija, eżami jew inkjesta u sabiex iressqu jew iressaqhom quddiem qorti kompetenti u sabiex iżomm jew iżommhom flimkien mal-bastiment f' Malta sakemm ikun inghata gudizzju dwar ir-reat allegat;

(j) jista', meta jqis il-harsien mill-periklu tal-bastiment, jiehu dawk il-passi sabiex bastiment tas-sajd maqbud, mehud jew miżmum skond dan l-artikolu, ma jkunx jista' jiċċaqlaq, halli jiġi evitat li l-bastiment jittiehed minn xi persuna qabel ma l-bastiment jinheles skond l-artikolu 23 jew 24 ta' dan l-Att jew mill-Qorti;

(k) fil-każ ta' xi reat kontra l-artikolu 8, 9 jew 10 ta' dan l-Att jew kontra regolamenti maghmula taht is-subartikolu (1) ta' l-artikolu 16 ta' dan l-Att, jista' jaqbad kull bastiment kif ukoll kull taghmir, hażna u merkanzija li fil-fehma tiegħu jkunu ntużaw fl-ghemil ta' dak ir-reat jew li dwarhom jahseb li jkun sar dak ir-reat;

(l) jista' jaqbad kull taghmir, strumenti jew apparat tas-sajd li hu jahseb li jkunu ntużaw fl-ghemil ta' dak ir-reat;

(m) jista' jaqbad kull hut li hu jahseb li jkun ittiehed jew kull prodotti tal-hut li jkunu ġew prodotti fl-ghemil ta' dak ir-reat;

(n) jista' jaqbad jew jiehu kopji ta' kull dokumenti li hu jahseb li jkunu rilevanti għal dak ir-reat.

(2) Fl-eżerċizzju tas-setgħat imsemmija fis-subartikolu (1) ta' dan l-artikolu uffiċjal għat-tharis tas-sajd jista' juża dik il-forza li tkun mehtieġa b'mod xieraq.

(3) Is-setgħat mogħtija b'dan l-artikolu jistgħu jkunu eżerċitati dwar bastiment tas-sajd irrispettivament jekk il-bastiment, fil-hin ta' dak l-eżerċizzju, jkunx qed jistad jew jagħmel xi attivitajiet ohra li b'xi mod għandhom x'jaqsmu mas-sajd.

**20.** Sabiex ikunu nfurzati d-dispożizzjonijiet ta' dan l-Att uffiċjal għat-tharis tas-sajd jista':

Setgħat tad-dhul u tfittxija fuq l-art ta' uffiċjali għat-tharis tas-sajd.

(a) jidhol, f'kull hin xieraq, f'kull post (li ma jkunx post ta' abitazzjoni) użat għat-tmexxija ta' negozju li għandu x'jaqsam mat-thaddim ta' bastimenti tas-sajd u ma' attivitajiet li huma anċillari għalih jew mat-trattament, hażna jew bejgh ta' hut;

(b) jeħtieġ lil xi persuna li tkun fil-post biex tipproduċi kull dokumenti li għandhom x'jaqsmu mal-qbid, tniżzil l-art, trasbord, esportazzjoni, importazzjoni, bejgh jew tneħħija ta' hut;

(ċ) jekk ikollu raġunijiet xierqa biex jissospetta li jkun sar reat taht dan l-Att u li l-kawża tar-reat tista' titneħħa jew titrazzan:

(i) jidhol u jagħmel tfittxija mingħajr mandat, bl-assistenza jew mingħajrha, f'kull post imsemmi fil-paragrafu (a) ta' hawn fuq jew f'kull vettura, ingenu ta' l-ajru, bastiment jew mezz ieħor ta' trasport u jiftah u jfittex kull bagalja, pakkett jew haġa oħra;

(ii) jaqbad kull dokument jew kull tagħmir jew oġġett li hu jahseb li jkun intuża fl-għemil ta' dak ir-reat;

(iii) jaqbad kull hut li hu jahseb li jkun intuża, kien manigġat jew proċessat fl-għemil ta' dak ir-reat.

Setgħat ta' l-uffiċjali għat-tharis tas-sajd u ta' l-uffiċjali tas-sajd tal-konvenzjoni għat-tharis tal-konvenzjonijiet.

21. (1) Sabiex ikun żgurat it-tharis tad-dispożizzjonijiet ta' kull konvenzjoni dwar it-tmexxija jew it-tharis ta' hidmiet tas-sajd li tagħha l-Gvern huwa parti, uffiċjal tas-sajd tal-konvenzjoni dwar bastiment tas-sajd lokali u uffiċjal għat-tharis tas-sajd dwar bastiment tas-sajd tal-konvenzjoni jew bastiment tas-sajd barrani jistgħu jeżerċitaw f'kull post fil-limiti ta' l-area tal-konvenzjoni, barra mill-ibhra tas-sajd, is-setgħat mogħtija taht l-artikolu 19 ta' dan l-Att.

(2) Dan l-artikolu ma jawtorizzax lil uffiċjal għat-tharis tas-sajd jew lil uffiċjal tas-sajd tal-konvenzjoni biex jagħmel xi haġa li ma tkunx awtorizzata bil-konvenzjoni li jkun qieghed hemm biex jinforza, lanqas ma jawtorizzah li jeżerċita dwar bastiment ta' pajjiż li jkun parti fil-konvenzjoni xi setgħa li l-Gvern ta' dak il-pajjiż ikun għarraf lill-partijiet l-oħra tal-konvenzjoni li ma tistax tiġi eżerċitata dwar il-bastimenti tas-sajd tiegħu.

(3) Kull persuna li fuq xi bastiment tas-sajd fl-ibhra tas-sajd jew fuq bastiment tas-sajd lokali barra dawk l-ibhra:

(a) tonqos mingħajr raġuni xierqa li thares xi htieġa imposta jew li twieġeb għal xi mistoqsija ta' uffiċjal għat-tharis tas-sajd taht dan l-artikolu; jew

(b) ma thallix jew tipprova ma thallix lil xi persuna oħra milli thares xi htieġa bħal dik jew li twieġeb għal xi mistoqsija bħal dik; jew

(ċ) tahbat għal xi uffiċjal bħal dak waqt li jkun qed jeżerċita xi wahda mis-setgħat mogħtija lillu taht dan l-artikolu jew li birrieda tfixkel lil dak l-uffiċjal mill-eżerċizzju ta' xi wahda minn dawk is-setgħat;

tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn Lm 500 u mhux iżjed minn Lm 2,500.

(4) Id-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu japplikaw dwar dak li jsir fuq bastiment tas-sajd lokali f'area tal-konvenzjoni barra l-ibhra tas-sajd minn jew dwar ufficjal tas-sajd tal-konvenzjoni li jkun qed jeżerċita s-setgħat biex jitharsu d-dispożizzjonijiet tal-konvenzjoni f'dik l-area bl-istess mod kif japplikaw dwar dak li jsir fuq xi bastiment tas-sajd f'dawk il-limiti minn jew dwar ufficjal għat-tharis tas-sajd.

**22.** Ma tista' tittiehed ebda azzjoni ċivili jew kriminali kontra ufficjal għat-tharis tas-sajd jew ufficjal tas-sajd tal-konvenzjoni dwar xi haga li jkun għamel jew li naqas milli jagħmel in *bona fide* fl-eżerċizzju tas-setgħat li jkollu taht dan l-Att jekk ikun hemm raġuni xierqa għal dak l-għemil jew nuqqas. Indennizz.

**23.** Meta bastiment tas-sajd jew xi haga oħra li tkun ittiehdet, inqabdet jew inżammiet taht l-artikolu 19 ta' dan l-Att u ma jinbdew ebda proċedimenti fi żmien erbatax-il jum minn meta l-bastiment jew l-oġġett ikun wasal fil-port, id-Direttur għandu fuq talba tal-kaptan, sid, kerrej jew aġent tal-bastiment, jehles dak il-bastiment jew l-oġġett. Helsien ta' bastimenti jew oġġetti jekk ma jinbdewx proċedimenti.

**24.** (1) Meta bastiment tas-sajd ikun ittiehed, inqabad jew inżamm taht dan l-Att u tkun saret akkuża kontra l-kaptan, is-sid jew il-kerrej tal-bastiment dwar ir-reat li għalih il-bastiment ikun inżamm, il-kaptan, is-sid jew il-kerrej jew l-aġent tas-sid jew tal-kerrej tal-bastiment jista' f'kull żmien qabel ma tkun deċiża l-akkuża jagħmel rikors quddiem il-qorti li tkun se tiddeċiedi l-akkuża sabiex il-bastiment jinheles ma' l-ghoti ta' garanzija skond dan l-artikolu. Garanzija għall-helsien ta' bastimenti tas-sajd.

(2) Meta tisma' r-rikors il-Qorti għandha jew:

(a) jekk tkun sodisfatta li nġhatat garanzija xierqa lill-Gvern dwar it-total ta' l-oghla piena li l-konvenut ikun jista' jehel u l-kost u l-ispejjeż li l-Gvern jista' jiġbor lura taht l-artikolu 31 ta' dan l-Att, tordna l-helsien tal-bastiment tas-sajd; jew

(b) tordna l-helsien tal-bastiment tas-sajd malli persuna jew persuni xierqa approvati mill-Qorti għal dan l-ghan, jagħmlu obligazzjoni xierqa favur il-Gvern fil-forma preskritta u li jkollha l-kondizzjonijiet imsemmija fis-subartikolu (4) ta' dan l-artikolu f'ammont ta' mhux inqas fit-total mill-oghla piena li jista' jehel il-konvenut u l-kost u l-ispejjeż li l-Gvern jista' jiġbor lura taht l-artikolu 31 ta' dan l-Att.

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu l-Qorti tista', meta tkun sodisfatta li jkun hemm ċirkostanzi speċjali biex tagħmel hekk, tordna li l-obbligazzjoni tkun f'ammont speċifikat li ma jkunx inqas mill-inqas ammont mehtieg b'dak is-subartikolu.

(4) Il-kondizzjonijiet ta' l-obbligazzjoni għandhom ikunu illi, jekk:

(a) il-konvenut ma jinstabx hati ta' l-akkuża; jew

(b) il-konvenut, meta jinstab hati ta' l-akkuża, iħallas fi żmien erbatax-il jum minn meta jkun instab hati l-ammont kollu tal-piena mposta mill-Qorti u l-ammont tal-kost u l-ispejjeż kollha li jkollu jħallas lill-Gvern taht l-artikolu 31 ta' dan l-Att,

l-obbligazzjoni tkun minghajr effett, iżda xort'ohra l-obbligazzjoni tibqa' fis-sehh bl-effetti kollha tagħha.

(5) L-ammont speċifikat fl-obbligazzjoni jista' jingabar kollu f'kull qorti ta' ġurisdizzjoni kompetenti bħala dejn *in solidum* dovut lill-Gvern mill-persuna jew persuni li jkunu għamlu l-obbligazzjoni kemm-il darba dik il-persuna jew dawk il-persuni ma jippruvawx illi l-kondizzjonijiet li magħhom tkun marbuta l-obbligazzjoni jkunu ġew sodisfatti.

(6) Għall-finijiet ta' dan l-artikolu "bastiment tas-sajd" tinkludi t-tagħmir kollu abbord jew użat mill-bastiment u tinkludi wkoll il-hut kollu li jkun ġie maqbud mill-bastiment skond dan l-Att u li jkunu miżmuma abbord il-bastiment fil-kustodja tal-Gvern.

Disponiment ta' hut u oġġetti maqbuda li jistgħu jiddeterjoraw.

**25.** Meta xi hut jew oġġetti ohra li jistgħu jiddeterjoraw jinqabdu taht l-artikolu 19 ta' dan l-Att, id-Direttur jista', minkejja kull dispożizzjoni ohra ta' dan l-Att, jew

(a) jirritorna l-hut jew l-oġġett l-iehor lill-persuna li minghandha jkunu nqabdu malli jirċievi garanzija li fil-fehma tad-Direttur tkun xierqa għall-valur ekwivalenti tal-hut jew oġġetti bħala obbligazzjoni jew kondizzjoni ohra għall-hlas ta' dak il-valur ekwivalenti fil-każ li l-Qorti tiddeciedi li dak l-ammont għandu jkun konfiskat favur il-Gvern; jew

(b) jordna li jsir bejgh b'irkant pubbliku tal-hut jew oġġett iehor u jekk ikunu nbdew il-proċedimenti tal-Qorti jiddepożita fil-Qorti d-dhul mill-bejgh sakemm jinghata l-ordni mill-Qorti dwar il-konfiska jew xort'ohra tad-dhul jew jillibera d-dhul favur il-persuna li minghandha l-hut jew l-oġġett ikunu maqbuda skond l-artikolu 19 ta' dan l-Att.

## TAQSIMA X – PROJBIZZJONIJIET U REATI

Metodi ta' sajd  
projbit.

**28.** (1) Kull persuna li fl-ibhra tas-sajd jew minn fuq bastiment lokali barra l-ibhra tas-sajd:

(a) tuża xi esplożivi, velenu jew sustanza ohra li taghmel hsara sabiex toqtol, tistordi, tinkapaċita jew taqbad hut jew li b'xi mod iġġib lil dak il-hut fi stat li jkun jista' jinqabad iktar malajr; jew

(b) iġġorr jew ikollha fil-pussess jew taht il-kontroll taghha, xi esplożivi, velenu jew sustanza ohra li taghmel hsara f'ċirkostanzi li juru l-hsieb li dawk l-esplożivi, velenu jew sustanza jintużaw ghal xi wiehed mill-ghanijiet imsemmija fil-paragrafu (a) ta' hawn fuq tkun hatja ta' reat taht l-artikolu 34 ta' l-Ordinanza dwar l-Esplożivi.

Kap. 33

(2) Kull esplożivi, velenu jew sustanza ohra li taghmel il-hsara li jinstabu abbord xi bastiment ghandhom jitqiesu, sakemm ma jkunx ippruvat kuntrarju, li kienu maħsuba għall-finijiet imsemmija fis-subartikolu (1) ta' dan l-artikolu.

(3) Kull persuna li tniżżel l-art, tbiegħ, tirċievi jew tinsab fil-pussess ta' hut meta tkun taf jew ikollha raġuni xierqa taħseb li dan ikun ittiehed bi ksar ta' dan l-artikolu tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn Lm 1,000 u mhux iżjed minn Lm 2,500.

Tfixkil ta' l-uffiċjali  
ghat-tharis tas-sajd u  
taghrif falz.

**29.** (1) Kull persuna li:

(a) tahbat ghal, tirreżisti jew bir-rieda tfixkel lil, uffiċjal ghat-tharis tas-sajd fl-eżerċizzju tas-setghat tiegħu taht dan l-Att;

(b) tirrifjuta jew tittraskura li thares xi ordni, rekwizizzjoni jew direzzjoni legittimament mogħtija jew magħmula taht dan l-Att;

(ċ) minghajr raġuni xierqa tonqos li:

(i) twieġeb ghal xi mistoqsija magħmula minn uffiċjal ghat-tharis tas-sajd; jew

(ii) tipproduċi xi haġa li tkun meħtieġa tipproduċi;

skond dan l-Att;

(d) ma thallix li ssir tfittxija jew spezzjoni taht dan l-Att; jew

(e) ma thallix jew tipprova ma thallix lil xi persuna ohra milli thares dawk l-ordnijiet, rekwizzjonijiet jew direzzjonijiet jew milli twiegeb ghal dawk il-mistoqsijiet, jew milli tipproduci xi haga jew milli thalli li ssir tfittxija jew spezzjoni;

tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn Lm 500 u mhux iżjed minn Lm 2,500.

(2) Kull persuna li:

(a) sabiex tikseb xi liċenza, permess jew registrazzjoni fir-Registru ta' bastimenti tas-sajd; jew

(b) sabiex turi li qed thares htiega biex taghti xi taghrif taht dan l-Att;

taghti taghrif li tkun taf li hu falz f'xi punt materjali jew li bi traskuragni taghti taghrif li jkun falz f'xi punt materjali, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn Lm 200 u mhux iżjed minn Lm 1,000.

**30.** (1) Kull persuna li tikser xi wahda mid-dispożizzjonijiet ta' dan l-Att li dwarha m'hemmx provduta piena specifika, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux anqas minn Lm 500 u mhux iżjed in Lm 5,000.

Reati, pieni u procedimenti.

(2) Meta persuna tinsab hatja ta' reat kontra dan l-Att il-Qorti tista', b'żieda ma' kull piena ohra li tista' timponi, tordna li kull taghmir tas-sajd, strumenti u apparat użati fl-għemil ta' dak ir-reat u kull hut abbord bastiment tas-sajd jew id-dhul mill-bejgh tieghu, jekk ikun diga' nbiegh, ikunu konfiskati favur il-Gvern u jekk hekk konfiskati d-Direttur ghandu jordna fid-diskrezzjoni tieghu x'isir minnhom.

(3) Għall-finijiet ta' kull procedimenti taht dan l-Att kull hut misjub abbord bastiment ghandu jitqies li jkun inqabad:

(a) fl-ibhra tas-sajd jew f'area fejn il-bastiment hu mehtieg li jkollu liċenza jew permess biex jistad, u

(b) qrib fejn ikun il-bastiment fil-hin li l-hut hekk jinstab, meta l-liċenza jew il-permess ghas-sajd jirrestringi lill-bastiment tas-sajd biex jistad f'area partikolari,

kemm-il darba ma jkunx ippruvat kuntrarju.

(4) Attentat biex isir reat taht dan l-Att ghandu minnu nnifsu jitqies bhala reat u ghandu jkun trattat bl-istess mod daqslikieku r-reat ikun sar.

(5) Kull kaptan li jittrasborda, jircievi abbord bastiment tas-sajd, igorr jew b'xi mod iehor jittratta dwar hut maqbud jew trasbordat bi ksur ta' dan l-Att jaghmel reat.

(6) Meta persuna tinsab hatja ta' reat kontra dan l-Att ghattieni darba jew drabi ohra wara, din tehel id-doppju ta' l-oghla piena ghal dak ir-reat.

(7) Minkejja d-dispożizzjonijiet ta' kull ligi ohra, kull procedimenti dwar reat kontra dan l-Att li jinvolvi bastiment tas-sajd barrani jkunu preskritti malli jghaddu ghaxar snin minn meta jkun sar ir-reat.

(8) Id-Direttur jista', dwar prosekuzzjonijiet u procedimenti ghal reati taht dan l-Att, jaghmel l-akkuza quddiem il-Qorti, jipproduci l-provi, u jittratta l-każ minflok il-Pulizija.

(9) Ċertifikat li juri li jkun iffirmat mid-Direttur jew minn xi ufficjal awtorizzat minnu ghal dak l-ghan, fis-sens illi f'data speċifikata fiċ-ċertifikat:

(a) bastiment tas-sajd speċifikat f'dak iċ-ċertifikat ma kienx registrat fir-Registru ta' bastimenti tas-sajd, lanqas ma kien licenzjat jew speċifikat f'permess taht dan l-Att; jew

(b) il-persuna akkużata jew xi persuna ohra msemmija ma kenitx id-detentur ta' licenza jew permess taht dan l-Att;

ghandu, fin-nuqqas ta' prova kuntrarja, ikun prova biżżejjed ta' dak li jkun dikjarat fiċ-ċertifikat.

## TAQSIMA XI – PROCEDIMENTI FIL-QORTI, PROCEDIMENTI AMMINISTRATTIVI U PIENI

**31.** (1) Minkejja d-dispożizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-Qorti tal-Maġistrati tkun il-qorti kompetenti li tiġġudika reati kontra dan l-Att.

(2) Bla hsara ghad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, procedimenti kontra xi persuna ghal reat kontra xi wahda mid-dispożizzjonijiet ta' dan l-Att ghandhom jinbdew quddiem il-Qorti tal-Maġistrati bhala Qorti ta' Gudikatura Kriminali skond id-dispożizzjonijiet tal-Kodiċi Kriminali:

Iżda, minkejja d-dispożizzjonijiet ta' l-artikolu 376 (1) (b) tal-Kodiċi Kriminali, il-Qorti għandha, fuq talba tal-prosekuzzjoni jew ta' l-akkużat, tniżżel ix-xieħda bil-mod provdut jew bl-artiklu 391 (6) ta' l-imsemmi Kodiċi jew b'xi liġi oħra li tkun fiż-żmien fis-seħh.

(3) Hlief kif provdut speċifikament xort'oħra, id-dispożizzjonijiet ta' l-artikolu 23 tal-Kodiċi Kriminali ma jkunux applikabbli għal reati taħt dan l-Att.

(4) Dwar reati li dwarhom tkun saret akkuża taħt dan l-Att il-Qorti tista' tiddikjara favur il-Gvern dak il-kost u l-ispejjeż (maghduda spejjeż li jkunu saru fl-eżerċizzju tas-setgħa taħt l-artikolu 19 (1) (i) u (j) ta' dan l-Att) li jkunu saru dwar il-prosekuzzjoni ta' din l-akkuża, kif jidhrilha xieraq.

(5) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali l-Avukat Ġenerali dejjem ikollu jedd ta' appell lill-Qorti ta' l-Appelli Kriminali minn kull deċiżjoni mogħtija mill-Qorti tal-Maġistrati dwar procedimenti li jsiru skond id-dispożizzjonijiet ta' dan l-Att.

**32.** (1) Il-Ministru jista' b'ordni jipprovdi b'dak il-mod li jidhirlu xieraq biex ikunu nfurzati kull restrizzjonijiet jew obbligi dwar sajd fuq il-baħar, li jkunu jinsabu f'konvenzjoni li tagħha Malta tkun parti.

Reati tal-konvenzjoni.

(2) Jekk xi bastiment tas-sajd jistad fl-ibhra tas-sajd bi ksar ta' xi wahda minn dawk ir-restrizzjonijiet jew obbligi msemmija fis-subartikolu (1) ta' dan l-artikolu, il-kaptan, is-sid jew il-kerrej ikunu hatja ta' reat u meta jinstabu hatja jehlu, kull wieħed minnhom multa li kemm ikun prattikabbli tkun daqs il-piena provduta taħt dan l-Att għal reati korrispondenti.

**33.** (1) Kull persuna li tinstab hatja ta' reat kontra dan l-Att u għal darb'oħra terġa' tinstab hatja ta' reat kontra dan l-Att din, barra kull piena oħra, titef kull liċenza, permess jew reġistrazzjoni fir-Registru ta' bastimenti tas-sajd mogħtija jew magħmula taħt dan l-Att u kull drittijiet imħallsa għal dik il-liċenza, permess jew reġistrazzjoni u ma tkunx tista', qabel ma jgħaddu tliet snin mid-data li fiha tkun instabet hatja l-aħħar, jerġa' jkollha dik il-liċenza jew dak il-permess jew li tkun hekk reġistrata taħt dan l-Att.

Telf ta' liċenza, permess jew reġistrazzjoni fir-Registru ta' bastimenti tas-sajd.

(2) Minkejja s-subartikolu (1) ta' dan l-artikolu l-Ministru jista', fiċ-ċirkostanzi ta' xi każ partikolari u meta ssirlu talba fi żmien tletin jum mid-data li fiha persuna tkun instabet hatja, jordna li d-dispożizzjonijiet ta' dak is-subartikolu ma jkunux japplikaw għal xi liċenza jew permess partikolari jew għal xi reġistrazzjoni partikolari fir-Registru ta' bastimenti tas-sajd li xort'oħra kienu jintilfu.

34. (1) Meta d-Direttur ikollu raġuni xierqa jahseb li:

(a) reat kontra dan l-Att ikun sar minn xi persuna dwar bastiment tas-sajd; u

(b) ir-reat ikun ta' natura hafifa, u

(c) meta jqis il-kondotta preċedenti tal-bastiment u tal-persuna konċernata, ikun xieraq li tinghata piena taht dan l-artikolu;

dan jista' jaghti avviż bil-miktub fuq il-formula preskritta lil dik il-persuna skond is-subartikolu (2) ta' dan l-artikolu.

(2) Avviż taht is-subartikolu (1) ta' dan l-artikolu ghandu jispeċifika:

(a) id-data u x-xorta tar-reat;

(b) il-fatti fil-qosor li fuqhom ikun qed jiġi allegat li sar reat (dawn il-fatti ghandhom jitniżżlu b'mod shih u ġust biex il-persuna li dwarha ssir l-allegazzjoni ikollha t-tagħrif mehtieg);

(c) kull hwejjeġ ohra (li ma jkunux htijiet preċedenti) li d-Direttur jidhirlu rilevanti għall-ghoti ta' piena; u

(d) l-ammont tal-piena dovuta, u meta l-piena tkun tiddependi minn htija preċedenti, id-data tal-htija,

u fl-avviż ghandha titniżżel dikjarazzjoni li turi d-dispożizzjonijiet ta' dan l-artikolu.

(3) Kull persuna li lilha jkun notifikat avviż taht is-subartikolu (1) ta' dan l-artikolu tista' fi żmien tletin jum minn dik in-notifika tagħti avviż fuq il-formula xierqa li jiġi notifikat lid-Direttur fejn tehtieg li l-proċedimenti dwar ir-reat allegat ghandhom ikunu quddiem il-Qorti, f'liema każ ghandhom japplikaw id-dispożizzjonijiet li ġejjin:

(a) ma jittiehdu ebda proċedimenti ohra mid-Direttur taht dan l-artikolu; u

(b) ebda haġa f'dan l-artikolu ma ghandha tiftiehem li ttellef li ssir xi akkuża dwar ir-reat allegat jew li l-persuna tinstab hatja tar-reat mill-Qorti jew l-impożizzjoni ta' xi piena jew konfiska taht dan l-Att meta persuna tinstab hekk hatja.

(4) Meta persuna tammetti reat taht dan l-artikolu, id-Direttur ghandu jimponi piena fuq dik il-persuna dwar ir-reat li jkunu daqs terz ta' l-oghla piena li dik il-persuna kienet tehel li kieku nstabet hatja tar-reat mill-Qorti.

(5) Kull persuna li lilha jkun notifikat avviz taht is-subartikolu (1) ta' dan l-artikolu li taghzel li ma jsiru ebda procedimenti quddiem il-Qorti dwar ir-reat allegat tista' b'avviz bil-miktub lid-Direttur:

(a) tammetti r-reat, u

(b) thallas l-ammont tal-penali lid-Direttur fi zmien tletin jum minn meta jkun notifikat l-avviz tal-penali.

(6) Meta persuna li lilha jkun notifikat avviz taht is-subartikolu (1) ta' dan l-artikolu ma tamettix ir-reat fi zmien tletin jum minn meta jkun notifikat, id-Direttur ghandu jibda procedimenti quddiem il-qorti dwar ir-reat allegat.

(7) Il-penali tkun dovuta bhala dejn civili li tkun tista' tigi nfurzata mill-Qorti ta' ġurisdizzjoni civili favur il-Gvern u d-dikjarazzjoni mill-persuna li fuqha tkun imposta l-penali fejn tammetti l-akkuza tikkostitwixxi titolu eżekuttiv għall-finijiet ta' l-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Civili bl-istess mod daqslikieku nghatat sentenza tal-qorti kompetenti ta' ġurisdizzjoni civili.

(8) Minkejja kull dispozizzjoni ohra ta' dan l-Att jew ta' xi liġi ohra, meta tkun saret ammissjoni ta' reat taht dan l-artikolu ebda akkuza ma għandha ssir dwar reat kontra xi persuna li tkun ammettiet.

(9) Ebda haġa f'dan l-artikolu ma għandha tapplika:

(a) dwar xi reat taht is-subartikolu (2) ta' l-artikolu 8, is-subartikolu (3) ta' l-artikolu 9 jew is-subartikolu (2) ta' l-artikolu 10 ta' dan l-Att; jew

(b) għal xi reat li dwaru tkun saret akkuza.

(10) Id-Direttur ghandu jeżercita s-setgħat taht dan l-artikolu personalment u fl-eżercizzju ta' dawk is-setgħat ma jkunx sugġett għad-direzzjoni jew kontroll ta' xi persuna jew awtorita' ohra.

Żamma jew  
konfiska ta'  
bastiment tas-sajd  
ghal nuqqas ta' hlas  
ta' multa jew  
garanzija dwarha.

**35.** (1) Jekk xi multa u/jew ammont ta' kost jew spejjeż ikunu dikjarati mill-Qorti li huma dovuti mill-kaptan, sid jew kerrej ta' xi bastiment tas-sajd dwar ksur ta' xi dispożizzjoni ta' dan l-Att il-Qorti tista', jekk ma tkun inghatat ebda garanzija favur id-Direttur jew jekk jidhrilha li dik il-garanzija ma tkunx biżżejjed, tordna li fin-nuqqas ta' hlas immedjat il-konvenut jaghti garanzija għall-hlas ta' l-ammont dovut, u jekk dik il-garanzija ma tinghatax għas-sodisfazzjon tal-Qorti, din għandha tordna d-detenzjoni tal-bastiment tas-sajd li jkollu x'jaqsam ma' dak ir-reat u dak il-bastiment tas-sajd ikun jista' jinżamm f'Malta sakemm jithallas l-ammont dovut jew sakemm tinghata garanzija biżżejjed għas-sodisfazzjon tad-Qorti.

(2) Jekk fi żmien tletin jum mill-ordni tal-Qorti il-multa ma tithallasx jew il-garanzija ma tinghatax, il-Qorti tista' tordna li fil-każ ta' xi reat kontra s-subartikolu (2) ta' l-artikolu 8, is-subartikolu (3) ta' l-artikolu 9 jew is-subartikolu (2) ta' l-artikolu 10 ta' dan l-Att, kull bastiment u t-tagħmir tiegħu wżat fl-għemil tar-reat ikun konfiskat favur il-Gvern u jekk ikunu hekk konfiskati għandhom ikunu disposti kif jista' jiddeċiedi d-Direttur fid-diskrezzjoni tiegħu.

## TAQSIMA XII – REGOLAMENTI, THASSIR, U PROVVEDIMENTI TRANŻITORJI

Regolamenti.

**36.** (1) Il-Ministru jista' jagħmel regolamenti sabiex jitwettqu ahjar l-għanijiet ta' dan l-Att.

(2) B'mod partikolari iżda bla hsara għall-ġeneralità tas-subartikolu (1) ta' dan l-artikolu, dawk ir-regolamenti jistgħu jipprovdu dwar:

(a) kull haġa li għandha jew li tista' tkun preskritta taht dan l-Att;

(b) il-konservazzjoni, l-amministrazzjoni u t-tharis ta' rizersi ta' hut magħduda l-istabbiliment ta' arei magħluqa u staġuni magħluqa, il-preskrizzjoni tal-limiti dwar ammonti, daqs u piż ta' hut maqbud, miżmum jew negozjat, il-preskrizzjoni tal-kobor tat-toqob tax-xbiek, il-kontroll ta' l-użu ta' tagħmir tas-sajd, il-kontroll u l-projbizzjoni ta' metodi ta' sajd u t-tharis ta' stokkijiet ta' hut u l-post fejn jgħixu mill-effetti attwali jew potenzjali ta' tniġġiż jew mill-effetti attwali jew potenzjali ta' miżuri li jittiehdu biex dak it-tniġġiż ikun eliminat jew kontrollat;

(ċ) l-istabbiliment u l-amministrazzjoni ta' parki u rizerwi tal-baħar għat-tharis tal-ħajja tal-baħar magħduda pjanti u veġitazzjoni tal-baħar;

(d) il-htieġa ta' liċenza għal kull xorta ta' sajd maghduda kull hidma li għandha x'taqsam mas-sajd;

(e) ir-regolazzjoni ta' sajd mid-dilettanti jew għall-mogħdija taż-żmien;

(f) il-kwota jew it-total permess ta' qbid ta' xi hut jew dwar xi metodu ta' sajd f'xi parti ta' l-ibhra tas-sajd u li jawtorizzaw lid-Direttur li jalloka kull kwota bhal dik jew it-total permess ta' qbid dwar dawk is-sajjieda kummerċjali li jista' jispeċifika b'avviż fil-Gazzetta;

(g) il-kontroll ta' l-esplojtazzjoni ta' riżorsi ta' qroll u sponož;

(h) il-harsien ta' fkieren, dniefel u annimali tal-baħar ohra;

(i) ir-regolazzjoni ta' l-importazzjoni ta' oġġetti hajjin tal-baħar jew ta' hut ta' l-ilma helu u ż-żghar u l-bajd tagħhom;

(j) il-promozzjoni u kontroll tal-kultivazzjoni ta' hut maghdud il-hruġ mid-Direttur ta' kodiċi ta' Prattika għall-manutenzjoni u thaddim ta' stabbilimenti ta' l-akwakultura;

(k) ir-regolazzjoni ta' tniżzil l-art ta' hut, maghduda l-allokkazzjoni ta' postijiet għal tniżzil l-art u l-kontroll tal-maniġġ u t-trasport ta' hut u prodotti tal-hut;

(l) ir-regolazzjoni tal-bejgh tal-hut maghdud l-allokkazzjoni ta' swieq tal-hut, il-kontroll ta' rkantijiet tal-hut u r-reġistrazzjoni ta' xerrejja u negozjanti tal-hut;

(m) il-kontroll ta' l-oghla u l-orhos prezzi jiet tal-hut u l-margini ta' profitti dwar il-bejgh tal-hut;

(n) il-liċenza għal stabbilimenti li jipproċessaw il-hut;

(o) ir-regolazzjoni ta' l-esportazzjoni ta' hut u prodotti tal-hut;

(p) il-kontroll ta' livelli ta' kwalita' u gradazzjoni ta' hut mibjugħ, esportat jew importat;

(q) il-hlas ta' drittijiet dwar applikazzjonijiet għal permessi, liċenzi jew reġistrazzjonijiet, u dwar il-hruġ ta' permessi, liċenzi jew reġistrazzjonijiet;

(r) il-kondizzjonijiet u l-proċeduri dwar applikazzjonijiet għal kull permessi, liċenzi u reġistrazzjonijiet, jew dokumenti oħra u l-formuli tagħhom;

(s) il-hatra ta' aġenti lokali għal bastimenti tas-sajd barranin;

(t) it-tqeghid ta' osservaturi ta' bastimenti tas-sajd;

(u) l-ghoti minn applikanti għal liċenza u detenturi ta' liċenza ta' obligazzjonijiet jew forom oħra ta' garanzija, sabiex ikun żgurat it-tħaris ta' obbligi u pattijiet u kondizzjonijiet marbutin mal-liċenza tagħhom;

(v) il-kontroll ta' kull skal pubbliku;

(w) rapporti li għandhom isiru għall-finijiet ta' dan l-Att;

(x) it-tħaris ta' u l-implimentazzjoni ta' obbligi ta' Malta taht xi konvenzjoni u jistgħu jinkludu l-applikazzjoni għal bastimenti tal-konvenzjoni ta' kull waħda mid-dispożizzjonijiet ta' dan l-Att li ma jkunux jirreferu esklussivament għal bastimenti tas-sajd barranin b'kull modifiki mehtieġa għal dispożizzjonijiet li jirreferu għal kull haga maghduda kwalifika dwar proprjetarji ta' bastimenti tas-sajd;

(y) regolamenti dwar sahha u helsien mill-periklu kif ikun xieraq; u

(ż) multa ta' mhux inqas minn Lm500 u mhux iżjed minn Lm 2,500 għall-ksur ta' xi wiehed minn dawk ir-regolamenti.

Emenda tal-Kodiċi tal-Liġijiet tal-Pulizija.

**37.** L-artikoli 305 u 306 tal-Kodiċi tal-Liġijiet tal-Pulizija għandhom jithassru.

Thassir ta' l-Att dwar l-Industrija tal-Hut. Kap. 138.

**38.** Bla hsara għat-tkomplija fis-sehh ta' kull regolamenti maghmula bis-sahha tiegħu, l-Att dwar l-Industrija tal-Hut għandu jithassar.

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## Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li minflok l-Att dwar l-Industrija tal-Hut isiru dispożizzjonijiet godda biex jirregolaw, jikkonservaw u jamministraw is-sajd f' Malta minhabba r-ratifikazzjoni minn Malta tal-Konvenzjoni tal-Ġnus Magħquda fuq il-Liġi tal-Baħar.

**A BILL  
entitled**

*An Act to make provision for the regulation, conservation and management of the fisheries of Malta and matters incidental thereto.*

BE IT ENACTED by the President by and with the advice and consent of the House of Representatives in the present Parliament assembled and by the authority of the same as follows -

PART 1 – PRELIMINARY

1. This Act may be cited as the Fisheries Conservation and Management Act 1992 and shall come into force on such day as the Minister shall appoint by notice in the Gazette and the Minister may appoint different days for the coming into force of different provisions, or for different purposes of this Act.

Citation and commencement.

2. In this Act unless the context otherwise requires:

Interpretation.

“Act” means this Act and includes any regulations, orders or notices made or published hereunder;

“aquaculture establishment” means any area, enclosure, impoundment, premises or structure set up or used on or in land or water for the cultivation of marine or freshwater fish and includes any cultivated oyster or other shellfish bed or raft or other structure used for the cultivation of oysters and other shellfish;

“Board” means the Fisheries Board established under section 5 of this Act;

“commercial fisherman” means:

(a) in the case of an individual, a person who is engaged or intending to engage in fishing for sale throughout the year or a specified season or part of a season each year and can satisfy the Director that during such time as he engages in fishing for sale he relies on his fishing activities for the whole or for part of his income; or

(b) in the case of a company, society or association of persons, one that satisfies the Director that it has an appreciable investment in the fishing industry or intends to make one;

“commercial fishing” means, the catching or taking of fish for sale;

“convention” includes a treaty, agreement or other arrangement;

“convention area” means, in relation to any international convention, the area to which the convention relates;

“convention fisheries officer” means a person appointed by the government of another country or having power under the laws of that country to enforce a convention to which Malta is a party that provides for the safeguarding or conduct of fishing operations or operations ancillary thereto;

“convention fishing vessel” means a fishing vessel belonging to a country which is a party to a convention to which Malta belongs and the fishing vessels of which have been declared by the Minister by notice in the Gazette to be convention vessels;

“coral” means a calcareous skeleton secreted by polypoid coelenterates of the class anthozoa;

“Director” means the Director responsible for fisheries provided for under section 4 of this Act or any person to whom he may delegate any of the functions under subsection (2) of section 4 of this Act;

“export processing establishment” means any establishment which processes fish or products thereof which are intended in part or entirely for export from Malta;

“fish” means any aquatic animal, whether piscine or not and includes shellfish, crustaceans, sponges, sea urchins, turtles, aquatic mammals and their young, fry, eggs or spawn and shells and parts thereof and fish meal;

“fisheries protection officer” means the Director and any of the fisheries protection officers provided for under subsections (4) and (5) of section 4 of this Act and any person authorised by or acting under the orders of a fisheries protection officer for the purposes of this Act;

“fishing” means:

- (a) the catching or taking of fish;
- (b) any other activity which can reasonably be expected to result in the catching or taking of fish; or
- (c) any operation at sea in support of or in preparation for any activity described in paragraphs (a) and (b) above;

“fishing licence” includes a fishing licence or permit provided for under this Act;

“fishing vessel” means any vessel of whatever size and in whatever way propelled which is for the time being employed in fishing operations or for the processing, storage or carriage of fish or of any operations (including transshipment of fish) ancillary thereto but does not include any vessel used for the transport of fish or fish products as part of a general cargo;

“fishing waters” means the fishing waters of Malta provided for under section 3 of this Act;

“foreign fishing vessel” means a fishing vessel which is neither a local fishing vessel nor a convention fishing vessel;

“internal waters” means those seawaters on the landward side of the baselines from which the territorial sea of Malta is measured;

“licensed fishing vessel” means a vessel granted a licence or permit to fish pursuant to section 8, 9 or 10 of this Act;

“master” means, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel;

“local fishing vessel” means any vessel:

(a) wholly owned and controlled by one or more persons ordinarily resident in Malta, or

(b) wholly owned and controlled by a company, society or association of persons incorporated in or established under the laws of Malta and controlled by one or more persons ordinarily resident in Malta;

“Minister” means the Minister for the time being responsible for fisheries;

“processing” in relation to fish includes cleaning, filleting, icing, freezing, canning, salting, smoking, cooking, pickling, drying or otherwise preserving or preparing fish by any method;

“processing establishment” means any premises or vessel on or in which any fish are processed or stored but does not include any restaurant, hotel or eating house or any premises where fish are prepared and stored for sale by retail to the public;

“Record of fishing vessels” means the record of local fishing vessels maintained by the Director under section 7 of this Act;

“transhipment of fish” includes the passing of fish from one fishing vessel to another whether or not the fish has first been taken on board the vessel from which the fish is passed;

“vessel” means a steamer, motor vessel, launch, boat, hovercraft, submersible or floating craft of any description.

## PART II – FISHING WATERS

Fishing waters.

3. The fishing waters of Malta comprise:

(a) the internal waters;

(b) the territorial waters declared under Section 3 (2) of the Territorial Waters and Contiguous Zone Act; and

(c) any other marine waters over which sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources therein are claimed by proclamation, law or convention for the time being in force in Malta.

Cap. 221.

## PART III – ADMINISTRATION

4. (1) This Act shall be administered by the Director who shall be a public officer and who shall be responsible for:-

Director responsible for fisheries and fisheries protection officers.

(a) the conservation of fish stocks;

(b) the taking of such measures as he may consider appropriate for the protection of fish stocks from the effects of pollution whether continuous or short term and from the effects, which are harmful or potentially harmful to fish stocks, and measures taken to eliminate or control pollution;

(c) the assessment of fish stocks and the collection of statistics including details of catches;

(d) the development and management of fisheries;

(e) the maintenance of a record of fishing vessels;

(f) the monitoring, control and surveillance of fishing operations;

(g) the regulation of the conduct of fishing operations including aquaculture and operations ancillary thereto;

(h) the issue, variation, suspension and revocation of permits and licences for fishing, aquaculture, transshipment and other activities for which permits or licences are required under this Act;

(i) the collection of fees in respect of permits and licences and of entries in the record of fishing vessels;

(j) the making of such reports to the Minister as the latter may require or the Director shall consider appropriate;

(k) the taking of appropriate measures in consultation with such authority as may from time to time be responsible for the environment for the safeguard against extinction of protected species;

(l) any other matters that shall require administration under this Act.

(2) The Director may in writing, authorise any public officer to exercise any or all of the powers of the Director either

concurrently with him or in his absence subject to such conditions, including those relative to territorial restrictions, as he may stipulate in the authorisation.

(3) The provisions of subsection (2) hereof shall be without prejudice to the provisions of subsection (12) of section 35 of this Act.

(4) This Act shall be enforced by fisheries protection officers acting subject to the direction of the Director and for that purpose fisheries protection officers shall have the powers set out in section 19 of this Act.

(5) The following persons shall be fisheries protection officers for the purposes of this Act-

- (a) persons appointed as fisheries officers;
- (b) all members of the Malta Police Force;
- (c) all members of the Armed Forces of Malta.

**Fisheries Board.**

**5.** (1) There is hereby established a board to be known as the Fisheries Board.

(2) The Board shall consist of the Director, *ex officio* as chairman, and of the following members appointed by the Minister:-

- (a) a member of the Fisheries Department on the advice of the Director, who shall be deputy chairman;
- (b) one member from among and nominated by the commercial fishermen in the island of Malta;
- (c) one member from among and nominated by commercial fishermen in the island of Gozo;
- (d) one member from among and nominated by the fish market traders (*pitkali*);
- (e) one member from among and nominated by the fish retailers,
- (f) five other members from among persons having an interest or knowledge in matters relating to fisheries or the fishing industry.

(3) Members of the Board shall, subject to subsections (4) and (5) of this section, be appointed for a term of three years.

(4) A member of the Board may resign his office at any time by giving notice in writing to the Minister.

(5) The Minister may at any time remove a member of the Board for disability, bankruptcy or neglect of duty.

(6) The quorum necessary for meetings of the Board shall be the chairman or in his absence the deputy chairman and five other members.

(7) A public officer nominated by the Director shall act as the secretary to the Board.

(8) Subject to the other provisions of this Act, the Board may regulate its own procedures and meetings in such manner as it deems proper.

**6.** It shall be the duty of the Board to advise the Minister on any matter referred to it by the said Minister, and generally in relation to the development, administration and conservation of the fisheries of Malta and in particular shall:- Functions of the Board.

(a) consider and make proposals for the making of regulations under section 37 of this Act, or any other legislation that may affect the fishing industry;

(b) consider and make proposals for the introduction of measures prohibiting or restricting the catching of species of fish;

(c) consider and make proposals for agreements or arrangements to be entered into pursuant to section 18 of this Act;

(d) consider any matters referred to it by a member of the Board, by a Government Department or by a member of the public and make its recommendations thereon if and as the Board may consider appropriate;

(e) submit such proposals to the Government as it shall consider appropriate;

(f) submit an annual report of its activities to the Minister;

(g) have such other functions and duties as may be prescribed.

PART IV – LOCAL FISHING VESSELS

Record of local fishing vessels.

7. (1) The Director shall maintain a record of local fishing vessels.

(2) An owner of a local fishing vessel who intends to use the vessel for fishing may apply in the prescribed manner to the Director for registration in the Record of fishing vessels.

(3) A vessel shall not be recorded under this section unless:-

Cap. 234.

(a) it has been registered under the Merchant Shipping Act if by law so required;

(b) the vessel carries such identification markings as may be prescribed;

(c) the vessel carries such equipment and complies with such other requirements as shall be prescribed;

(d) the owner of the vessel has supplied such information or complied with such other requirements as may be prescribed.

(4) The Director may cancel an entry in the Record of fishing vessels under this section if any of the requirements of subsection (3) of this section cease to be satisfied by the vessel entered in the Record but shall restore such entry on being satisfied that the failure has been remedied.

(5) The certificate of entry in the Record of local fishing vessels shall, subject to subsection (4) of this section, be valid for one year and be renewable.

Local fishing vessel licences.

8. (1) No local fishing vessel shall be used for commercial fishing in:-

(a) the fishing waters; or

(b) any area outside the fishing waters where a licence or permit to fish is required under this Act;

unless it is entered in the Record of fishing vessels under section 7 of this Act and it is authorised so to fish by a licence or permit granted under this Act.

(2) Where a local fishing vessel is used in contravention of subsection (1) of this section the master, the owner and the charterer shall each be guilty of an offence and shall on conviction each be liable to a fine (*multa*) of not less than Lm 1,000 and not exceeding Lm 25,000.

9. (1) The Minister may, by regulations, require the owners of local fishing vessels who desire to fish outside the fishing waters to apply to the Director for a permit that allows fishing in areas specified in such permits.

Permits for local fishing vessels to fish outside the fishing waters.

(2) Regulations made under subsection (1) of this section may also provide for permits that grant exclusive right to fish in areas specified in such permits.

(3) In any case other than that provided for in paragraph (b) of subsection (1) of section 8 of this Act, any person who fishes without a permit when such is required by regulations made under subsection (1) or fishes in an area for which he does not have a permit under such regulations shall be guilty of an offence and be liable to a fine (*multa*) not below the sum of Lm 500 and not exceeding Lm 5,000.

## PART V – FOREIGN FISHING VESSELS

10. (1) Fishing by a foreign fishing vessel in the fishing waters is prohibited unless authorised by a licence granted under this Act.

Fishing by foreign fishing vessels prohibited without a licence.

(2) Where any fishing vessel is used in contravention of subsection (1) of this section the master, the owner and the charterer shall each be guilty of an offence and shall on conviction each be liable to a fine (*multa*) of not less than Lm 4,000 and not exceeding Lm 50,000.

11. (1) The master of a foreign fishing vessel that has fish on board shall:

Notification of fish on board by foreign fishing vessels entering fishing waters.

(a) prior to entry of the vessel into the fishing waters; or

(b) prior to the vessel leaving an area of the fishing waters in which the master, owner or charterer is licensed to fish,

notify a fisheries protection officer of the amounts, descriptions and presentation of fish on board the vessel.

(2) If a master fails to give the notification required under subsection (1) of this section he shall be guilty of an offence and shall on conviction be liable to a fine (multa) of not less than Lm 2,000 and not exceeding Lm 25,000.

## PART VI – ALL FISHING VESSELS

Licence requirements and conditions relating to local and foreign vessels.

**12.** (1) A fishing licence shall be granted to the master, owner or charterer in respect of a specified fishing vessel.

(2) The issue of each fishing licence shall be at the discretion of the Director who may authorise fishing generally or may confer limited authority by reference in particular to:

- (a) the area in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;
- (c) the descriptions, quantities, size and presentation of fish which may be taken;
- (d) the method of fishing.

(3) A fishing licence may authorise fishing either generally or subject to such conditions as may appear to the Director to be necessary or expedient for the regulation of sea fishing, or the conservation or management of fisheries in the fishing waters and in particular a licence may without prejudice to the generality of the foregoing conditions, contain conditions with regard to:-

- (a) the landing of fish caught under the authority of the licensee;
- (b) the marking of the licensed fishing vessel;
- (c) the records of fishing operations that shall be kept on board the licensed fishing vessel;
- (d) the navigation equipment and charts to be carried on board the licensed fishing vessel; and
- (e) the place or places where the licensed fishing vessel may carry out transshipment of fish;

and if the master and the owner or charterer of the fishing vessel concerned contravenes any of the conditions prescribed in the licence, he shall be guilty of an offence, and shall on conviction, be liable to a fine (*multa*) of not less than Lm 1,000 and not exceeding Lm 10,000.

- (4) A fishing licence may be-
- (a) varied from time to time, or
  - (b) revoked or suspended,

if this appears to the Director to be necessary or expedient for the regulation of sea fishing, the conservation or management of fisheries in the fishing waters or for the economic benefit of Malta.

(5) No exercise by the Director of the power contained in subsection (3) of this section shall be liable to be challenged, reviewed, quashed or called in question in any court on the ground that the reasons for the exercise of the power by him has not arisen or had ceased.

(6) If a fishing licence is varied, revoked or suspended the Director may, if he considers it appropriate in all the circumstances of the case, refund the whole or any part of the fee charged for the licence.

(7) No action for damage may be instituted against the Director for the application of subsection (4) of this section.

**13.** It shall be an offence for a master to retain or allow to be retained on board a fishing vessel, within the fishing waters, fish which has not been taken in accordance with a fishing licence provided for under this Act. Illegal holding of fish.

**14.** (1) At any time when a fishing vessel is in any area of the fishing waters or being a local fishing vessel is also in any area outside the fishing waters and either: Stowage of gear.

- (a) it is prohibited by this Act from fishing in that area; or
- (b) it is covered, by a fishing licence or otherwise, to fish only for certain species or descriptions of fish in that area,

then its fishing gear or so much of the gear as is not required for permitted fishing shall be stowed in such manner that it is not readily available for use for fishing or in such manner as may be prescribed.

(2) If this section is contravened:

(a) the master of the vessel concerned shall on conviction be liable to a fine (*multa*) of not less than Lm 2,000 and not exceeding Lm 25,000 and

(b) the court imposing the fine may order the forfeiture of any fishing gear found on or used by any person on the vessel or taken away by any other person from the vessel.

Statistical  
Information.

**15.** (1) The Director may, prior to entering in the Record of fishing vessels a local fishing vessel or granting a fishing licence, require the master, the owner or the charterer of the fishing vessel specified in the application for entry in the Record, or the application for the licence, to provide him with such statistical information concerning fishing as he may direct.

(2) The Director shall have power to require commercial fishermen and persons owning or working on local fishing vessels and *pitkali*, fish retailers and proprietors of catering establishments to make returns in such form as he may decide and at such periods as may be prescribed of all sea fish which are caught, landed, bought, sold, transhipped or transported by them.

Transhipment and  
export of fish.

**16.** (1) The Minister may provide by regulations for the licensing of the transhipment or receiving of fish by fishing vessels in the fishing waters or the transport from the internal waters or territorial seas by any vessel of fish transhipped from any other vessel.

(2) Regulations made under subsection (1) of this section may apply such restrictions and conditions on the granting of licences or permits as the Minister shall consider appropriate and in particular may provide for:

(a) the areas in which transhipping may take place;

(b) the times when fish may be transhipped or transported;

(c) the numbers of transhipments and transportations that may be undertaken and the quantities and descriptions of fish that may be transhipped or transported.

(3) Regulations made under subsection (1) of this section shall empower the Director to impose such conditions on the grant of licences or permits thereunder as he shall consider necessary for the regulation of the transhipment or export of fish including conditions

as to the treatment on board fishing vessels of fish received on board and different conditions may be imposed in respect of different fishing vessels or fishing vessels of different descriptions.

## PART VII – SPECIAL ARRANGEMENTS

**17.** (1) The Minister, acting on the advice of the Director and after consultation with the Board, may grant a permit to a master, owner or charterer of a specified vessel authorising fishing for scientific research purposes in the fishing waters or specified areas of the fishing waters. Fisheries research permits.

(2) The holder of a permit under subsection (1) of this section and the vessel specified in such permit shall, subject to the provisions of subsections (3), (4) and (5) hereof, be exempt from the provisions of this Act.

(3) The research vessel shall be subject to inspection by the Director and the holder of the permit shall, on demand, submit to the Director a report of operations.

(4) A permit granted under subsection (1) of this section shall be subject to such conditions, which may include the application of provisions of this Act, as shall be specified in the permit.

(5) The Minister may by notice in writing given to the holder of a permit under subsection (1) hereof;

(a) revoke the permit;

(b) vary or revoke the conditions to which the permit is subject or specify further conditions to which the permit shall be subject.

**18.** (1) The Minister may, after consultation with the Board, enter into negotiations for the conclusion of fisheries access agreements with other states and with associations representing foreign fishing vessel owners or charterers providing for the allocation of fishing licences to vessels from those states or associations. Fisheries access agreements.

(2) Any agreement negotiated under this section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by vessels from that state or belonging to that association with the terms and conditions of the agreement and with the laws relating to fishing in the fishing waters.

(3) For the purposes of this section the term "state" shall include any regional economic integration organisation to which the power to negotiate access agreements has been transferred by its member countries.

(4) No fisheries access agreement shall be binding on the Government until it has been ratified by resolution of the House of Representatives.

### PART VIII – ENFORCEMENT

General powers of fisheries protection officers.

**19.** (1) For the purpose of enforcing the provisions of this Act a fisheries protection officer may exercise the following powers with respect to any fishing vessel or any vessel engaged in fishing in the fishing waters:

(a) he may stop the vessel;

(b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;

(c) he may require the master to facilitate the boarding of the vessel by all appropriate means;

(d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;

(e) he may require the master, the crew or any of them to produce, and the officer may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel, which is in their respective possession or control on board the vessel;

(f) he may muster the crew of the vessel;

(g) he may require the master to appear before him and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e) above;

(h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Act has been contravened;

(i) if he has reasonable grounds for suspecting that any person has committed an offence against this Act he may without summons, warrant or other process, take the suspected offender, and take or require the master of the vessel to take the vessel in question together with the crew thereof, to a port or harbour in Malta for the purpose of carrying out any search, examination or enquiry and bring him or them before a competent court and detain him and them and the vessel in Malta until the alleged offence has been adjudicated upon;

(j) he may, having regard to the safety of the vessel, take steps to immobilise any fishing vessel seized, taken or detained in accordance with this section, for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 23 or 24 of this Act or by the Court;

(k) in the case of any offence against section 8, 9 or 10 of this Act or regulations made under subsection (1) of section 16 of this Act he may seize any vessel together with its equipment, stores and cargo which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed;

(l) he may seize any fishing gear, instruments or appliances which he believes have been used in the commission of such offence;

(m) he may seize any fish which he believes have been taken or fish products produced in the commission of such offence;

(n) he may seize or take copies of any documents which he believes are relevant to any such offence;

(2) In exercising the powers referred to in subsection (1) of this section a fisheries protection officer may use such force as may be reasonably necessary.

(3) The powers contained in this section may be exercised in respect of a fishing vessel irrespective of whether the vessel is at the time of such exercise engaged in fishing or any activities in any way related to fishing.

Powers of entry and search on land of fisheries protection officers.

**20.** For the purpose of enforcing the provisions of this Act a fisheries protection officer may:

(a) enter, at any reasonable time, any premises (other than a dwelling) used for carrying on business in connection with the operation of fishing vessels and activities ancillary thereto or with the treatment, storage or sale of fish;

(b) require any person on the premises to produce any documents relating to the catching, landing, transshipment, export, import, sale or disposal of fish;

(c) if he has reasonable grounds for suspecting that an offence under this Act has been committed and that the cause of the offence may be removed or suppressed:

(i) enter and search without a warrant, with or without assistance, any premises referred to in paragraph (a) above or any vehicle, aircraft, vessel or other means of conveyance and open and search any baggage, pack or other thing;

(ii) seize any document or any gear or thing that he believes has been used in the commission of such offence;

(iii) seize any fish that he believes has been used, handled or processed in the commission of such offence.

Powers of fisheries protection officers and convention fisheries officers to enforce conventions.

**21.** (1) For the purpose of enforcing the provisions of any convention with respect to the conduct or safeguarding of fishing operations to which the Government is a party a convention fisheries officer may in relation to a local fishing vessel and a fisheries protection officer may in relation to a convention fishing vessel or a foreign fishing vessel exercise anywhere within the convention area outside the fishing waters the powers under section 19 of this Act.

(2) This section does not authorise a fisheries protection officer or convention fisheries officer to do anything not authorised by the convention he purports to enforce nor authorise him to exercise in relation to a vessel of a country which is a party to the convention any power which the government of that country has informed the other parties to the convention is not to be exercised in relation to its fishing vessels.

(3) Any person who on any fishing vessel within the fishing waters or on a local fishing vessel outside those waters:

(a) fails without a reasonable cause to comply with any requirement imposed or to answer any question asked by a fisheries protection officer under this section; or

(b) prevents or attempts to prevent any other person from complying with any such requirement or answering any such question; or

(c) assaults any such officer while exercising any of the powers conferred on him under this section or wilfully obstructs such officer in the exercise of any of those powers;

shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not less than Lm 500 and not exceeding Lm 2,500.

(4) The provisions of subsection (3) of this section shall apply in relation to things done on a local fishing vessel in a convention area outside the fishing waters by or in relation to a convention fisheries officer who is exercising powers to enforce the provisions of the convention relating to that area as it applies in relation to things done on any fishing vessel within those limits by or in relation to a fisheries protection officer.

**22.** No civil or criminal action shall lie against a fisheries protection officer or a convention fisheries officer in respect of any act done or omitted to be done by him in good faith in the purported exercise of his powers under this Act if there shall have been reasonable cause for such act or omission. Indemnity.

**23.** Where a fishing vessel or any other thing has been taken, seized or detained under section 19 of this Act, the Director shall on the demand of the master, owner, charterer or agent release the vessel or thing if no proceedings are instituted within fourteen days of the arrival of the vessel or thing in a port or harbour. Release of vessel or thing if no proceedings instituted.

**24.** (1) Where a fishing vessel is taken, seized or detained under this Act and a charge is laid against the master, the owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, the owner or the charterer or the agent of the owner or of the charterer of the vessel may at any time before the determination of the charge apply to the court by which the charge is due to be determined for the release of the vessel on the provision of security in accordance with this section. Security for release of fishing vessel.

(2) On hearing the application the Court shall either:

(a) being satisfied that reasonable security has been given to the Government in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 31 of this Act order the release of the fishing vessel; or

(b) order the release of the fishing vessel on the execution by any suitable person or persons approved by the Court for the purpose of a reasonable bond in favour of the Government in the prescribed form and conditioned in accordance with subsection (4) of this section in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses that the Government may recover under section 31 of this Act.

(3) Notwithstanding the provisions of subsection (2) hereof, the Court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is not less than the minimum amount required by that subsection.

(4) The conditions of the bond shall be that, if:

(a) the defendant is not found guilty of the charge; or

(b) the defendant, on being convicted of the charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the Court and the amount of all costs and expenses due by him to the Government under section 31 of this Act,

then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Government jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(6) For the purposes of this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Act and is detained on board the vessel in the custody of the Government.

**25.** Where any fish or other things of a perishable nature are seized under section 19 of this act the Director may, notwithstanding any other provision of this Act, either:

Disposal of seized fish and other perishables.

(a) return the fish or other thing to the person from whom it was seized on receiving security that is in the opinion of the Director adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amount shall be adjudged by the Court to be forfeited to the Government; or

(b) cause the sale by public auction of the fish or other thing and if court proceedings are instituted deposit the proceeds of sale with Court pending an order by the Court in respect of the forfeiture or otherwise of the proceeds or release the proceeds to the person from whom the fish or thing was seized in accordance with section 19 of this Act.

## PART IX – AQUACULTURE

**26.** (1) No person shall install or operate an aquaculture establishment otherwise than under the authority of and in accordance with the conditions of an aquaculture permit granted by the Director under this Act. The issue of such permit shall be subject to consultation by the Director with the Chairman of the Malta Maritime Authority and the Chairman of the Planning Authority with regard to the allocation of an appropriate site for the aquaculture establishment.

Installation and operation of aquaculture establishment.

(2) Any person who installs and operates an aquaculture establishment in contravention of subsection (1) of this section or without the authority of the owner of an authorised aquaculture establishment harvests the products of that establishment shall be guilty of an offence and shall on conviction be liable to a fine (multa) of not less than Lm 5,000 and not exceeding Lm 10,000.

**27.** (1) An aquaculture permit shall be granted to the person specified therein and shall not be transferred without the prior written consent of the Director.

Aquaculture permit.

(2) An aquaculture permit shall confer on the permit holder exclusive rights to harvest the products of the aquaculture establishment within the area specified in the permit either on land or sea.

(3) An aquaculture permit shall be subject to such conditions as appear to the Director to be necessary or expedient for the regulation of aquaculture, the management of fisheries and the economic benefit of Malta and in particular a permit may contain without prejudice to the generality of the foregoing:

- (a) conditions as to the siting, design and materials used in the construction of the aquaculture establishment;
- (b) sanitary conditions of fish and fish products;
- (c) measures for the prevention of the escape of species of fish introduced into Malta for aquaculture;
- (d) measures for the prevention of fish diseases;
- (e) provisions relating to the marketing of fish and fish products.

#### PART X – PROHIBITIONS AND OFFENCES

Prohibited fishing methods.

**28.** (1) Any person who in the fishing waters or on a local vessel outside the fishing waters:

(a) uses any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish or in any way rendering such fish more easily caught; or

(b) carries or has in his possession or control, any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in paragraph (a) is guilty of an offence under section 34 of the Explosives Ordinance.

Cap. 33.

(2) Any explosives, poison, or other noxious substance found on board any vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1) of this section.

(3) Any person who lands, sells, receives or is found in possession of fish knowing or having reasonable cause to believe them to have been taken in contravention of this section shall be guilty of an offence and shall on conviction be liable to a fine (multa) of not less than Lm 1,000, and not exceeding Lm 2,500.

**29.** (1) Any person who:

Obstruction of fisheries protection officers and false information.

(a) assaults, resists or wilfully obstructs a fisheries protection officer in the exercise of his powers under this Act;

(b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Act;

(c) without reasonable cause fails to:

(i) answer any question asked by a fisheries protection officer; or

(ii) produce anything required to be produced;

in pursuance of this Act;

(d) fails to allow a search or inspection under this act; or

(e) prevents or attempts to prevent another person from complying with such orders, requisitions or directions or from answering such questions, producing anything or allowing a search or inspection;

shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than Lm 500 and not exceeding Lm 2,500.

(2) Any person who:

(a) for the purposes of obtaining any licence, permit or entry into the Record of fishing vessels; or

(b) for purported compliance with any requirement to provide any information under this Act;

provides information which he knows to be false in a material particular or recklessly provides information which is false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than Lm 200 and not exceeding Lm 1,000.

**30.** (1) Any person who contravenes any provision of this Act for which no penalty is specifically provided shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than Lm 500 and not exceeding Lm 5,000.

Offences, penalties and proceedings.

(2) Where any person is convicted of an offence against this Act the Court may, in addition to any other penalty that it may impose, order that any fishing gear, instruments or appliances used in the commission of such offence and any fish on board a fishing vessel or the proceeds of sale thereof, if already sold, shall be forfeited to the Government and if so forfeited shall be disposed of in such manner as the Director, acting in his discretion, may direct.

(3) For the purposes of any proceedings under this Act any fish found on board a fishing vessel shall be presumed to have been caught:

(a) within the fishing waters or in an area where the vessel is required to have a licence or permit to fish, and,

(b) within the vicinity of the vessel at the time the fish is so found, where the licence or permit restricts the vessel to fish in a particular area;

unless the contrary is proved.

(4) An attempt to commit an offence under this Act shall itself constitute an offence and may be dealt with in like manner as if the attempted offence had been committed.

(5) Any master who tranships, receives on board a fishing vessel, transports or in any other manner deals with fish caught or transhipped in contravention of this Act shall commit an offence.

(6) A person convicted of a second or subsequent offence against this Act shall be liable on conviction to double the maximum penalty for that offence.

(7) Notwithstanding the provisions of any other law, proceedings in respect of an offence against this Act involving a foreign fishing vessel shall be prescribed by the lapse of ten years from the commission of the offence.

(8) The Director may, in respect of prosecutions and proceedings for offences under this Act, lay the charge before the Court, produce evidence, and plead the case instead of the Police.

(9) A certificate purporting to be signed by the Director or any officer authorised by him for that purpose, to the effect that on a date specified in the certificate:

(a) a fishing vessel specified in that certificate was not entered in the Record of fishing vessels, licensed or specified in a permit under this Act; or

(b) the accused person or any other named person was not the holder of a licence or permit under this Act;

shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

## PART XI – COURT PROCEEDINGS, ADMINISTRATIVE PROCEEDINGS AND PENALTIES

31. (1) Notwithstanding the provisions of section 370 of the Criminal Code, the Court of Magistrates shall be the competent Court to try all offences against this Act. Court Proceedings.  
Cap. 9.

(2) Subject to the provisions of subsection (1) hereof, proceedings against any person for any offence against any of the provisions of this Act shall be taken before the Court of Magistrates as a Court of Criminal Judicature in accordance with the provisions of the Criminal Code:

Provided that notwithstanding the provisions of section 376 (1) (b) of the Criminal Code, the Court shall, at the request of the prosecution or of the accused, take down the evidence given by the witnesses in the manner provided for either in section 391 (6) of the said Code or in any law for the time being in force.

(3) Except where specifically provided otherwise, the provisions of section 23 of the Criminal Code shall not be applicable to offences under this Act.

(4) In respect of offences charged under this Act the Court may award the Government such costs and expenses (including expenses incurred in exercise of the power under paragraphs (i) and (j) of subsection (1) of section 19 of this Act) incurred in relation to the prosecution of such charges as it may deem proper.

(5) Notwithstanding the provisions of the Criminal Code the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of magistrates in respect of proceedings arising out of the provisions of this Act.

Convention offences.

**32.** (1) The Minister may by order make such provisions as he may consider appropriate for the enforcement of any restriction or obligation relating to sea fishing contained in a convention to which the Government is a party.

(2) If any fishing vessel fishes within the fishing waters in contravention of any such restrictions or obligations referred to in subsection (1) hereof the master, the owner or the charterer shall each be guilty of an offence and shall on conviction be liable to a fine (*multa*) which shall so far as is practicable be equivalent to the penalty provided under this Act for corresponding offences.

Forfeiture of licence, permit or entry in Record of fishing vessels.

**33.** (1) Every person who is convicted of an offence against this Act and is again convicted of an offence against this Act shall, in addition to any other penalty, forfeit any licence, permit or entry in the Record of fishing vessels granted or made under this Act and any fees paid for that licence, permit or entry and he shall be incapable for a period of three years from the day of the later conviction of holding any such licence or permit or of being so entered in the under this Act.

(2) Notwithstanding subsection (1) hereof the Minister may in the circumstances of any particular case and upon application being made to him within thirty days from the date of conviction direct that the provisions of that subsection are not to apply to any particular licence, permit or entry in the Record of fishing vessels otherwise forfeited.

Administrative penalties.

**34.** (1) Where the Director has reasonable cause to believe that:

(a) an offence against this Act has been committed by any person in respect of a fishing vessel; and

(b) the offence is of a minor nature; and

(c) having regard to the previous conduct of the vessel and the person concerned, it would be appropriate to impose a penalty under this section;

he may cause a notice in writing in accordance with subsection (2) of this section in the appropriate form to be served on that person.

(2) A notice under subsection (1) hereof shall specify:

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him);

(c) any other matters (not being previous convictions) that the Director considers relevant to the imposition of a penalty; and

(d) the amount of the penalty due, and where the penalty due depends on a previous conviction, the date of such conviction,

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) of this section is served may within thirty days after such service by notice in writing in the appropriate form served on the Director require that proceedings in respect of the alleged offence shall be dealt with by the Court, in which case the following provisions shall apply:

(a) no further proceedings shall be taken under this section by the Director; and

(b) nothing in this section shall be construed to prevent the institution of any charge in respect of the alleged offence or the conviction of the person of the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Where under this section a person admits an offence, the Director shall impose a monetary penalty on that person in respect of the offence amounting to one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the Court.

(5) Any person on whom a notice under subsection (1) of this section is served who does not require that proceedings in respect of the alleged offence shall be dealt with by the Court may by notice in writing served on the Director:

(a) admit the offence, and

(b) pay the amount of the penalty to the Director within thirty days after the notice of the penalty is served.

(6) Where a person on whom a notice under subsection (1) of this section is served does not within thirty days after the notice is served on him admit the offence, the Director shall institute proceedings before the court in respect of the alleged offence.

(7) The penalty shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Government and the declaration by the person on whom the penalty is imposed that he admits the charge shall constitute an executive title for the purposes of section 253 of the Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent court of civil jurisdiction.

Cap. 12.

(8) Notwithstanding any other provisions of this Act or of any other enactment, where an offence has been admitted under this section no charge may be laid in respect of the offence against any person by whom it has been admitted.

(9) Nothing in this section shall apply:

(a) in respect of any offence under subsection (2) of section 8, subsection (3) of section 9, subsection (2) of section 10 of this Act; or

(b) to any offence in respect of which any charge has already been laid.

(10) The Director shall personally exercise his powers under this section and in the exercise of such powers shall not be subject to the direction or control of any other person or authority.

Detention or  
forfeiture of fishing  
vessel on failure to  
pay or secure fine.

**35.** (1) If any fine and/or amount of costs or expenses is adjudged to be due by the master, owner or charterer of any fishing vessel in respect of a contravention of any provision of this Act the Court may, if no security or it considers that insufficient security has been given to the Director, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the Court, is not given the Court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in Malta until the amount due is paid or sufficient security shall be given to the satisfaction of the Court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court, the Court may order that in the case of any offence against subsection (2) of section 8, subsection (3) of section 9 or subsection (2) of section 10 of this Act, any vessel and its equipment

used to the commission of the offence shall be forfeited to the Government and if so forfeited shall be disposed of in such manner as the Director acting in his discretion may direct.

## PART XII – REGULATIONS, REPEALS AND TRANSITORY PROVISIONS

**36.** (1) The Minister may make regulations for the better Regulations. carrying into effect of the purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1) of this section such regulations may provide for:

(a) anything which is to be or may be prescribed under this Act;

(b) the conservation, management and protection of fish resources including the establishment of closed areas and closed seasons, the prescription of the limits on the amounts, sizes and weights of fish caught, retained or traded, the prescription of mesh sizes of nets, the control of use of types of fishing gear, the control and prohibition of methods of fishing and the protection of fish stocks and their habitats from the actual or potential effects of pollution or from the actual or potential effects of measures taken to eliminate or control pollution;

(c) the establishment and management of marine parks or reserves for the protection of marine life including marine plants and vegetation;

(d) the licensing of any kind of fishing including any activity related to fishing;

(e) the regulation of amateur and recreational fishing;

(f) a quota or total allowable catch for any fish or in respect of any method of fishing in any part of the fishing waters and authorising the Director to allocate any such quota or total allowable catch to such commercial fishermen as he may specify by notice in the Gazette;

(g) the control of the exploitation of coral and sponge resources;

(h) the protection of turtles, dolphins and other aquatic animals;

(i) the regulation of the importation of live marine or freshwater fish and fry, eggs and spawn thereof;

(j) the promotion and control of the cultivation of fish including the issue by the Director of a code of practice for the maintenance and operation of aquaculture establishments;

(k) the regulation of the landing of fish including the designation of landing places and the control of the handling and transportation of fish and fish products;

(l) the regulation of the marketing of fish including the designation of fish markets, the control of fish auctions and the registration of fish buyers and dealers;

(m) the control of maximum and minimum fish prices and margins of profit in respect of the sale of fish;

(n) the licensing of fish processing establishments;

(o) the regulation of the export and import of fish and fish products;

(p) the control of quality standards and grading of fish sold, exported or imported;

(q) the payment of fees on applications for permits, licences and registrations and on the issue of permits, licences or registrations;

(r) the conditions and procedures of applications for any permits, licences or registrations, or other documents and their forms;

(s) the appointment of local agents for foreign fishing vessels;

(t) the placing of observers on fishing vessels;

(u) the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under and the terms and conditions of their licences;

(v) the control of public slipways;

(w) reports to be made for the purposes of this Act;

(x) compliance with and the implementation of obligations of Malta under any convention and may include the application to convention vessels of any of the provisions of this Act which do not relate exclusively to foreign fishing vessels with any necessary modifications to provisions relating to any matters including qualifications for ownership of fishing vessels;

(y) health and safety regulations as may be deemed proper; and

(z) a fine (*multa*) of not less than Lm 500 and not exceeding Lm 2,500 for contravention of any such regulations.

37. Sections 305 and 306 of the Code of Police Laws shall be deleted.

Amendment of the Code of Police Laws. Cap. 10.

38. Without prejudice to the continued operation of any regulations thereunder, the Fish Industry Act shall be repealed.

Repeal of the Fish Industry Act. Cap. 138.

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## Objects and Reasons

The object of this Bill is to provide in place of the Fish Industry Act new provisions to regulate, conserve and manage fisheries in Malta in view of Malta's ratification of the United Nations Convention on the Law of the Sea.