

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE HYZLER
Aġent President

9 ta' Novembru, 2001

ATT Nru. XXIII ta' l-2001

ATT biex jistabbilixxi u jikkonsolida l-htigiet fil-qasam veterinarju, prodotti mediċinali veterinarji, htigiet dwar l-ghalf u zootekniki u biex jirregola il-professjoni veterinarja.

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:-

Preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2001 dwar is-Servizzi Veterinarji. Titolu u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għas-servizzi veterinarji jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti u għal disposizzjonijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra: Tifsiriet.

"animal" tfisser kull membru haj tar-renju ta' l-animali, minbarra bnedmin, inklużi forom larvali li jgħixu wahedom u, jew li jirriproduċu, imma esklużi forom fetali jew embrjoniċi;

"attività veterinarja privata" għandha t-tifsira mogħtija lilha bl-artikolu 44;

"attività veterinarja ta' l-Istat" għandha t-tifsira mogħtija lilha bl-artikolu 45;

"Dipartiment" tfisser id-Dipartiment għas-Servizzi Veterinarji;

"Direttur" tfisser id-Direttur Ġenerali, Servizzi Veterinarji, jew uffiċjal veterinarju nominat minnu;

"importazzjoni" tfisser l-importazzjoni minn pajjiżi terzi, ta' annimali hajjin, prodotti ta' oriġini mill-annimali u prodotti mnizzlin fl-Ewwel Skeda, lejn Malta jew lejn it-territorju ta' sieheb fil-kummerċ;

"Kunsill" tfisser il-Kunsill tal-Kirurgi Veterinarji mwaqqaf skond l-artikolu 39;

"Ministru" tfisser il-Ministru responsabbli għas-servizzi veterinarji;

"għalf" tfisser prodotti ta' oriġini veġetali jew mill-annimali, fl-istat naturali tagħhom, friski jew preservati, u prodotti miksubin mill-ipproċessar industrijali tagħhom, u sustanzi organiċi jew inorganiċi, użati waħedom jew f'tahlitiet, sew jekk ikun fihom sew jekk ma jkunx fihom additivi, għat-tmiġ ta' l-annimali mill-halq;

"pajjiżi terz" tfisser pajjiż li ma jkunx sieheb fil-kummerċ;

"perjodu ta' distakk" tfisser dak il-perjodu ta' żmien, kif jista' jkun speċifikat mid-Direttur minn żmien għal żmien, u b'riferenza għal annimali partikolari jew speċi ta' annimali, dak iż-żmien li matulu dak kollu li jiġi prodott u li jkun ta' oriġini mill-annimali ma jkunx jista' jiġi kkunsmat jew mibjugħ għall-konsum tal-bniedem jew ta' l-annimali, wara l-amministrazzjoni jew l-użu ta' mediċini veterinarji jew xi kimika oħra għal raġunijiet terapewtiċi jew oħrajn;

"post ta' spezzjon fil-konfini" tfisser kull post ta' spezzjon, imsemmi u approvat biex hemm isiru spezzjonijiet veterinarji fuq annimali hajjin u prodotti li jkunu qegħdin jaslu minn pajjiżi terzi fil-konfini tat-territorju ta' Malta jew fil-konfini tat-territorju ta' xi sieheb fil-kummerċ;

"prodott mediċinali immunoloġiku veterinarju" tfisser prodott mediċinali veterinarju amministrat lill-annimali sabiex jipproduċi immunità attiva jew passiva jew biex jagħmel dijanjosi ta' l-istat ta' immunità;

"prodott mediċinali veterinarju" tfisser prodott mediċinali mahsub għall-annimali;

"servizzi veterinarji" tfisser l-awtorità f'Malta, jew f'sieheb fil-kummerċ, jew f'pajjiżi terz, skond kif ikun il-każ, li jkollha s-setgħa

biex twettaq spezzjonijiet veterinarji u tagħmel eżamijiet;

"siċheb fil-kummerè" tfisser dak l-Istat, jew grupp ta' Stati, jew organizzazzjoni jew istituzzjoni kif jista' jkun imsemmi mill-Ministru b'avviż minn żmien għal żmien, liema Stat, grupp ta' Stati, organizzazzjoni jew istituzzjoni jkunu ffirmaw xi trattat jew flehim, ikun x'ikun imsejjah, mal-Gvern ta' Malta rigward id-disposizzjonijiet ta' dan l-Att;

"tqeghid fis-suq" tfisser li żżomm jew tesibixxi għall-bejgħ, toffri għall-bejgħ, tbiegħ, tikkunsinna, tittrasferixxi jew kull għamla ohra li toffri għall-konsum, taħżen, tittrasporta bil-għan ta' bejgħ u timporta bil-għan ta' bejgħ;

"veterinarju uffiċjali" tfisser kirurgu veterinarju li jkun awtorizzat biex iwettaq l-attivitajiet veterinarji ta' l-Istat.

3. (1) Id-disposizzjonijiet ta' dan l-Att japplikaw għal - Applikabili.

(a) l-htigiet fil-qasam veterinarju -

(i) dwar is-sahha ta' l-annimali u s-sahha pubblika rigward annimali hajjin inklużi il-prodotti ġerminali imsemmija fil-paragrafu (a) ta' l-Ewwel Skeda;

(ii) dwar is-sahha ta' l-annimali u s-sahha pubblika rigward prodotti ta' oriġini mill-annimali, inklużi prodotti sekondarji u l-prodotti tal-pjanti msemmija fil-paragrafi (b) u (ċ) ta' l-Ewwel Skeda;

(b) l-htigiet fi prodotti mediċinali veterinarji;

(ċ) l-htigiet li għandhom x'jaqsmu ma' l-ghalf;

(d) l-htigiet zootekniċi fit-tmissil u t-trobbija ta' l-annimali.

(2) Ir-regolamentazzjoni ta' -

(a) id-drittijiet u l-obbligazzjonijiet ta' persuni naturali u ġuridiċi fil-qasam ta' attivitajiet veterinarji, kif ukoll attivitajiet veterinarji professjonali u l-ezekuzzjoni tagħhom;

(b) l-organizzazzjoni tal-persuni li jkunu qegħdin jescritaw attivitajiet veterinarji privati; u

(ċ) l-organizzazzjoni, l-iskop ta' l-awtorità u l-poteri tal-korpi li jkunu qegħdin jescritaw l-attivitajiet veterinarji ta'

l-Istat,

għandhom jiġu regolati bid-disposizzjonijiet ta' dan l-Att.

TAQSIMA I

Htiġiet veterinarji

Htiġiet fil-qasam veterinarju.

4. Il-htiġiet veterinarji f'dan l-Att għandhom jinkludu -

(a) miżuri, li jirrigwardaw annimali hajjin, li għandhom x'jaqsmu ma' -

(i) l-kontroll ta' mard li jittiehed;

(ii) l-ghoti ta' avviż dwar mard;

(iii) identifikazzjoni u registrazzjoni ta' l-
annimali;

(iv) kondizzjonijiet tas-saħha li għandhom x'jaqsmu ma' -
ċaqlicq ta' annimali hajjin u prodotti ġerminali; u

(v) kondizzjonijiet għall-importazzjoni li għandhom x'jaqsmu ma' annimali hajjin u prodotti ġerminali importati ġewwa Malta minn pajjiżi terzi;

(b) miżuri, li jirrigwardaw prodotti ta' oriġini mill-annimali, li għandhom x'jaqsmu ma' -

(i) l-produzzjoni u tqeghid fis-suq ta' prodotti ta' oriġini mill-annimali;

(ii) miżuri dwar is-saħha ta' l-annimali għall-produzzjoni u tqeghid fis-suq ta' prodotti ta' oriġini mill-annimali ; u

(iii) kondizzjonijiet għall-importazzjoni li għandhom x'jaqsmu ma' prodotti ta' oriġini mill-annimali importati ġewwa Malta minn pajjiżi terzi;

(ċ) miżuri li għandhom x'jaqsmu ma' annimali hajjin u prodotti ta' oriġini mill-annimali li jirrigwardaw -

(i) il-projbizzjoni fuq l-użu ta' ċerti sustanzi;

(ii) is-sorveljar ta' ċerti sustanzi u residwi tagħhom f'annimali hajjin u prodotti ta' oriġini mill-

animali ; u

(iii) hmiċġ ta' l-animali u patoġeni;

(d) miżuri li jirrigwardaw spezzjonijiet veterinarji li għandhom x'jaqsmu ma' l-iskambju, ma' shab fil-kummerċ, ta' animali hajjin u prodotti ta' oriġini mill-animali ;

(e) miżuri li jirrigwardaw spezzjonijiet veterinarji li għandhom x'jaqsmu mal-importazzjoni, minn pajjiżi terzi, ta' animali hajjin u prodotti ta' oriġini mill-animali ;

(f) ċertifikazzjoni rigward affarijiet veterinarji; u

(g) ir-relazzjoni ma' shab fil-kummerċ f'affarijiet veterinarji.

5. (1) Il-Ministru jista' jippreskrivi regoli li jirrigwardaw il-prevenzjoni u l-kontroll ta' mard u, b'mod partikolari, jista' b'dawk ir-regoli -

Kontroll ta' mard li jittiehed.

(a) jikklassifika mard bħala mard li jittiehed perikoluż u jippreskrivi l-htigiet veterinarji dwaru;

(b) jimponi l-obbligazzjonijiet fuq is-sidien ta' l-animali u tal-prodotti ta' oriġini mill-animali, inkluż l-obbligu li jiġi notifikat id-Dipartiment, f'dawk iċ-ċirkostanzi kif jista' jiġi preskritt;

(ċ) jippreskrivi l-proċedura għad-djanjosi ta' mard;

(d) jimponi miżuri restrittivi fil-każ ta' xi suspett jew is-sehħ ta' mard;

(e) jistabbilixxi Laboratorju Veterinarju Nazzjonali.

(2) Il-Ministru għandu jhejji regolamenti dwar pjanijiet ta' kontinġenza li jkollhom x'jaqsmu mal-mard imsemmi fis-subartikolu (1).

(3) Għall-għanijiet ta' dan l-artikolu, l-kontroll ta' mard li jittiehed għandu jinkludi miżuri għall-protezzjoni kontra żoonosi speċifikati u aġenti żoonotiċi speċifikati f'animali u prodotti ta' oriġini mill-animali biex tkun ipprevenuta kull tifqigha ta' infezzjonijiet u intossikazzjonijiet li jingarru fl-ikel.

6. (1) Id-Dipartiment għandu, fi żmien erbgħa w għoxrin siegħa ta' kull okkażjoni li tinqala', javża lill-ishab fil-kummerċ dwar -

Notifikazzjoni ta' mard.

(a) it-tifqigha primarja, konfermata ġewwa Malta, ta' xi marda elenkata fit-Tieni Skeda; u

(b) it-tneħħija, wara l-eradikazzjoni ta' l-ahħar każ ta' tifqigha, ta' restrizzjonijiet imposti f'dak li għandu x'jaqsam mat-tifqigha tal-marda.

(2) Mingħajr preġudizzju għad-disposizzjonijiet tas-subartikolu (1), id-Dipartiment għandu jāvża direttament lill-ishab fil-kummerċ, almenu fl-ewwel jum tax-xogħol ta' kull ġimgħa, b'kull tifqigha sekondarja ta' xi marda elenkata fit-Tieni Skeda li tkun konfermata ġewwa Malta. L-avviż imsemmi hawn aktar qabel għandu jkun ikopri il-ġimgħa li tispicċa f'nofs il-lejl ta' bejn il-Hadd u t-Tnejn li jiġi minnufih qabel.

(3) L-avviżi msemmija fil-subartikoli (1) u (2) għandhom jiġu kkumunikati b'dak il-mod kif jista' jkun stabbilit mid-Direttur.

Identifikazzjoni u reġistrazzjoni ta' annimali.

7. Il-Ministru jista' jippreskrivi regoli sabiex jistabbilixxi sistemi għall-identifikazzjoni u r-reġistrazzjoni ta' annimali.

Ċaqlicq ta' annimali hajjin u prodotti ġerminali.

8. Il-Ministru jista' jippreskrivi regoli li jirrigwardaw il-kondizzjonijiet tas-sahħa li għandhom jiġu osservati f'dak li għandu x'jaqsam maċ-ċaqlicq ta' annimali hajjin u prodotti ġerminali.

Kondizzjonijiet għall-importazzjoni li għandhom x'jaqsmu ma' annimali hajjin u prodotti ġerminali.

9. (1) Il-Ministru jista' jippreskrivi regoli li jirrigwardaw il-kondizzjonijiet, u partikolarment kondizzjonijiet tas-sahħa, li tahtom jistghu jiġu importati annimali hajjin u prodotti ġerminali minn pajjiżi terzi.

(2) Id-Direttur għandu jippubblika fil-Gazzetta -

(a) lista ta' pajjiżi terzi minn fejn annimali hajjin u prodotti ġerminali huma awtorizzati li jiġu importati ġewwa Malta;

(b) lista ta' ċentri ta' kollezzjoni, korpi approvati, istituti jew ċentri, awtorizzati jesportaw annimali hajjin u prodotti ġerminali lejn Malta;

(ċ) mudell ta' ċertifikat, li jkollu x'jaqsam ma' kull xorta differenti ta' annimali hajjin u prodotti ġerminali, biex jintuża mill-importaturi.

Tqegħid fis-suq ta' prodotti ta' oriġini mill-annimali.

10. (1) Il-Ministru jista' jippreskrivi regoli li jirrigwardaw il-produzzjoni u, wara konsultazzjoni mal-Ministru responsabbli mis-sahħa pubblika, jista' jippreskrivi regoli li jirrigwardaw it-tqegħid fis-suq ta' prodotti ta' oriġini mill-annimali.

(2) Id-Direttur għandu jippubblika fil-Gazzetta il-lista ta' stabbilimenti approvati għall-ipproċessar u t-tqeghid fis-suq ta' prodotti ta' oriġini mill-annimali .

11. Il-Ministru jista' jippreskrivi regoli li jirrigwardaw miżuri tas-saħha ta' l-annimali li għandhom jittiehdu għall-produzzjoni, l-ipproċessar u t-tqeghid fis-suq ta' prodotti ta' oriġini mill-annimali.

Miżuri tas-saħha ta' l-annimali.

12. (1) Il-Ministru jista', bi qbil mal-Ministru responsabbli mis-saħha pubblika, jippreskrivi regoli li jirrigwardaw il-kondizzjonijiet, u partikolarment kondizzjonijiet ta' saħha u sanità, li tahtom prodotti ta' oriġini mill-annimali jistghu jiġi importati minn pajjiżi terzi.

Kondizzjonijiet għall-importazzjoni li għandhom x'jaqsmu ma' prodotti ta' oriġini mill-annimali.

(2) Id-Direttur għandu jippubblika fil-Gazzetta -

(a) lista ta' pajjiżi terzi minn fejn prodotti ta' oriġini mill-annimali huma awtorizzati li jiġu importati ġewwa Malta;

(b) lista ta' stabbilimenti awtorizzati jesportaw prodotti ta' oriġini mill-annimali lejn Malta;

(ċ) mudell ta' ċertifikat li jkollu x'jaqsmu ma' kull xorta differenti ta' prodotti ta' oriġini mill-annimali, biex jiġi muri mill-importaturi.

13. Il-Ministru jista', bi qbil mal-Ministru responsabbli għas-saħha pubblika jippreskrivi regoli -

Projbizzjoni ta' l-użu ta' ċerti sustanzi.

(a) li jirrigwardaw il-projbizzjoni ta' l-użu, fit-trobbija tal-bhejjem, ta' sustanzi li jkollhom azzjoni ormonali jew tireostatika u ta' agonisti beta u somatotrofin bovin, u ta' sustanzi ohra li jistghu, fil-fehma tal-Ministru responsabbli għas-saħha pubblika, jkunu dannużi għas-saħha pubblika; u

(b) li jirrigwardaw il-miżuri li għandhom jittiehdu għas-sorveljar ta' sustanzi u residwi tagħhom f'annimali hajjin u fi prodotti ta' oriġini mill-annimali.

14. Il-Ministru jista', wara konsultazzjoni mal-Ministru responsabbli għall-ambjent, jippreskrivi regoli li jirrigwardaw il-miżuri li għandhom jittiehdu għad-disponiment u l-ipproċessar ta' karkassi shah jew fdalijiet ta' l-annimali u patoġeni, għat-tqeghid tagħhom fis-suq, u għall-prevenzjoni ta' patoġeni fl-għalf li jkollu oriġini mill-annimali jew mill-hut .

Karkassi shah jew fdalijiet ta' l-annimali u patoġeni.

Spezzjonijiet veterinarji relattivi għal annimali hajjin u prodotti ta' orijini mill-annimali.

15. (1) Il-Ministru jista' jippreskrivi regoli li jirrigwardaw l-ispezzjonijiet veterinarji li għandhom isiru fuq annimali hajjin, prodotti ġerminali, karkassi shah jew fdalijiet ta' l-annimali, patoġeni u prodotti li joriġinaw mill-annimali, li jkunu mahsuba għall-kummerċ u li jkunu soġġetti għal skambju ma' xi shah fil-kummerċ.

(2) Il-Ministru jista' jippreskrivi regoli li jirrigwardaw il-miżuri li għandhom jittiehdu matul spezzjoni li tkun qed issir fil-post ta' l-orijini u tad-destinazzjoni ta' xi kunsinna jew matul it-trasport.

(3) Il-Ministru jista' b'regolamenti jippreskrivi l-mod li bih dawk in-nefġiet li għandhom x'jaqsmu mal-miżuri preskritti fis-subartikolu (2) għandhom jithallsu mill-kunsinnatarju jew mir-rappreżentant tiegħu jew mill-persuna responsabbli għall-annimali jew prodotti ta' orijini mill-annimali.

(4) Il-Ministru jista' b'regolamenti jippreskrivi l-miżuri li għandhom jittiehdu fil-każ meta s-servizzi veterinarji f'Malta jistabbilixxu l-preżenza ta' aġenti responsabbli għal xi marda imsemmija fit-Tieni Skeda, zoonosi jew xi marda, jew kull kawża li x'aktarx tikkostitwixxi periklu serju għall-annimali jew bnedmin.

(5) Fil-każijiet imsemmija fis-subartikoli (2) u (4), id-Direttur jista' jordna li jkollhom jittiehdu xi miżuri immedjati ta' emerġenza, u għandu jistabbilixxi kuntatti diretti mal-persuni, organizzazzjonijiet jew amministrazzjonijiet interessati kemm f'Malta kemm barra mill-pajjiż.

Importazzjoni ta' annimali hajjin u prodotti ta' orijini mill-annimali.

16. (1) Id-Dipartiment tad-Dwana m'għandux jawtorizza ir-rilaxx, għal ċirkolazzjoni libera f'Malta, ta' annimali hajjin jew prodotti ta' orijini mill-annimali, inklużi l-prodotti elenkati fl-Ewwel Skeda, importati f'Malta, kemm-il darba ma tkunx sodisfatta li jkunu tharsu l-htigiet stipulati f'dan l-artikolu.

(2) Il-Ministru jista', bi qbil mal-Ministru responsabbli għad-dwana, jippreskrivi regoli li jirrigwardaw l-organizzazzjoni u l-azzjoni li għandhom jittiehdu wara li ssir l-ispezzjoni ta' annimali hajjin, u l-azzjoni li għandhom jittiehdu wara l-ispezzjoni ta' prodotti ta' orijini mill-annimali.

(3) Id-Direttur jista' jordna li jittiehdu miżuri immedjati ta' emerġenza, u għandu jistabbilixxi kuntatt dirett mal-persuni, organizzazzjonijiet jew amministrazzjonijiet interessati f'Malta jew barra mill-pajjiż meta -

(a) f'xi pajjiż terz, tfaqqa' jew tixtered xi marda elenkata fit-Tieni Skeda, zoonosi jew xi marda oħra, jew dawk iċ-ċirkostanza l-oħra li jistgħu jippreżentaw theddida serja fis-

sahha ta' l-animall jew tal-bniedem; jew

(b) xi raġuni oħra serja fis-sahha ta' l-animall jew fis-sahha tal-bniedem tkun hekk teħtieġ, fid-dawl ta' riżultanzi ta' l-esperti veterinarji ta' xi sieħeb fil-kummeré jew abbaži ta' l-ispezzjonijiet li jkunu qegħdin isiru f'post ta' spezzjon fil-konfini ta' xi sieħeb fil-kummeré; jew

(c) xi waħda mill-ispezzjonijiet li hemm provdut dwarhom f'dan l-artikolu jindika li xi kunsinna ta' animall hajjin jew prodotti ta' oriġini mill-animall, inklużi l-prodotti elenkati fl-Ewwel Skeda, x'aktarx tikkostitwixxi periklu għas-sahha ta' l-animall jew tal-bniedem.

(4) Il-Ministru jista' b'regolamenti jippreskrivi l-mod kif l-ispejjeż li għandhom x'jaqsmu mal-miżuri preskritti fis-subartikolu (2) għandhom jithallsu mill-kunsinnatur jew ir-rappreżentant tiegħu jew mill-persuna responsabbli għall-animall jew prodotti ta' oriġini mill-animall.

(5) Il-Ministru jista' jippreskrivi l-frekwenza ta' spezzjonijiet veterinarji li għandhom x'jaqsmu ma' importazzjonijiet, minn pajjiżi terzi, ta' animall hajjin u prodotti ta' oriġini mill-animall, inklużi l-prodotti elenkati fl-Ewwel Skeda.

(6) Il-Ministru jista' jippreskrivi regolamenti għall-approvazzjoni ta' postijiet ta' spezzjon fil-konfini sitwati f'Malta, u għas-sospensjoni, għal raġunijiet relattivi għas-sahha pubblika jew ta' l-animall, ta' dawk il-postijiet ta' spezzjon fil-konfini.

17. Il-Ministru jista' jippreskrivi regoli li jirrigwardaw iċ-ċertifikazzjoni li għandha tiġi stabbilita dwar spezzjonijiet veterinarji u l-kontroll ta' animall hajjin u prodotti ta' l-animall u jippreskrivi regoli li jirrigwardaw hlasijiet li għandhom isiru in konnessjoni ma' l-attività ta' spettorat.

Certifikazzjoni.

18. (1) Il-miżuri finanzjarji li għandhom jittieħdu għall-iżradikar ta' mard għandhom ikunu jikkonsistu fi -

Miżuri
finanzjarji.

(a) kontribuzzjonijiet finanzjarji u miżuri kompensatorji fil-qafas ta' xi emerġenza, kif dikjarat b'ordni tal-Ministru; u

(b) kontribuzzjonijiet finanzjarji konnessi ma' xi skemi nazzjonali għall-iżradikar ta' mard partikolari.

(2) Jekk jiġri li t-tifqigha ta' xi marda clenkata fil-Hames Skeda, is-servizzi veterinarji għandhom jiddefinixxu ż-żoni ta' protezzjoni w is-sidien ta' l-animall jirċevu dik il-kontribuzzjoni

finanzjarja mill-Istat mis-servizzi veterinarji għall-iżradikar tal-marda, kif il-Ministru jista', minn żmien għal żmien, wara konsultazzjoni mad-Direttur, jistabbilixxi, bla hsara għall-kondizzjoni li l-miżuri applikati ikunu jikkonsistu, mill-inqas, fl-isolament tal-qasam miż-żmien ta' suspett tal-preżenza tal-marda, u, wara li tinghata konferma uffiċjali tal-marda, u -

(a) is-servizzi veterinarji jesigū it-tbiċċir ta' animali ta' speċi suxxettibbli li jkunu intlaqtu jew ġew kontaminati jew ikunu suspetti li jkunu intlaqtu jew ġew kontaminati, u l-qirda tagħhom, u, fil-każ ta' xi pesta ta' l-ghasafar, l-qirda tal-bajd;

(b) is-servizzi veterinarji jesigū l-qirda ta' għalf kontaminat u tagħmir kontaminat, fil-każ li l-oġġetti kontaminati ma jkunux jistgħu jiġu disinfettati skond il-paragrafu (ċ); u

(ċ) is-servizzi veterinarji jesigū t-tindif, l-qirda ta' l-insetti u disinfettar ta' l-oqsma u tat-tagħmir fuq il-oqsma.

(3) Is-sidien ta' animali ikollhom jedd jirċievu kontribuzzjoni finanzjarja mill-Istat biss jekk jiġu rispettati l-miżuri definiti mis-servizzi veterinarji biex jipprevjenu ir-riskju tat-tifrix ta' infezzjoni, sakemm jithares iż-żmien ta' stennija stabbilit mis-servizzi veterinarji bħala dak li għandu jiġi osservat wara t-tbiċċir u qabel it-tgħammir mill-ġdid tal-qasam.

(4) Minghajr preġudizzju għal kull miżura ta' appoġġ mis-suq li tista' tittiehed, il-kontribuzzjoni finanzjarja ta' l-Istat tista', jekk ikun hekk adatt, tinqasam f'saffi; il-kontribuzzjoni, li għandha tkun adegwata u minghajr dewmien, tista' tkun fl-għamla ta' -

(a) ir-rimborż ta' l-ispejjeż li jsiru mis-sidien fit-tbiċċir, l-qirda ta' animali u, fejn ikun hekk adatt, il-prodotti tagħhom, għat-tindif, il-qirda ta' l-insetti u d-disinfettar ta' oqsma u tagħmir, u għall-qirda ta' l-għalf kontaminat u tagħmir kontaminat imsemmija fis-subartikolu (2)(b); jew

(b) fejn is-servizzi veterinarji jkunu ordnaw li animali, jew ċertu tipi jew speċi ta' animali, għandhom jiġu vaċċinati, rigward il-provvista tal-vaċċin u l-amministrazzjoni tal-vaċċinazzjoni mis-servizzi veterinarji minghajr ebda hlas.

(5) Bla hsara għad-disposizzjonijiet tas-subartikolu (6), id-disposizzjonijiet tas-subartikoli (2), (3) u (4) għandhom japplikaw, minkejja li jkun hemm xi programm ta' żradikar, skond id-disposizzjonijiet ta' l-artikolu 19, għar-rigward tal-marda.

(6) Jekk jigrì li tfaqqa' n-*Newcastle disease* f'Malta, ghandhom japplikaw id-disposizzjonijiet tas-subartikoli (2) u (3):

Izda l-Ministru jista' jawtorizza, taht ċerti kondizzjonijiet u ghal perjodu limitat u f'distrett limitat, li tiġi amministrata l-vaċċinazzjoni, imma, f'dak il-każ, ebda kontribuzzjoni finanzjarja ta' l-Istat m'għandha tinghata għall-provvista tal-vaċċin jew għall-amministrazzjoni tal-vaċċinazzjoni.

(7) Il-Ministru jista' japplika id-disposizzjonijiet tas-subartikoli (3) u (4), bl-ċċeżżjoni tad-disposizzjonijiet tas-subartikolu (4)(b), għal żoonosi.

(8) Il-Ministru jista' b'regolamenti jżid mal-lista ta' mard elenkat fil-Hames Skeda kull marda li x'aktarx tikkostitwixxi periklu għas-saħha pubblika jew dik ta' l-animali f'Malta.

(9) Għall-finijiet ta' dan l-artikolu -

"mizuri ta' appoġġ mis-suq" tfisser dawk il-mizuri li jkunu permessi li jittiehdu, bi ftehim mas-shab fil-kummerċ, bix jappoġġaw il-prezzijiet fis-suq fil-każ ta' tifqigha ta' xi wahda mill-mard inizzlin fil-Hames Skeda; u

"zona ta' protezzjoni" tfisser kull l-area kif jista' jiġi ufficjalment dikjarat mill-Ministru, li tkun area bbażata fuq raġġ minimu ta' tliet kilometri u zona ta' sorveljanza bbażata fuq raġġ minimu ta' għaxar kilometri, meta jiqiesu konfini naturali, li fiha tkun giet dijanjostikata l-presenza ta' marda li tkun notifikata, u li fiha għandhom jittehdu l-mizuri, skond id-disposizzjonijiet ta' dan l-Att, għall-kontroll u l-iżradikar tal-mard.

19. (1) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, id-Direttur jista' jagħmel skemi nazzjonali għall-prevenzjoni, kontroll u żradikar ta' mard elenkat fir-Raba' Skeda.

Kontribuzzjoni
finanzjarja
konnessa ma'
skemi
nazzjonali.

(2) Il-Ministru jista', bi qbil mal-Ministru responsabbli għall-finanzi, jippreskrivi regoli biex iġib fis-seħh id-disposizzjonijiet ta' dan l-artikolu, u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, jista', b'mod partikolari, jippreskrivi regoli dwar -

(a) il-mard li jkun soġġett għal skema nazzjonali ta' żradikar;

(b) il-kondizzjonijiet li tahtom is-sidien ta' animali jiksbu il-kontribuzzjoni finanzjarja ta' l-Istat mis-servizzi veterinarji għall-iżradikar ta' dan il-mard; u

(ċ) il-kontribuzzjoni finanzjarja ta' l-Istat u servizzi oħrajn provduti mis-servizzi veterinarji fil-qafas ta' l-iskema.

Htiġiet dwar l-iffinanzjar ta' spezzjonijiet veterinarji.

20. Il-Ministru jista', bi qbil mal-Ministru responsabbli għall-finanzi, jippreskrivi regoli li jirrigwardaw id-drittijiet li għandhom jingabru mid-Direttur għal spezzjonijiet veterinarji u għall-kontroll ta' annimali hajjin u prodotti ta' l-annimali.

Relazzjonijiet fil-qasam veterinarju ma' shab fil-kummerċ.

21. Il-Ministru jista', bi qbil mal-Ministru responsabbli għall-affarijiet barranin, jippreskrivi regoli dwar l-ghajnuna u l-koperazzjoni li s-servizzi veterinarji għandhom jipprovdu lil shab fil-kummerċ sabiex jiżguraw l-applikazzjoni dovuta tar-regoli veterinarji u zootekniċi, għall-prevenzjoni u l-kxif ta' kull ksur ta' dawk ir-regoli u l-kxif ta' kull attività li tkun jew tista' tkun kuntrarja għalihom.

TAQSIMA II

Htiġiet rigward l-ghalf ta' l-annimali

Htiġiet dwar l-ghalf.

22. Sakemm jintlahaq l-iskop ta' dan l-Att, il-htiġiet veterinarji fil-qasam ta' l-ghalf għandhom jinkludu -

(a) l-organizzazzjoni ta' spezzjonijiet u l-kondizzjonijiet għall-approvazzjoni ta' stabbilimenti involuti fis-settur tan-nutrizzjoni ta' l-annimali;

(b) l-additivi li jistgħu jiġu inkorporati fi għalf, l-użu ta' ċertu prodotti u l-projbizzjoni ta' sustanzi u prodotti mhux mixtieqa wżati fin-nutrizzjoni ta' l-annimali;

(ċ) il-metodi ta' teħid ta' kampjuni u analiżi ta' għalf u l-valutazzjoni ta' prodotti u additivi użati fin-nutrizzjoni ta' l-annimali;

(d) il-ċirkolazzjoni ta' ikel għat-tmigh u l-l-hruġ fis-suq ta' għalf kompost;

(e) il-kondizzjonijiet li jirregolaw il-preparazzjoni, it-tqeghid fis-suq u l-użu ta' għalf medikat; u

(f) id-drittijiet li għandhom jithallsu rigward kull servizz provdut mis-servizzi veterinarji fis-settur tan-nutrizzjoni ta' l-annimali.

Spezzjonijiet u l-approvazzjoni ta' stabbilimenti fis-settur tan-nutrizzjoni ta' l-annimali.

23. Il-Ministru jista' jippreskrivi regoli li għandhom x'jaqsmu ma' l-organizzazzjoni, l-ispezzjoni u l-kondizzjonijiet għall-approvazzjoni ta' stabbilimenti fis-settur tan-nutrizzjoni ta' l-annimali u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, jista', b' mod partikolari, jippreskrivi regoli dwar -

(a) l-organizzazzjoni ta' spezzjonijiet uffiċjali fil-qasam ta' nutrizzjoni ta' l-annimali;

(b) il-kondizzjonijiet li tahtom stabbilimenti u intermedjarji li joperaw fis-settur ta' nutrizzjoni ta' l-annimali għandhom ikunu approvati u reġistrati; u

(ċ) l-ispezzjonijiet li għandhom isiru fuq għalf importat minn pajjiżi terzi.

24. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar l-additivi li jistgħu jiġu inkorporati fi għalf, l-użu ta' ċertu prodotti, l-projbizzjoni ta' sustanzi u prodotti mhux mixtieqa wżati fin-nutrizzjoni ta' l-annimali, u l-użu u l-hruġ fis-suq ta' enzimi u mikro-organizmi, u l-preparazzjoni tagħhom in konnessjoni man-nutrizzjoni ta' l-annimali.

Additivi.

25. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar il-metodi ta' tehid ta' kampjuni u analiżi ta' għalf u l-valutazzjoni ta' prodotti u additivi użati fin-nutrizzjoni ta' l-annimali.

Metodi ta' tehid ta' kampjuni u analiżi.

26. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar iċ-ċirkolazzjoni ta' ikel għat-tmigh u l-l-hruġ fis-suq ta' għalf kompost.

Ċirkolazzjoni ta' ikel għat-tmigh u l-l-hruġ fis-suq ta' għalf kompost.

27. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar il-kondizzjonijiet li jirregolaw il-preparazzjoni, it-tqegħid fis-suq u l-użu ta' għalf medikat.

Preparazzjoni, tqegħid fis-suq u użu ta' għalf medikat.

28. Il-Ministru jista', bi qbil mal-Ministru responsabbli għall-finanzi, jippreskrivi regoli dwar id-drittijiet li għandhom jingabru -

Drittijiet.

(a) għall-eżami tad-dokumenti li jirrigwardaw l-additivi; u

(b) f'dak li għandu x'jaqsam ma' l-approvazzjoni u r-reġistrazzjoni ta' stabbilimenti u intermedjarji.

TAQSIMA III

Htiġiet rigward prodotti mediċinali veterinarji

29. Sakemm jintlaħaq l-iskop ta' dan l-Att, l-htijiet fil-qasam ta' prodotti mediċinali veterinarji għandhom jinkludu -

Htiġiet fi prodotti mediċinali veterinarji

(a) htigiet konnessi mal-hruġ fis-suq ta' prodotti mediċinali veterinarji;

(b) li jiġu stabbiliti l-livelli analitiċi, farmako-tossikoloġiċi u kliniċi u protokollu għar-rigward ta' testijiet fuq prodotti mediċinali veterinarji;

(ċ) il-proċeduri li għandhom jiġu osservati għall-awtorizzazzjoni u s-sorveljanza fuq il-produzzjoni, id-distribuzzjoni u l-użu ta' prodotti mediċinali veterinarji; u

(d) id-drittijiet li għandhom jingabru għall-awtorizzazzjoni u s-sorveljanza ta' prodotti mediċinali veterinarji.

Hruġ fis-suq ta' prodotti mediċinali veterinarji

30. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar il-hruġ fis-suq ta' prodotti mediċinali veterinarji.

Standards u protokollu għar-rigward ta' prodotti mediċinali veterinarji.

31. Il-Ministru jista', bi qbil mal-Ministru responsabbli għas-saħha pubblika, jippreskrivi regoli dwar l-istandards analitiċi, farmako-tossikoloġiċi u kliniċi, u protokollu għar-rigward ta' testijiet fuq prodotti mediċinali veterinarji.

Awtorizzazzjoni għal, u sorveljanza ta' prodotti mediċinali veterinarji.

32. Il-Ministru jista', wara konsultazzjoni mal-Kap tal-Laboratorju Veterinarju Nazzjonali, jippreskrivi regoli dwar l-awtorizzazzjoni għal, u s-sorveljanza ta' prodotti mediċinali veterinarji elenkati fis-Sitt Skeda.

Drittijiet.

33. Il-Ministru jista', bi qbil mal-Ministru responsabbli għall-finanzi, jippreskrivi regoli dwar id-drittijiet li għandhom jingabru għal servizzi mogħtijin mis-servizzi veterinarji taht id-disposizzjonijiet ta' din it-Taqsima ta' dan l-Att.

TAQSIMA IV

Htigiet zootekniċi konnessi mat-tnissil u trobbija ta' l-annimali

Htigiet zootekniċi.

34. Il-Ministru jista' jippreskrivi regoli dwar htigiet zootekniċi fit-tnissil u trobbija ta' l-annimali u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, jista', b'mod partikolari, jippreskrivi regoli dwar -

(a) tnissil u trobbija ta' annimali ta' razza pura ta' l-ispeċi ta' l-ifrat;

(b) tnissil u trobbija ta' annimali ta' razza pura ta' l-ispeċi porċini;

(c) tnissil u trobbija ta' animali ta' razza pura ta' l-ispeċi ovini u kaprini;

(d) kondizzjonijiet zootečniċi u genealoġiċi li jirregolaw il-kummerċ f'*equidae*;

(e) il-kummerċ f'*equidae* li jiehdu schem f'kompetizzjonijiet u l-kondizzjonijiet għall-parteċipazzjoni f'dawk il-kompetizzjonijiet;

(f) htigiet zootečniċi u ta' razza minghajr tahlit għall-hruġ fis-suq ta' animali ta' razza pura oħrajn; u

(g) kondizzjonijiet zootečniċi u genealoġiċi applikabbli għall-importazzjoni, minn pajjiżi terzi, ta' animali, u s-semen, ova u embriji tagħhom.

TAQSIMA V

Obbligazzjonijiet ta' ċerti persuni u ta' korpi oħra

35. (1) Kull min ikun is-sid, id-detentur, in-negozjant jew l-importatur, id-destinatarju, it-trasportatur, il-bejgiegħ bl-immnut jew kull persuna oħra li tkun awtorizzata taht id-disposizzjonijiet ta' dan l-Att biex tiddisponi minn animali hajjin, prodotti ta' oriġini mill-animali, prodotti elenkati fl-Ewwel Skeda, għalf ta' l-animali jew prodotti mediċinali veterinarji, jew ir-rappreżentant ta' dawk il-persuni, jew min ikun inkarigat minn xi attività veterinarja privata, bla hsara għad-disposizzjonijiet ta' dan l-Att -

Obbligazzjonijiet ta' persuni fil-qasam ta' attivitajiet veterinarji.

(a) għandu jiddikjara l-attività tiegħu lis-servizzi veterinarji, skond id-disposizzjonijiet ta' dan l-Att, hekk kif id-Direttur jista' jistabilixxi;

(b) għandu jipprovdi kull koperazzjoni u għajnuna meħtieġa lill-uffiċjali tas-servizzi veterinarji, lill-veterinarju uffiċjali jew lill-persunal tiegħu awtorizzati, fit-twettiq ta' xi attività veterinarja ta' l-Istat; minghajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, dawk il-persuni għandhom -

(i) jippermettu l-eskuzzjoni ta' l-ispezzjonijiet veterinarji, eżamijiet jew spezzjonijiet ta' animali hajjin, prodotti ta' oriġini mill-animali, prodotti elenkati fl-Ewwel Skeda, għalf ta' l-animali jew prodotti mediċinali veterinarji;

(ii) jrazznu u jittrasportaw annimali skond id-disposizzjonijiet ta' dan l-Att dwar il-kontrolli ta' identifikazzjoni, l-eżami ta' annimali, vaċċinazzjonijiet preventivi jew l-iżradikar ta' mard;

(iii) jiġbru, jittrasportaw u juru fl-aħjar kondizzjonijiet prodotti ta' oriġini mill-annimali, prodotti elenkati fl-Ewwel Skeda, għalf u prodotti mediċinali veterinarji skond id-disposizzjonijiet ta' dan l-Att dwar il-kontrolli jew spezzjonijiet ta' dawk il-prodotti, għalf ta' l-annimali u prodotti mediċinali veterinarji;

(iv) jippermettu aċċess għas-servizzi veterinarji, f'kull hin, bħalma jkun jehtieg il-każ, go postijiet fejn ikunu qeghdin jinżammu jew jiġu trasportati annimali hajjin, prodotti ta' oriġini mill-annimali, prodotti msemmija fl-Ewwel Skeda, għalf ta' l-annimali jew prodotti mediċinali veterinarji; u

(v) jghinu lill-uffiċjali tas-servizzi veterinarji f'kull trattament, li jistghu jqisu mehtieg, li għandu jsir fuq prodotti ta' oriġini mill-annimali, prodotti elenkati fl-Ewwel Skeda, għalf ta' l-annimali jew prodotti mediċinali veterinarji;

(ċ) għandu josserva kull l-obbligazzjoni imposta taht dan l-Att li għandha x'taqsam ma' mard li jittiehed, u jimplementa regoli relattivi; minghajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, dawk il-persuni għandhom -

(i) jikkoperaw u jghinu fil-kontroll ta' mard li jittiehed, u fid-dikjarazzjoni u n-notifikazzjoni lis-servizzi veterinarji ta' kull suspett ta' xi mard li jittiehed elenkat fit-Tieni Skeda;

(ii) josservaw l-obbligazzjonijiet imposti mis-servizzi veterinarji, fil-każ ta' xi tifqigħa suspetta ta' xi mard elenkat fit-Tieni Skeda inkluża kull obbligazzjoni li tirrigwarda r-restrizzjoni ta' ċaqlicq ta' annimali u bnedmin, it-tbiċċir ta' annimali, l-qirda ta' prodotti, għalf u tagħmir ta' l-annimali, u t-tindif u d-disinfettar ta' postijiet, materjal u tagħmir;

(iii) jidentifikaw u jirreġistraw annimali, u jiddikjaraw ċ-ċaqlicq ta' annimali li jkunu taht ir-responsabbiltà tagħhom;

- (iv) jżommu reġistri individwali għal kull qasam li jkun taht ir-responsabbiltà tagħhom;
- (v) josservaw l-kondizzjonijiet tas-saħha f'konnessjoni maċ-ċaqlieg ta' annimali hajjin u prodotti ġerminali;
- (vi) jipproduċu, fuq talba ta' kull uffiċjali tas-servizzi veterinarji, iċ-ċertifikati jew dokumenti meħtieġa;
- (vii) jiddikjaraw u javżaw lis-servizzi veterinarji b'kull tifqigħa suspetta ta' mard li jittiehed elenkat fit-Tielet Skeda, jew xi wahda mill-mard elenkat fir-Raba' Skeda li tkun soġġetta għal programm ta' żradikar nazzjonali;
- (viii) josservaw il-obbligazzjonijiet imposti mis-servizzi veterinarji fil-każ ta' xi tifqigħa suspetta tal-mard elenkat fit-Tielet Skeda inklużi obbligazzjonijiet li jirrigwardaw ir-restrizzjoni ta' ċaqlieg ta' annimali, it-tbiċċir ta' annimali, l-qirda ta' prodotti, għalf u tagħmir ta' l-annimali, u t-tindif u d-disinfettar ta' postijiet, materjal u tagħmir, jew xi wahda mill-mard elenkat fir-Raba' Skeda li tkun soġġetta għal programm nazzjonali ta' żradikar;
- (d) għandu jhares il-kondizzjonijiet li jkollhom x'jaqsmu ma' l-importazzjoni ta' annimali hajjin, prodotti ġerminali u prodotti ta' oriġini mill-annimali, u jipprovdi lil operaturi barranin bil-mudell xieraq ta' ċertifikati, għar-rigward ta' kull xorta differenti ta' annimali hajjin, prodotti ġerminali u prodotti ta' oriġini mill-annimali, li għandhom jintużaw;
- (e) għandu jipproduċi, fuq talba ta' l-uffiċjali tas-servizzi veterinarji, iċ-ċertifikati jew id-dokumenti meħtieġa;
- (f) għandu javża lis-servizzi veterinarji b'kull suspett ta' zoonosi jew mard iehor jew xi fenomenu jew ċirkostanza oħra li x'aktarx jipprezentaw theddida serja għall-annimali jew għas-saħha pubblika;
- (g) għandu jikkonforma mas-sospensjoni jew l-irtirar, mill-uffiċjali tas-servizzi veterinarji, ta' kull awtorizzazzjoni jew approvazzjoni uffiċjali, wara r-riżultati ta' spezzjonijiet li jkunu qegħdin isiru minn dawk l-uffiċjali, jew wara l-użu jew minifattura ta' sustanzi jew prodotti mhux awtorizzati;

(h) ghandu josserva l-obbligazzjonijiet, imposti mis-servizzi veterinarji, li ghandhom x'jaqsmu ma' restrizzjoni tal-kummerè ghal prodotti dikjarati mhux tajbin ghall-konsum tal-bniedem, jew sustanzi jew prodotti mhux awtorizzati, jew rigward il-qirda ta' prodotti ta' orìgini mill-annimali li jipprezentaw theddida serja ghall-annimali jew ghas-sahha pubblika;

(i) ghandu josserva il-mizuri dwar is-sahha ta' l-annimali ghall-produzzjoni u t-tqeghid fis-suq ta' annimali hajjin u prodotti ta' orìgini mill-annimali, u jipproduci, fuq talba ta' l-ufficjali tas-servizzi veterinarji, è-èertifikati jew dokumenti mehtiega;

(j) ghandu josserva kull perjodu ta' distakk, kif jista' jkun ordnat li jaghmel taht id-disposizzjonijiet ta' dan l-Att;

(k) ghandu jghin is-servizzi veterinarji fis-sorveljar ta' dawk is-sustanzi, u residwi tagghom, f'annimali hajjin u prodotti ta' orìgini mill-annimali kif jista' jigi pprovdut skond jew taht dan l-Att;

(l) ghandu jhallas id-drittijiet rilevanti ghall-ispezzjonijiet u l-kontrolli msemmija f'dan l-artikolu, jew f'kull regolament kif jista' jkun preskritt hawn aktar 'il quddiem; u

(m) ghandu generalment jghin u jikkopera mas-servizzi veterinarji f'kull attività, ordnata mis-servizzi veterinarji, mahsuba biex tevita t-tifqigha ta' mard fost annimali jew ghall-kontroll relattiv.

(2) Il-Ministru jista' jaghmel regoli li jipprovdu li kull persuna li tikser id-disposizzjonijiet tagghom tkun hatja ta' reat kontra dan l-artikolu u tehel, meta tinsab hatja, dik il-piena li tista' tigi preskritta mill-Ministru, liema picna tkun ta' prigunerija ta' mhux aktar minn sitt xhur jew multa ta' mhux aktar minn ghaxart elef lira, jew dik il-multa u prigunerija flimkien.

Sorveljar ta' èerti sustanzi, karkassi shah jew fdalijiet ta' l-annimali u patoġeni.

36. (1) Kull min ikun is-sid, id-detentur, in-negozjant jew l-importatur, id-destinatarju, it-trasportatur, il-bejjiegh bl-imnut jew kull persuna ohra li tkun awtorizzata taht id-disposizzjonijiet ta' dan l-Att biex tiddisponi minn annimali hajjin, prodotti ta' orìgini mill-annimali, prodotti elenkati fl-Ewwel Skeda, ghalf ta' l-annimali jew prodotti mediçinali veterinarji, jew ir-rappreżentant ta' dawk il-persuni, jew kull min ikun inkarigat minn xi attività veterinarja privata, bla hsara ghad-disposizzjonijiet ta' dan l-Att -

(a) ghandu jghin lis-servizzi veterinarji fis-sorveljar ta' dawk is-sustanzi, u residwi taghom, kif jista' jiġi provdut skond jew taht dan l-Att, f'animali hajjin u prodotti ta' oriġini mill-animali :

(b) ghandu jqieghed biss fis-suq animali li ma tkun inghatatilhom ebda sustanza jew prodott mhux awtorizzati jew li ma jkunu għaddew minn ebda trattament illegali bi ksur tad-disposizzjonijiet ta' dan l-Att;

(c) m'ghandu jqieghed f'ebda qasam jew fis-suq animali li jkunu ġew ittrattati bi prodotti mediċinali veterinarji, kemm-il darba jkun ġie osservat il-perjodu rilevanti ta' distakk qabel ma l-animali jkunu ġew hekk imqeghda jew imbiċċra;

(d) m'ghandux jaċċetta, sew b'kunsinna diretta jew permezz ta' intermedjarju, xi animal li dwaru il-produttur ma jkunx jista' jiggarrantixxi li l-perjodi ta' distakk ikunu ġew osservati;

(e) ghandu jqieghed taht il-kontroll uffiċjali, meta jkun hekk mitlub li jagħmel mill-uffiċjali tas-servizzi veterinarji, kull sustanza jew prodott mhux awtorizzati, sakemm jittiehdu miżuri adatti mis-servizzi veterinarji;

(f) ghandu jhares kull ordni għas-sospensjoni jew l-irtirar ta' kull awtorizzazzjoni jew approvazzjoni qabel mogħtija mis-servizzi veterinarji;

(g) ghandu jhares kull ordni li jirrestringi jew jipprojbixxi l-kummerċ fi prodotti dikjarati mhux tajbin għall-konsum tal-bniedem jew ta' l-animali, jew li jordna l-qirda ta' prodotti ta' oriġini mill-animali li jipprezentaw theddida serja għall-animali jew għas-saħħa pubblika;

(h) ghandu jhallas id-drittijiet rilevanti għall-ispezzjonijiet u l-kontrolli msemmija f'dan l-artikolu, jew f'kull regolament kif jista' jiġi preskritt; u

(i) ghandu ġeneralment jghin u jikkopera mas-servizzi veterinarji f'kull attività, ordnata mis-servizzi veterinarji, mahsuba biex tevita t-tifqigha ta' mard fost animali jew għall-kontroll relattiv.

(2) Il-Ministru jista' jagħmel regoli li jipprovdu li kull persuna li tikser id-disposizzjonijiet taghom tkun hatja ta' reat kontra dan l-artikolu u tehel, meta tinsab hatja, dik il-piena li tista' tiġi preskritta

mill-Ministru, liema piena tkun ta' prigunerija ta' mhux aktar minn sitt xhur jew multa ta' mhux aktar minn ghaxart elef lira, jew dik il-multa u prigunerija flimkien.

Obbligazzjonijiet li ghandhom x'jaqsmu mal-kummeré u l-importazzjonijiet.

37. (1) Kull min ikun is-sid, id-detentur, in-negozjant jew l-importatur, id-destinatarju, it-trasportatur, il-bejgiegh bl-imnut jew kull persuna ohra li tkun awtorizzata taht id-disposizzjonijiet ta' dan l-Att biex tiddisponi minn annimali hajjin, prodotti ta' orìgini mill-annimali, prodotti elenkati fl-Ewwel Skeda, għalf ta' l-annimali jew prodotti mediċinali veterinarji, jew ir-rappreżentant ta' dawk il-persuni, jew kull min ikun inkarigat minn xi attività veterinarja privata, bla hsara għad-disposizzjonijiet ta' dan l-Att -

(a) għandu jqieghed fis-suq lil dawk l-annimali biss li jkunu ġew identifikati b'mod korrett, u li jkunu soġġetti għal ebda restrizzjoni ta' éaqleq minhabba fis-suspett, it-tifqigha jew ghax ikun hemm xi marda msemmija fit-Tieni Skeda jew minhabba fl-applikazzjoni ta' miżuri protettivi;

(b) m'għandu jqieghed f'ebda qasam jew fis-suq, rikonoxxuti bhala li jkunu hielsa minn xi mard elenkat fit-Tielet jew fir-Raba' Skedi, xi animal li ma jkunx kopert bil-garanziji, skond id-disposizzjonijiet ta' dan l-Att;

(c) m'għandux jaċċetta, sew minn kunsinna diretta jew permezz ta' intermedjarju, xi animal li ma jkunx ġie identifikat b'mod korrett, u li dwaru il-produttur ma jkunx jista' jggarantixxi li l-annimal ma jkun soġġett għal ebda restrizzjoni ta' éaqleq minhabba fis-suspett, it-tifqigha jew ghax ikun hemm xi marda minn dawk imsemmija fit-Tieni Skeda jew minhabba fl-applikazzjoni ta' miżuri protettivi;

(d) m'għandu jaċċetta f'ebda qasam, centru jew organizzazzjoni, jew fis-suq, rikonoxxuti bhala li jkunu hielsa minn mard elenkat fit-Tielet jew fir-Raba' Skedi, lil xi animal li ma jkunx kopert bil-garanziji, mehtieġa bid-disposizzjonijiet ta' dan l-Att, li juru li dak l-annimal ikun hieles minn kull mard bhal dak;

(e) għandu jiżgura li kull animal maħsub għall-kummeré jew għat-tbiċċir ikun konformi mal-htigiet tas-sahha speċifikati f'dan l-artikolu jew f'kull regolament magħmul tahtu;

(f) għandu, qabel ma l-kunsinna tinqasam jew sussegwentement tidhol fis-suq, jivverifika li l-marki ta' identifikazzjoni, ċertifikati jew dokumenti jkunu qegħdin

hemm, u javża lis-servizzi veterinarji b'kull irregolarità jew aġġenja u, f'dan l-aħħar każ, jiżola lill-annimali inkwistjoni sakemm is-servizzi veterinarji jkunu ddeċidew dwar l-imsemmija irregolarità jew aġġenja;

(g) għandu jirrapporta bil-quddiem il-wasla ta' annimali u prodotti ġerminali minn xi sieħeb fil-kummerċ u, b'mod partikolari, x-xorta tal-kunsinna u d-data antiċipata tal-wasla;

(h) għandu jzomm għal perjodu ta' mhux anqas minn sitt xhur u mhux aktar minn hames snin, kif jista' jkun speċifikat mis-servizzi veterinarji, i-ċertifikati jew dokumenti tas-saħħa msemmija fl-artikolu 17, biex jiġu ppreżentati lis-servizzi veterinarji, jekk dawn ta' l-aħħar imsemmija ikunu hekk jeħtieġu;

(i) għandu jiżgura li prodotti ta' oriġini mill-annimali maħsuba għall-kummerċ ikunu nkisbu, ġew verifikati, mmarkati u ttikkettjati skond id-disposizzjonijiet ta' dan l-Att, u jkollhom meħmuż magħhom għad-destinatarju aħħari iċertifikat ta' saħħa, iċertifikat ta' saħħa ta' l-annimali jew kull dokument ieħor li jista' jkun meħtieġa;

(j) għandu jiżgura, billi jagħmel sorveljanza kontinwa fuqu nnifsu, li prodotti ta' oriġini mill-annimali maħsuba għall-kummerċ ikunu jissodisfaw il-ħtiġiet tad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmulin taħtu;

(k) għandu jiżgura li prodotti ta' oriġini mill-annimali maħsuba għall-kummerċ ikunu jharsu l-ħtiġiet kollha f'affarijiet veterinarji f'kull stadju tal-produzzjoni, l-ħżin, il-ħruġ fis-suq u t-trasport ta' dawġ il-prodotti;

(l) għandu jiżgura li jsiru testijiet uniformi fuq il-prodotti kollha li għalihom japplika dan l-Att, sew jekk il-prodotti jkunu maħsuba għal xi sieħeb fil-kummerċ sew jekk għas-suq nazzjonali;

(m) għandu jqiġghed taħt il-kontroll uffiċjali, meta jkun hekk mitlub li jagħmel mis-servizzi veterinarji, annimali jew prodotti ta' oriġini mill-annimali, sakemm jittieħdu miżuri adatti mis-servizzi veterinarji;

(n) għandu jipproduċi, fuq talba tas-servizzi veterinarji, i-ċertifikati jew dokumenti meħtieġa meta jsiru spezzjonijiet veterinarji li għandhom x'jaqsmu ma' l-importazzjoni, minn pajjiżi terzi, ta' annimali haġġin u prodotti ta' oriġini mill-

annimali;

(o) ghandu jaghti avviż suffiċjenti bil-quddiem lis-servizzi veterinarji tal-post ta' spezzjon fil-konfini, fejn ikunu se jiġu ppreżentati l-annimali, billi jispeċifika l-ghadd, ix-xorta u ż-żmien tal-wasla kalkolat ta' l-annimali;

(p) ghandu jgorr direttament l-annimali, taht sorveljanza uffiċjali, għall-post fejn isir l-ispezzjon jew, meta jkun hekk japplika, lejn ċentru tal-kwarantina, kif jista' jkun ordnat mis-servizzi veterinarji;

(q) ghandu jgħaddi informazzjoni bil-quddiem, lis-servizzi veterinarji, billi jimla kif dovut, meta jkun hekk japplika, kull ċertifikat jew dokument mibgħut mis-servizz ta' spezzjon, jew jipprovdi deskrizzjoni dettaljata, bil-miktub jew f'għamla komputerrizzata, ta' kull kunsinna ta' prodotti ta' oriġini mill-annimali, inklużi l-prodotti msemmija fl-Ewwel Skeda;

(r) ghandu jhallas id-drittijiet rilevanti għall-ispezzjonijiet u l-kontrolli msemmija f'dan l-artikolu, jew f'kull regolament kif jista' jkun hemm tahtu preskritt; u

(s) ghandu ġeneralment jgħin u jikkopera mas-servizzi veterinarji f'kull attività, ordnata mis-servizzi veterinarji, relattiva għall-kummerċ ta' l-annimali u prodotti ta' l-annimali, u investigazzjonijiet li jkunu qegħdin isiru f'postijiet ta' spezzjon fil-konfini.

(2) Il-Ministru jista' jagħmel regoli li jipprovdu li kull persuna li tikser id-disposizzjonijiet tagħhom tkun hatja ta' reat kontra dan l-artikolu u tehel, meta tinsab hatja, dik il-piena li tista' tiġi preskritta mill-Ministru, liema picna tkun ta' prigunerija ta' mhux aktar minn sitt xhur jew multa ta' mhux aktar minn għaxart clef lira, jew dik il-multa u prigunerija flimkien.

Obbligazzjonijiet dwar l-għalf ta' l-annimali u l-prodotti mediċinali veterinarji.

38. (1) Kull min ikun is-sid, id-detentur, in-negozjant jew l-importatur, id-destinatarju, it-trasportatur, il-bejjiegh bl-innut jew kull persuna oħra li tkun awtorizzata taht id-disposizzjonijiet ta' dan l-Att biex tiddisponi minn annimali hajjin, prodotti ta' oriġini mill-annimali, prodotti elenkati fl-Ewwel Skeda, għalf ta' l-annimali jew prodotti mediċinali veterinarji, jew ir-rappreżentant ta' dawk il-persuni, jew kull min ikun inkarigat minn xi attività veterinarja privata, bla hsara għad-disposizzjonijiet ta' dan l-Att -

(a) ghandu jikseb kull awtorizzazzjoni rilevanti mis-servizzi veterinarji qabel it-tqegħid fis-suq ta' għalf ta' l-

annimali u prodotti mediċinali veterinarji;

(b) għandu jipprovdi, fuq talba tas-servizzi veterinarji, kull studju, riżultat jew informazzjoni li għandhom x'jaqsmu ma' l-għalf ta' l-annimali jew prodotti mediċinali veterinarji;

(ċ) għandu jhares kull ordni għas-sospensjoni jew l-irtirar ta' xi awtorizzazzjoni jew approvazzjoni qabel mogħtija mis-servizzi veterinarji;

(d) għadu jhares kull ordni li jrażżan jew jipprojbixxi l-kummerċ ta' l-għalf jew ta' prodotti mediċinali veterinarji, jew li jordna l-qirda ta' għalf jew prodotti mediċinali veterinarji li jipprezentaw theddida serja għas-saħħa ta' l-annimali jew għas-saħħa pubblika;

(e) għandu jhallas id-drittijiet rilevanti għall-ispezzjonijiet u l-kontrolli msemmija f'dan l-artikolu jew f'kull regolament kif jista' jkun hemm fih preskritt: u

(f) għandu ġeneralment jgħin u jikkopera mas-servizzi veterinarji f'kull attività, ordnata mis-servizzi veterinarji, relatviva għall-kummerċ ta' l-annimali u prodotti ta' l-annimali, u investigazzjonijiet li jkunu qegħdin isiru f'xi postijiet ta' spezzjon fil-konfini.

(2) Il-Ministru jista' jagħmel regoli li jipprovdu li kull persuna li tikser id-disposizzjonijiet tagħhom tkun hatja ta' reat kontra dan l-artikolu u tehel, meta tinsab hatja, dik il-piena li tista' tiġi preskritta mill-Ministru, liema piena tkun ta' prigunerija ta' mhux aktar minn sitt xhur jew multa ta' mhux aktar minn għaxart elef lira, jew dik il-multa u prigunerija flimkien.

TAQSIMA VI

Attivitajiet veterinarji professjonali

39. (1) Għandu jitwaqqaf Kunsill, li jkun magħruf bhala l-Kunsill tal-Kirurġi Veterinarji, hawn iżjed 'il quddiem imsemmi " il-Kunsill", li għandu jeserċita u jwettaq il-funzjonijiet lilo mogħtija b'dan l-Att.

Il-Kunsill tal-
Kirurġi
Veterinarji.

(2) Il-Kunsill ikun magħmul mill-membri li ġejjin:

(a) President, li jinhatar mill-Prim Ministru, bil-parir tal-Ministru;

(b) id-Direttur jew ir-rappreżentant tiegħu;

(ċ) żewġ membri li jinhtru mill-Prim Ministru, bil-parir tal-Ministru, li wiehed minnhom ikun uffiċjal veterinarju mid-Dipartiment; u

(d) erba' membri eletti, li minnhom tnejn ikunu kirurġi veterinarji b'esperjenza fil-prattika fuq annimali kbar, u tnejn b'esperjenza fil-prattika fuq annimali żgħar, u li jkunu eletti b'vot sigriet mill-kirurġi veterinarji ordinarjament resident f'Malta.

(3) Id-Direttur għandu, wara konsultazzjoni mal-President tal-Kunsill, jahtar lil xi uffiċjal tad-Dipartiment biex joqgħod bhala Reġistratur tal-Kunsill.

Pattijiet tal-hatra u postijiet vakanti.

40. (1) Il-President għandu jibqa' u jbattal l-kariga tiegħu skond il-pattijiet tal-hatra tiegħu, imma jista' f'kull żmien jirriżenja mill-kariga tiegħu billi jagħti avviż bil-miktub lill-Prim Ministru.

(2) Il-membri mahtura jew eletti, skond kif ikun il-każ, taht l-artikolu 39(2)(ċ) u (d) għandhom ikunu hekk mahtura jew eletti għal żmien tliet snin.

(3) Il-membri mahtura taht l-artikolu 39(2)(ċ) għandhom jibqgħu fil-kariga b'dawk il-pattijiet u l-kondizzjonijiet, u jistgħu f'kull żmien ikollhom il-hatra tagħhom imtemma, hekk kif il-Prim Ministru jista', bil-parir tal-Ministru, jqis li jkun adatt.

(4) Membru mahtur jew elett, skond kif ikun il-każ, taht l-artikolu 39(2)(ċ) u (d) jista' f'kull żmien jirriżenja mill-kariga tiegħu b'avviż bil-miktub lill-President tal-Kunsill.

(5) Meta jkun hemm post battal fil-kompożizzjoni tal-Kunsill, għandha ssir hatra ġdida jew inkella elezzjoni biex jimtela' l-post battal għall-perijodu li jibqa' tal-membru li jkun battal il-post, skond kif ikun il-każ, fi żmien xahar mid-data meta jkun inholoq dak il-post battal:

Iżda, bla hsara għad-disposizzjonijiet ta' l-artikolu 41(6), il-Kunsill jista' jaġixxi minkejja post battal fost il-membri tiegħu.

Proċeduri tal-Kunsill.

41. (1) Fin-nuqqas tal-President minn xi laqgħa tal-Kunsill, il-membri preżenti għandhom jeleġġu wiehed minnhom biex jippresjedi l-laqgħa.

(2) Il-Kunsill ikollu l-poter jahtar sotto-kumitati, u li jippermetti li f'xi laqgħat tiegħu ikun hemm preżenti persuni li ma jkunux membri tal-Kunsill.

(3) Il-Kunsill jiltaqa' mill-inqas darba kull tliet xhur u, bla hsara għad-disposizzjonijiet tas-subartikolu (6), jista' jaġixxi minkejja kull post battal fost il-membri tiegħu.

(4) Il-Kunsill jagħmel il-laqgħat tiegħu fi żmien u post li jissemmew fl-avviż tal-laqgħa.

(5) Id-deċiżjonijiet tal-Kunsill jittiehdu b'maġġoranza ta' voti. Il-President ikollu sew vot originali, sew fil-każ ta' voti ndaqs, it-tieni vot jew vot deċiżiv.

(6) Il-Kunsill ma jkunx jista' jagħmel xogħol kemm-il darba ma jkunx hemm mill-inqas erba' membri preżenti:

Iżda, jekk il-Kunsill jitlaqqa' biex jikkonsidra xi haġa li dwarha jkun urġentement meħtieġ, kif iċċertifikat mill-Ministru, parir mill-Gvern, il-Kunsill jista' jasal għad-deċiżjonijiet tiegħu b'maġġoranza tal-membri preżenti, minkejja li anqas minn erba' membri jkunu preżenti.

(7) Bla hsara għad-disposizzjonijiet ta' dan l-Att, il-Kunsill jista' jirregola il-proċedura tiegħu nnifsu.

42. (1) Il-Kunsill għandu:

Funzjonijiet u
dmirijiet tal-
Kunsill.

(a) jagħti pariri u jagħmel rakkomandazzjonijiet lill-President ta' Malta li jirrigwardaw l-ghoti ta' warrants lil kirurġi veterinarji biex ikunu jistgħu jipprattikaw il-professjoni tagħhom;

(b) jżomm Reġistru għar-rigward ta' dik il-professjoni u professjonijiet u snajja' supplimentari għall-professjoni veterinarja;

(ċ) jippreskrivi u jżomm il-livelli professjonali u etiċi għall-professjoni veterinarja u professjonijiet u snajja' supplimentari għall-professjoni veterinarja;

(d) jagħti pariri lill-Ministru dwar kull kwistjoni, inkluża l-legislazzjoni li tolqot dik il-professjoni u professjonijiet u snajja' supplimentari għall-professjoni veterinarja;

(e) jagħti pariri lill-Ministru fuq il-hruġ ta' liċenzi għall-gestjoni ta' kull prattika veterinarja, kliniċi veterinarji, spjarijiet veterinarji, laboratorji veterinarji u stabbilimenti veterinarji oħrajn;

(f) jaghti pariri u jagħmel rakkomandazzjonijiet lill-President ta' Malta li jirrigwardaw is-sospensjoni jew l-irtirar ta' *warrants* ta' kirurġi veterinarji li jinqabdu jiksru l-obbligazzjonijiet jew il-kondizzjonijiet stipulati taht dan l-Att;

(g) jippjana, jissorvelja u jorganizza tahrig professjonali ta' kirurġi veterinarji u testijiet ta' profiċjenza professjonali għal kirurġi veterinarji f'attivitajiet veterinarji privati;

(h) jwettaq sorveljanza esperta ta' attivitajiet veterinarji privati kif imfisser fl-artikolu 44;

(i) jikkopera fil-preparazzjoni ta' programmi ta' tahrig edukattiv u tahrig expert; u

(j) jwettaq dawk il-funzjonijiet ohra li jistghu jigu assenjati lilu taht dan l-Att jew xi liġi ohra.

(2) Il-Kunsill għandu, bi qbil mal-Ministru, jagħmel regolamenti li jirregolaw il-kondizzjonijiet u l-proċeduri għall-ghoti ta' liċenzi veterinarji.

Attivitajiet
veterinarji
professjonali.

43. (1) L-attivitajiet veterinarji professjonali jikkomprendu sew attivitajiet veterinarji ta' l-Istat sew dawk privati.

(2) Hadd ma jista' jipprattika ta' kirurgu veterinarju kemm-il darba -

(a) ma jkollux *warrant* biex jeserċita mill-President ta' Malta; u

(b) ismu ma jkunx reġistrat fir-Registru ta' Kirurġi Veterinarji.

(3) *Warrants* għandhom jingħataw lil kull min japplika u jipproduċi ċertifikat mahruġ mill-Kunsill fejn juri li l-Kunsill ikun sodisfatt li l-applċant -

(a) ikun għalaq it-tmintax-il sena;

(b) ikun iggradwa fil-mediċina u l-kirurġija veterinarja, billi jkollu grad jew xi kwalifika formali rikonoxxuti mill-Kunsill, wara konsultazzjoni mal-Università ta' Malta, bhala li jkunu ekwivalenti għall-grad jew kwalifika formali, fis-sugġett, f'Malta, jekk ikun hemm, u fl-imsiehba fil-kummerċ;

(ċ) ikun ipproduċa u ppreżenta lill-Kunsill ċertifikat li juri li jkun tharreg fil-prattika tal-professjoni ma' detentur ta'

warrant għal sena wara li jkun ottjena l-kwalifika akkademika msemmija fil-paragrafu (b):

- (d) ikollu karattru tajjeb;
- (e) ikollu stat ta' saħħa tajba sew fiżika sew mentali;
- (f) ikun għamel intervista u, jew, eżami bil-miktub biex juri lill-Kunsill li jkun midhla mad-disposizzjonijiet legali rilevanti li japplikaw f'Malta;
- (g) ikun ċittadin Malti jew xort'ohra intitolat legalment li jahdem f'Malta.

(4) Meta applikant ikun bi hsiebu jipprovdi xi servizz veterinarji speċjalizzat għal perjodu limitat ta' żmien f'Malta, għandhom jiġu ppreżentati lill-Kunsill notifikazzjoni bil-quddiem dwar it-tip ta' servizz u t-tul ta' żmien tal-qagħda temporanja f'Malta, u l-applikant m'għandux jagħti dak is-servizz kemm-il darba l-Kunsill ma jagħtihx registrazzjoni u liċenza temporanja.

(5) (a) Il-Kunsill għandu jzomm Regjistru, li jissejjah ir-Regjistru tal-Kirurgi Veterinarji, li fih jitniżżel isem kull kirurgu veterinarju li jkun ingħatalu *warrant* mill-President ta' Malta taħt dan l-artikolu.

(b) Kull kirurgu veterinarju ikollu jedd li jitniżżlu maġenb ismu fir-Regjistru tal-Kirurgi Veterinarji, kull grad jew diploma li jista' jkollu, sakemm dak il-grad, dik id-diploma jew kwalifika formali ekwivalenti tkun tirrigwarda l-professjoni ta' kirurgu veterinarju u tkun rikonoxxuta mill-Kunsill, wara konsultazzjoni ma' l-Università ta' Malta.

44. Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jippreskrivi regolamenti dwar ir-registrazzjoni ta' veterinarji li jeżerċitaw attivitajiet veterinarji privati, it-tifsira ta' attivitajiet veterinarji privati, u t-tweġiq ta' attivitajiet veterinarji privati.

Attivitajiet veterinarji privati.

45. Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jippreskrivi regolamenti dwar il-hatra ta' veterinarji f'attivitajiet veterinarji ta' l-Istat, u t-tweġiq ta' attivitajiet veterinarji ta' l-Istat.

L-attivitajiet veterinarji ta' l-Istat.

46. (1) Meta kirurgu veterinarju jinqabad jikser xi obbligazzjonijiet jew kondizzjonijiet stipulati taħt dan l-Att, u mingħajr preġudizzju għal kull responsabbiltà oħra taħt kull liġi oħra, l-Kunsill jista' jissospendi jew iħassar ir-registrazzjoni tal-kirurgu veterinarju mir-Regjistru ta' Kirurgi Veterinarji.

Ksur ta' l-obbligazzjonijiet.

(2) Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jippreskrivi regolamenti għall-implimentazzjoni tad-disposizzjonijiet ta' dan l-artikolu.

Elezzjonijiet tal-Kunsill.

47. Il-Ministru jista' jagħmel regolamenti li jippreskrivu l-mod li bihom għandhom jinżammu l-ewwel elezzjonijiet għall-Kunsill, u b'mod ġenerali b'x jirregolaw it-tmexxija ta' l-elezzjonijiet għall-Kunsill.

TAQSIMA VII

Organizzazzjoni Veterinarja ta' l-Istat

Organizzazzjoni ta' l-attivitajiet veterinarji ta' l-Istat.

48. (1) Kull attività veterinarja ta' l-Istat għandha tkun taht id-direzzjoni u l-kontroll tad-Dipartiment tas-Servizzi Veterinarji, li jitmexxa mid-Direttur.

(2) Id-Dipartiment għandu jesercita l-poteri u l-funzjonijiet tiegħu fit-territorju shih ta' Malta, inklużi f'depożti tad-dwana, żoni hielsa jew imhażen hielsa.

Id-Direttur

49. Mingħajr preġudizzju għal kull obligazzjoni oħra li għandha x'taqsam ma' l-operazzjoni ta' attivitajiet veterinarji li joriġinaw mid-disposizzjonijiet ta' dan l-Att, id-Direttur għandu -

(a) jkun il-konsulent ewlieni tal-Gvern dwar kull haġa li għandha x'taqsam mas-saħħa pubblika ta' l-animali jew dik veterinarja jew li jkollha x'taqsam, jew tkun konnessa mas-servizzi veterinarji tas-saħħa;

(b) jippreżenta rapporti perjodiċi, lill-Ministru, fuq is-sitwazzjoni li tirrigwarda l-attivitajiet veterinarji ta' l-Istat;

(ċ) jirrapporta lill-Ministru kull informazzjoni li tirrigwarda provi jew fatti xjentifiċi godda, li jistgħu direttament jew indirettament jolqtu l-attivitajiet veterinarji ta' l-Istat;

(d) jippreżenta lill-Ministru d-dokumentazzjoni jew id-data meħtieġa għall-għemil, mill-Ministru, ta' regoli u, jew, regolamenti skond id-disposizzjonijiet ta' dan l-Att, u jagħti pariri lill-Ministru dwar kull haġa li hi meħtieġa li ssir mill-Ministru taht dan l-Att;

(e) jidhol f'kuntatt ma' dipartimenti jew korpi dwar affarijiet li għalihom ikun responsabbli; u

(f) iwettaq dawk id-dmirijiet u funzjonijiet li jiġu assenjati lilu skond jew taht dan l-Att u, ġeneralment, jissorvelja

l-ġestjoni ta' attivitajiet veterinarji.

TAQSIMA VIII

Funzjonijiet u dmirijiet tal-Laboratorju Veterinarju Nazzjonali

50. (1) Ghandu jitwaqqaf Laboratorju Veterinarju Nazzjonali li jescrèta il-funzjonijiet u d-dmirijiet li jiġu lil mogħtija b'dan l-Att, u li jitmexxa mill-Kap tal-Laboratorju Veterinarju Nazzjonali.

Il-Kap tal-Laboratorju Veterinarju Nazzjonali.

(2) Mingħajr preġudizzju għal kull obligazzjoni oħra li għandha x'taqsam ma' l-operazzjoni ta' attivitajiet veterinarji li joriġinaw mid-disposizzjonijiet ta' dan l-Att, il-Laboratorju Veterinarju Nazzjonali għandu jkollu l-funzjonijiet li ġejjin:

(a) ihejji rapporti lis-servizzi veterinarji li jirrigwardaw farmaċewtiċi veterinarji; u

(b) iwettaq eżamijiet *post mortem*, analiżi mikrobijoloġiċi, dijanjosi u analiżi fil-laboratorju, u ttestjar ta' residwi.

51. Il-Laboratorju Veterinarju Nazzjonali għandu iwettaq il-funzjonijiet tiegħu relattivi għall-eżamijiet *post mortem*, analiżi mikrobijoloġiċi, dijanjosi u analiżi fil-laboratorju jew relattivi għall-identifikazzjoni ta' residwi skond proċeduri u *standards* rikonoxxuti internazzjonalment u għandu jipparteċipa f'analisi komparattiva fuq livelli internazzjonali.

Funzjonijiet fil-qasam veterinarju.

52. Il-Ministru jista' jippreskrivi regolamenti biex jirregola l-mod li bih il-Laboratorju Veterinarju Nazzjonali għandu jagħmel xi riċerka fuq l-additivi, u fuq prodotti u sustanzi mhux mixtieqa, li jistgħu jiġu inkorporati fl-għalf u prodotti użati fin-nutrizzjoni ta' l-annimali, u l-metodi li għandhom jintużaw fit-teħid ta' kampjuni u fl-analiżi ta' l-għalf u l-valutazzjoni tal-prodotti u additivi użati fin-nutrizzjoni ta' l-annimali.

Funzjonijiet relattivi għal għalf.

53. (1) Il-Laboratorju Veterinarju Nazzjonali -

(a) għandu jiddeċiedi dwar kull talba li ssirlu mill-manifattur, jew minn xi rappreżentant awtorizzat kif dovut, ta' prodotti mediċinali veterinarji li jintużaw fil-kura tas-saħħa ta' l-annimali, bil-għan li tinkiseb l-awtorizzazzjoni għall-hruġ fis-suq tal-prodotti skond id-disposizzjonijiet ta' dan l-Att;

Funzjonijiet fil-qasam ta' prodotti mediċinali veterinarji.

(b) għandu, meta talba taht il-paragrafu (a) tkun hiet favorevolment deċiża, johroġ l-awtorizzazzjoni għall-hruġ fis-

suq tal-prodotti mediċinali veterinarji skond id-disposizzjonijiet ta' l-artikolu 30, u jinkludi l-prodotti fil-Lista ta' Prodotti Mediċinali Veterinarji Approvati, li ghandha, minn żmien ghal żmien, tiġi pubblikata mid-Dipartiment;

(ċ) jabbozza u jżomm aġġornati rapporti ta' valutazzjoni fuq ir-riżultati ta' testijiet analitiċi u farmakotossikoloġiċi, u l-provi kliniċi ta' prodotti mediċinali veterinarji;

(d) jista' jittestja prodotti mediċinali, il-prinċipji attivi tagħhom u, jekk ikun meħtieġ, prodotti intermedji jew materjal kostitwenti ieħor, jew jista' jippreżenta prodotti għall-ittestjar minn xi laboratorju ta' sieheb fil-kummerċ jew minn xi laboratorju imsemmi għal dak il-ghan, sabiex jiżgura li l-ittestjar tal-metodi użati mill-manifattur u deskritti fl-applikazzjoni jkunu sodisfaċenti;

(e) jiddeċiedi fuq l-użu ulterjuri jew xort'ohra ta' xi prodott mediċinali veterinarju, fil-każijiet meta jkun intlemaħ xi effett mhux mixtieq;

(f) ghandu, meta ssirli riferenza għal dak il-ghan, jiddeċiedi jekk prodotti mediċinali veterinarji jew prodotti oħrajn ikunux ġew użati f'xi sustanza partikolari; u

(g) ghandu jeserċita s-sorveljanza, f'isem is-servizzi veterinarji, fuq il-produzzjoni, l-introduzzjoni, d-distribuzzjoni u l-użu ta' prodotti mediċinali veterinarji.

(2) Il-Laboratorju Veterinarju Nazzjonali jista', fid-deċiżjoni tiegħu mogħtija skond is-subartikolu (1)(a), ghandu jispeċifika l-metodu ta' distribuzzjoni u l-perjodu ta' validità tad-deċiżjoni tiegħu.

(3) Fil-każijiet meta l-Laboratorju Veterinarju Nazzjonali jidhirlu li jkun neċessarju li xi annimal li jkun jinsab fil-periklu tal-hajja jiġi kkurat, jew għal għanijiet ta' riċerka, il-Laboratorju Veterinarju Nazzjonali jista' jippermetti l-użu ta' xi preparazzjoni veterinarja jew xi prodott mediċinali veterinarju li jkunu għadhom ma ġewx approvati u inkluzi fil-lista msemmija fis-subartikolu (1)(b).

(4) Il-Ministru jista' jippreskrivi regolamenti għall-implimentazzjoni tad-disposizzjonijiet ta' dan l-artikolu.

TAQSIMA IX

Infurzar, Reati u Pieni

id-Direttur jista' jitlob l-ghajnuna tal-membri tal-Korp tal-Pulizija, tal-Forzi Armati ta' Malta, jew ta' l-istakkamenti tal-Protezzjoni Ċivili, hekk kif ikun jehtieġ il-każ u għal dan il-ghan għandu jittwaqaf kumitat li jkun kompost minn rappreżentanti tal-Korp tal-Pulizija, tal-Forzi Armati ta' Malta u ta' l-istakkamenti tal-Protezzjoni Ċivili, liema kumitat għandu jiltaqa' fuq bażi regolari sabiex jaġġorana pjanijiet ta' kontinġenza u emerġenza; mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, id-Direttur jista', b'mod partikolari, jitlob dik għajnuna -

(a) meta uffiċjali veterinarji jkollhom is-setgħa, bid-disposizzjonijiet ta' dan l-Att, li jwettqu spezzjonijiet u sorveljanza f'konnessjoni mar-restrizzjoni fil-kummerċ ta' annimali, jew il-projbizzjoni ta' ċaqlicq ta' persuni jew annimali f'xi area kontaminata;

(b) fil-każijiet tat-tifqigħa ta' epizootiji maġġuri, għall-prevenzjoni tat-tifrix tal-marda u s-soppressjoni ta' mard kontagjuż ta' l-annimali; u

(ċ) meta uffiċjali veterinarji jkunu, filwaqt li jkunu qegħdin jaqdu d-dmirijiet u l-funzjonijiet tagħhom taħt dan l-Att, jiġu konfrontati b'resistenza fiżika jew jiġu xort'ohra mfixkla, jew meta wiehed raġonevolment jistenna dik ir-resistenza jew ostruzzjoni.

55. (1) Il-Kunsill tal-Kirurgi Veterinarji għandu jwaqqaf sottokumitat, li jkun magħruf bhala l-Kumitat Dixxiplinari, li jkollu s-setgħa li jmxxi investigazzjonijiet u jagħti direzzjonijiet ta' xorta dixxiplinari, dwar kull każ li fih jiġi allegat li persuna x'aktarx ikollha isimha mnehhi mir-Registru tal-Kirurgi Veterinarji, hawn iżjed 'il quddiem imsemmi "ir-Registru", jew li jkollha r-registrazzjoni tagħha mhassra jew sospiża, jew li tiġi imposta fuqha piena pekunjarja (li tingħabar mid-Direttur bhala deġn ċivili) ta' mhux aktar minn hames mitt lira u tingħata twiddiba, jew li x'aktarx tingħata xi piena oħra hekk kif jista' jitqies li jkun xieraq fiċ-ċirkostanzi tal-każ, u skond id-disposizzjonijiet ta' dan l-Att.

Kumitat
Dixxiplinari tal-
Kirurgi
Veterinarji

(2) Id-disposizzjonijiet tas-subartikolu (1) għandhom japplikaw meta -

(a) kirurgu veterinarju, li jkun registrat fir-Registru, jinsab hati f'Malta jew barra l-pajjiż ta' reat kriminali, li, fil-fehma tal-kumitat dixxiplinari, jirrendih mhux idoneu li jeserċita l-professjoni veterinarja; jew

(b) tali kirurgu veterinarju jinsab, mill-Kumitat Dixxiplinari, li kien hati ta' mgieba xejn xierqa f'xi aspekk professjonali; jew

(c) il-Kumitat Dixxiplinari ikun sodisfatt li isem xi persuna bhal dik ikun inqabad li ddahhal b' mod frawdolenti fir-Registru.

(3) Il-Kumitat Dixxiplinari ghandu jirrapporta ir-riżultanzi kollha tieghu u r-riżultati ta' l-investigazzjonijiet u l-inkjesti tieghu, flimkien ma' kull direzzjoni li jaghti, lill-Kunsill.

(4) Il-Kumitat Dixxiplinari jista', fil-każijiet ta' reat gravi, jordna li l-isem ta' kirurgu veterinarju jitneħha mir-Registru jew, hliel fil-każ li jinkwadra taħt is-subartikolu (2)(b), li r-registrazzjoni tieghu fih ghandha tiġi sospiża għal dak il-perjodu li jiġi speċifikat fl-ordni.

(5) Il-Registratur tal-Kunsill ghandu jara li avviz ta' xi ordni li tinghata mill-Kumitat Dixxiplinari ghandha tiġi notifikata lill-persuna li l-ordni tkun tirreferi għaliha.

(6) Minkejja kull provvediment ieħor ta' dan l-Att, min ikollu ismu mneħhi jew sospiż mir-Rehlistru ghandu awtomatikament jitqies li jkollu l-warrant tieghu mill-President ta' Malta, biex jeserċita l-professjoni, irtirat jew sospiż għall-perjodu speċifikat fl-ordni.

(7) Persuna li tkun giet notifikata b'ordni taħt id-disposizzjonijiet ta' dan l-artikolu tista', fi żmien tmienja u għoxrin gurnata mid-data tan-notifika li tkun saritilha bl-avviz ta' l-ordni, tappella lill-Kunsill tal-Kirurgi Veterinarji, skond dawk ir-regolamenti kif jista' jkun preskritt mill-Ministru għall-fini ta' dan l-artikolu.

(8) Ordni mogħtija taħt id-disposizzjonijiet ta' dan l-artikolu hawn qabel imsemmija ghandha tibda sseħh:

(a) meta ma jsir ebda appell taħt is-subartikolu (7) kontra dik l-ordni fiż-żmien speċifikat għal dak l-appell, meta jiskadi dak iż-żmien;

(b) meta dak l-appell jinbeda u jiġi sussegwentement irtirat jew kanċellat bhala abbandunat, fuq l-irtirat jew it-thassir ta' l-appell;

(c) meta dak l-appell jinbeda u ma jiġix irtirat jew kanċellat kif imsemmi hawn aktar qabel, meta tinghata d-deċiżjoni fuq l-appell.

(9) Meta l-isem ta' persuna jkun tneħħa mir-Registru, b'mod konformi mad-deċiżjoni kif imsemmija hawn aktar qabel, isem dik il-persuna m'għandux jerġa' jiddaħħal fir-Registru kemm-il darba l-Kumitat Dixxiplinari, wara li ssirlu applikazzjoni f'dak ir-rigward, jordna li jsir xort'ohra.

(10) Meta il-registrazzjoni ta' persuna fir-Registru tkun sospiża b'mod konformi mad-deċiżjoni kif imsemmi hawn aktar qabel, isem dik il-persuna m'għandux jiddaħħal fir-Registru matul il-perjodu ta' sospensjoni, kemm-il darba l-Kumitat Dixxiplinari, wara li ssirlu applikazzjoni f'dak ir-rigward, jordna xort'ohra.

(11) Applikazzjoni taht is-subartikoli (9) u (10) m'għandhix issir lill-Kumitat Dixxiplinari qabel ma jiskadu għaxar xhur mid-data tat-tneħħija jew is-sospensjoni tar-registrazzjoni jew għaxar xhur mid-data ta' xi applikazzjoni li tkun saret qabel għaldaqshekk.

(12) Id-disposizzjonijiet tas-subartikoli (1) to (11) għandhom, *mutatis mutandis*, japplikaw ukoll għal persuni reġistrati fir-Registru għall-Professjonijiet u Snajja Supplimentari għall-Professjoni Veterinarja.

56. Kull min -

(a) jattakka, jirreżisti jew xjentement ifixkel lil xi veterinarju uffiċjali fl-eserċizzju tal-poteri tiegħu taht dan l-Att; jew

(b) jirrofta jew jittraskura milli jhares xi ordni magħmula jew direttiva mogħtija leġittimament taht dan l-Att; jew

(ċ) mingħajr kawża raġonevoli jonqos milli -

(i) jwieġeb għal xi mistoqsija li ssirlu minn veterinarju uffiċjali; jew

(ii) jipproduċi xi haġa meħtieġa li tiġi prodotta,

b'mod konformi ma' dan l-Att; jew

(d) jonqos milli jippermetti xi tfittxija jew spezzjoni taht dan l-Att; jew

(e) jipprevjeni jew jittanta jipprevjeni lil xi persuna ohra milli tikkonforma ruħha ma' dawk l-ordnijiet jew direttivi jew milli twieġeb għal dawk il-mistoqsijiet, tipproduċi xi haġa jew jippermetti li ssir dik it-tfittxija jew spezzjoni; jew

Ostruzzjoni ta'
veterinarju
uffiċjali.

(f) bil-ghan li jikseb liċenża jew permess, jew biex ikun jista' jikkonforma ruhu ma' xi htieġa li jipprovdi informazzjoni taht dan l-Att, jipprovdi informazzjoni li jkun jaf li tkun falza f'xi materjal partikolari jew jipprovdi bi traskuraġni informazzjoni li tkun falza f'xi materjal partikolari.

ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux anqas minn mitejn lira imma mhux iżjed minn elfejn u hames mitt lira.

Reati oħra.

57. (1) Min jikser xi disposizzjoni ta' dan l-Att li dwarha m'hemm provdut ebda piena speċifika ikun hati ta' reat u jehel, meta jinsab hati, multa ta' mhux iżjed minn hamest elef lira.

(2) Meta xi hadd jinsab hati ta' xi reat kontra dan l-Att, il-Qorti tista', b'żżjieda ma' xi piena oħra li tista' timponi, tordna li dawk l-istrumenti, tagħmir, prodotti jew sustanzi użati fit-tweġġiq tar-reat għandhom jiġi konfiskati favur il-Gvern u, jekk jiġu hekk konfiskati, dawn għandu jsir minnhom b'dak il-mod hekk kif il-Qorti tista' tiddetermina fuq il-parir tad-Direttur.

Proċedimenti fil-qorti.

58. (1) Għar-rigward ta' proċedimenti dwar reati konnessi ma' dan l-Att, il-Qorti tista' taġġudika favur il-Gvern dawk l-ispejjeż u n-nefġiet li jkunu saru f'dak li għandu x'jaqsam ma' dawk il-proċedimenti hekk kif jista' tista' tqis li jkun xieraq.

Kap. 9.

(2) Minkejja d-disposizzjonijiet ta' l-artikolu 413(1)(b) tal-Kodiċi Kriminali, l-Avukat Ġenerali dejjem ikollu l-jedd li jappella minn kull sentenza mogħtija mill-Qorti tal-Maġistrati, li toqgħod bhala Qorti ta' ġudikatura kriminali, għar-rigward ta' proċedimenti għal reat kontra dan l-Att.

Reati relattivi għal xi Konvenzjoni.

59. Il-Ministru jista' b'ordni jagħmel dawk disposizzjonijiet hekk kif huwa jista' jikkunsidra xierqa għall-infurzar ta' xi restrizzjoni jew obligazzjoni li għandhom x'jaqsmu mat-tweġġiq ta' attivitajiet veterinarji u s-saħħa ta' l-annimali b'mod ġenerali li jkunu jinsabu f'xi Konvenzjoni li Malta tkun parti fiha u jista' jipprovdi fl-ordni li kull kontravvenzjoni ta' xi tali restrizzjoni jew obligazzjoni tikkostitwixxi reat kontra dan l-Att punibbli b'multa kif tiġi stipulata fl-ordni, liema multa m'għandhiex teċċedi l-ammont ta' hamsa w ghoxrin elf lira. Kull ordni bhal dan jista' jiġi emendat, sostitwit jew revokat mill-Ministru minn żmien għal żmien.

Telfien ta' liċenża jew permess.

60. (1) Fil-każ ta' sejbien ta' htija għat-tieni darba jew iktar drabi kontra dan l-Att, il-hati għandu, b'żjieda ma' kull piena oħra, jitlef kull liċenża jew permess, u kull tniżżil relattiv magħmul fir-Regisru bis-saħħa ta' dan l-Att għandu jiġi mhassar. Il-hati jista', jekk il-Qorti jidhrilha hekk xieraq u b'żjieda ma' xi pieni oħra, jitlef ukoll kull dritt li jkun hallas għal-liċenża jew permess mitluf kif imsemmi

hawn aktar qabel jew ghal kull tnizzil imhassar kif inhu msemmi hawn aktar qabel, u huwa ma jkunx jista' ghal perjodu ta' tliet snin mill-għurnata tat-tieni sejbien ta' htija jew dawk sussegwenti, skond kif ikun il-każ, ikun id-detentur ta' dik il-liċenza jew permess jew inkella jitnizzel fir-Registru taht dan l-Att.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), Il-Ministru jista', fiċ-ċirkostanzi ta' kull każ partikolari u wara li ssirlu applikazzjoni, jordna li d-disposizzjonijiet ta' dak is-subartikolu m'għandhomx ikunu japplikaw ghal xi liċenza, permess jew tnizzil partikolari fir-*record* ta' xi registru taht dan l-Att kieku xort'ohra mitlufin.

- 61.** (1) Meta d-Direttur jkollu tabilhaqq għaliex jifhem li - Pieni amministrattivi
- (a) jkun sar xi reat kontra dan l-Att minn xi persuna; u
- (b) filwaqt li jqis il-kondotta preċedenti tal-persuna inkwistjoni, ikun iktar xieraq li tinghata piena taht dan l-artikolu,

huwa jista' jamar li jiġi notifikat avviż bil-miktub skond ma hemm fis-subartikolu (2) u fl-għamla kif dovuta lil dik il-persuna.

- (2) Avviż taht is-subartikolu (1) għandu jispeċifika -
- (a) d-data u x-xorta tar-reat;
- (b) sunt tal-fatti li fuqhom tkun imsejsa l-allegazzjoni li jkun sar reat (li jkun sunt suffiċjenti biex b'mod komplet u ġust jgħarraf lill-persuna bl-allegazzjoni kontrih);
- (ċ) kull haġa oħra (li ma tkunx dwar xi sejbien ta' htija preċedenti) li d-Direttur jikkunsidra rilevanti biex tkun tista' tinghata piena; u
- (d) l-ammont ta' piena dovut, u meta l-piena dovuta tkun tiddependi fuq xi sejbien ta' htija preċedenti, d-data ta' dak is-sejbien ta' htija,

u dan it-tagħrif għandu jkun endorsjat fuq dikjarazzjoni li ssemmi d-disposizzjonijiet ta' dan l-artikolu.

(3) Kull min jiġi notifikat b'avviż taht is-subartikolu (1) jista', fi żmien tletin għurnata minn dak is-servizz b'avviż bil-miktub f'għamla xierqa li tigi notifikata lid-Direttur, jitlob li l-proċedimenti għar-rigward tar-reat allegat isiru quddiem il-Qorti, f'liema każ japplikaw dawn id-disposizzjonijiet:

(a) ma jittichdu ebda proċedimenti oħra taht dan l-artikolu mid-Direttur; u

(b) ebda haġa f'dan l-artikolu m'għandha tiffiehem bħala li tipprevjeni l-istituzzjoni ta' proċedimenti għar-rigward tar-reat allegat jew tas-sejbien ta' htija tal-persuna għar-reat mill-Qorti jew l-impożizzjoni ta' xi piena jew konfiska taht dan l-Att meta hekk jinsab hati.

(4) Kull min ikun ingħatalu avviż taht is-subartikolu (1) u jkunx irid li il-proċedimenti għar-rigward tar-reat allegat isiru quddiem il-Qorti jista' b'avviż bil-miktub li jiġi notifikat lid-Direttur -

(a) jammetti r-reat, u

(b) jhallas l-ammont tal-piena lid-Direttur fi żmien tletin ġurnata wara li jkun ġie lillu notifikat l'avviż tal-piena jew wara kull perjodu sussegwenti hekk kif id-Direttur jista' jispeċifika.

(5) Meta taht dan l-artikolu persuna tammetti reat, id-Direttur jwajhal lil dik il-persuna piena ta' flus għar-rigward tar-reat li tkun tammonta għal wieħed minn tlieta ta' l-ogħla piena li dik il-persuna kienet kieku tehel li kienet insabet hatja tar-reat mill-Qorti.

(6) Il-piena imposta taht is-subartikolu (5) tkun dovuta bħala dejn ċivili esegwibbli mill-Qorti ta' ġurisdizzjoni ċivili kompetenti favur il-Gvern u d-dikjarazzjoni mill-persuna li tkun wehlet il-piena li tkun tammetti l-akkuża għandha tikkostitwixxi titolu esekuttiv għall-għanijiet ta' l-artikolu 253 tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili bl-istess mod bħallikieku kienet sentenza tal-Qorti ta' ġurisdizzjoni ċivili kompetenti.

(7) Minkejja kull disposizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra, meta tkun saret l-ammissjoni ta' reat taht dan l-artikolu, ma tista' ssir ebda akkuża għar-rigward ta' dak ir-reat kontra min ikun għamel dik l-ammissjoni.

(8) Meta min lillu jiġi notifikat avviż taht is-subartikolu (1) ma jammettix ir-reat fi żmien tletin ġurnata wara li jkun ġie notifikat bl'avviż, id-Direttur għandu jibda proċedimenti jew jara li jinbdew proċedimenti quddiem il-Qorti għar-rigward tar-reat allegat.

TAQSIMA X

Thassir

62. (1) L-Ordinanza dwar is-Servizz Veterinarju, hija b'dan Thassir, Kap. 96.
imhassra.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), kull leġislazzjoni sussidjarja maghmula taht xi wahda mid-disposizzjonijiet ta' l-Ordinanza dwar is-Servizz Veterinarju ghandha, sakemm ma jsirux disposizzjonijiet ohra taht jew skond dan l-Att, tibqa' ssehh u jkollha effett bhallikieku saret taht dan l-Att.

(3) Fl-Ordinanza dwar Il-Professjoni Medika u Professjonijiet Kap. 31.
li ghandhom x'jaqsmu maghha, it-Taqsima III (l-artikolu 13 - 17, it-tnejn inkluzi) u kull referenza ghal "veterinarju" jew "veterinarji" fl-artikoli 3, 11, 26, 31, 32 u 105 ghandhom jithassru.

L-EWWEL SKEDA

(Artikoli 3, 16, 35, 36, 37, 38, 44 u 45)

Prodotti ġerminali, prodotti sekondarji u prodotti ta' pjanti soġġetti ghal htigiet veterinarji

(a) Prodotti ġerminali:

Semen, ova u embriji ta' speċi domestiċi u ta' speċi ohra skond il-htigiet tas-shab fil-kummerċ f'dawn l-affarijiet.

(b) Prodotti sekondarji:

Lista dettaljata ta' dawn il-prodotti (prodotti sekondarji mhux clenkati fl-Anness II tat-Trattat dwar l-Unjoni Ewropea), ghandha tigi abbozzata fir-regolamenti preskritti mill-Ministru, bil-parir tad-Direttur, wara li jitqiesu l-htigiet tas-shab fil-kummerċ f'dawn l-affarijiet.

(ċ) Prodotti ta' pjanti:

Lista dettaljata ta' prodotti ta' pjanti li, partikolarment minhabba fid-destinazzjoni sussegwenti taghhom, jistghu jaghtu lok ghar-riskju ta' tifrix ta' mard ta' l-animali infettiv jew kontagjuż u, ghal liema raġuni, ghandhom jigu assoġġettati ghal spezzjonijiet veterinarji, ghandha tigi abbozzata f'regolamenti preskritti mill-Ministru, bil-parir tad-

Direttur.

IT-TIENI SKEDA

(Artikoli 6, 15, 16, 35 u 37)

Mard li jkunu soġġett għan-notifikazzjoni msemmija
fl-artikolu 6

Marda tal-Isien u d-dwiefer

Rinderpest (pesta ta' l-ifrat)

Plewropnewmonja ta' l-ifrat kontagjuża

Bluetongue

Marda vesikulari tal-majjal

Deni tal-majjal klassiku

Deni tal-majjal Affrikan

Enċefalomijelite enterovirus tal-majjal (kienet il-marda
Texchen)

Influenza tat-tjur (kienet il-pesta tat-tjur)

Marda ta' *Newcastle*

Marda taż-Żwiemel Affrikana

Stomatite vesikulari

Peste des petits ruminants

Deni *Rift Valley*

Marda tal-boċċi fil-ġilda

Ġidri tan-naghaġ u l-moghoż (*Capripox*)

Nekrosi ematopojetika infettiva

Enċefalopatija sponġiformi ta' l-ifrat

IT-TIELET SKEDA

(Artikoli 8, 35 u 37)

Mard ta' l-ifrat

- Marda tal-lsien u d-dwiefer
- Rabja (idrofbija)
- Tuberkulosi
- Bruċellosi
- Plewropnewmonja ta' l-ifrat kontagjuża
- Lewkosi-enżootika ta' l-ifrat
- Antraċe

Mard tal-majjal

- Rabja (idrofbija)
- Bruċellosi
- Deni tal-majjal klassiku
- Deni tal-majjal Affrikan
- Marda tal-lsien u d-dwiefer
- Marda vesikulari tal-majjal
- Antraċe

Mard tan-nagħaġ u l-mogħoż

- Marda tal-lsien u d-dwiefer
- Bruċellosi (*B. melitensis*)
- Epididimite kontagjuża (*B. ovis*)
- Antraċe
- Rabja (idrofbija)
- Hakk (*Scrapie*)

Mard taż-żwiemel (*Equidae*)

- *Dourine*
- *Glanders*
- Enċefalomijelite taż-żwiemel (ta' kull tip, inklużi VEE)
- Anemija infettiva
- Rabja (idrofofija)
- Antraċe
- Marda taż-żwiemel Affrikana
- Stomatite vesikulari

Mard tat-tjur

- Influenza ta' l-ghasafar
- Marda ta' *Newcastle*

Mard tal-ħut

- Anemija infettiva tas-salamun (ISA)

Salamun Atlantiku (*Salmo salar*)

- VHS (Septiċemija emorraġika virali)

L-ispeċi tas-salamuna

Grayling (*Thymallus thymallus*)

Whitefish (*Coregonus spp.*)

Lizz (*Esox lucius*)

Barbun imperjali (*Scophthalmus maximus*)

- Nekrozi ematopojetika infettiva (IHN)

L-ispeċi Salmonidae

Iz-żghir tal-lizz (*Esox lucius*)

Mard tal-molluski

- *Bonamia ostreae*

Gajdra ċatta (*Ostrea edulis*)

- *Marteilla refringens*

Gajdra ċatta (*Ostrea edulis*)

Mard ta' speċi ohra

- Marda ta' *Newcastle*

Tajr

- Influwenza ta' l-ghasafar

Tajr

- Psittakosi

Psittacidae (tal-pappagalli)

- *American foulbrood*

Nahal

- Marda tal-Isien u d-dwiefer

Ruminanti (li jixtaru)

- Bruċellosi (*Brucella ssp.*)

suidae (majjali)

- Tuberkulosi

suidae (majjali)

- Deni tal-majjal klassiku

suidae (majjali)

- Deni tal-majjal Affrikan

suidae (majjali)

- Marda tal-Isien u d-dwiefer

suidae (majjali)

- Rabja (idrofobija)

L-ispeċi kollha suxxettibbli

IR-RABA' SKEDA

(Artikoli 8, 19, 35 u 37)

Mard ta' l-ifrat

- Rinotrakejite ta' l-ifrat infettiva

Mard tal-majjali

- Marda ta' Aujeszky
- Infezzjoni *Brucella suis*
- Gastro-enterite trasmissibli

Mard tan-nagħaġ u l-mogħoż

- Agalaktija kontaġjuża
- Paratuberkulosi
- Limfadenite b'xebh mal-ġobon
- Adenomatosi pulmonarja
- *Maedi visna*
- Artrite virali, enċefalite tal-mogħoż

Mard tal-Hut

- Nekrosi tal-frixa infettiva (IPN)
- Viremija tar-rebbiegħa tal-karpjun (SVC)
- Marda batterika tal-kliwi (BKD) (*Renibacterium salmonidarum*)
- Furunkulosi (*Aeromonas salmonicida*)
- Marda enterika *redmouth* (ERM) (*Yersinia ruckeri*)

- *Gyrodactylus salaris*

Krustaċċi

Pesta tal-gamblu ta' l-ilma helu (*Aphanomyces astaci*)

Mard ta' speċi oħra

- Enterite virali

Mink

- Marda ta' l-Alewtini

Mink

- Marda fatali Ewropea tal-batterja

Nahal

- Varroasi u akarijasi

Nahal

- Tuberkulosi

Xadini u felidi

- Tuberkulosi

Ruminanti (li jixtarru)

- Missomatosi

Lagomorfi

- Marda emorraġika virali

Lagomorfi

- Tularemija

Lagomorfi

IL-HAMES SKEDA

(Artikolu 18)

Marda tal-lsien u d-dwiefer

Rinderpest (pesta ta' l-ifrat)

Plewropnewmonja ta' l-ifrat kontagjuża

Bluetongue

Marda vesikulari tal-majjal

Deni tal-majjal klassiku

Deni tal-majjal Affrikan

Enċefalomijelite enterovirus tal-majjal (kienet il-marda *Teschen*)

Influenza ta' l-ghasafar (kienet il-pesta tat-tjur)

Marda taż-żiemel Affrikana

Stomatite vesikulari

Peste des petits ruminants

Deni *Rift Valley*

Marda tal-boċċi fil-ġilda

Ġidri tan-nagħaġ u l-mogħoż (*Capripox*)

Marda emorraġika taċ-ċerv

Enċefalomijelite virali Venezwelana taż-żwiemel

IS-SITT SKEDA

(Artikolu 32)

TAQSIMA A

Prodotti mediċinali veterinarji żviluppati permezz ta' xi wiehed mill-proċessi bijoteknoloġiċi li ġejjin:

teknoloġija rikombinanti DNA,

l-espressjoni kontrollata ta' kodifikazzjoni ġenetika għal protejini bijoloġikament attivi fi prokarjoti u ewkarjoti, inklużi ċelloli trasformati tal-mammiferi,

ibridoma u metodi ta' antikorpi monoklonali

Prodotti mediċinali veterinarji, inklużi dawk mhux miksubin mill-bijoteknoloġija, maħsuba primarjament għall-użu bħala *performance enhancers* biex jippromwovu t-tkabbir ta' annimali hekk ittrattati jew biex iżidu l-prodotti minn annimali hekk ittrattati.

TAQSIMA B

Prodotti mediċinali veterinarji żviluppati minn proċessi bijoteknoloġiċi li, fil-fehma tal-Laboratorju Veterinarju Nazzjonali, jikkostitwixxu innovazzjoni sinifikattiva.

Prodotti mediċinali veterinarji amministrati permezz ta' sistemi ta' kunsinna ġodda li, fil-fehma tal-Laboratorju Veterinarju Nazzjonali, jikkostitwixxu innovazzjoni sinifikattiva.

Prodotti mediċinali veterinarji ppreżentati għal indikazzjoni għalkollox ġdida li, fil-fehma tal-Laboratorju Veterinarju Nazzjonali, hi ta' interess terapewtiku sinifikattiv.

Prodotti mediċinali veterinarji bażati fuq *radio-isotopes* li, fil-fehma tal-Laboratorju Veterinarju Nazzjonali, huma ta' interess terapewtiku sinifikattiv.

Prodotti mediċinali veterinarji li l-manifattura tagħhom tuża proċessi li, fil-fehma tal-Laboratorju Veterinarju Nazzjonali, juru avvanz tekniku sinifikattiv bħal elettroforesi bi-dimensjonali taht il-mikro-gravità.

Prodotti mediċinali veterinarji maħsuba għall-użu f'annimali li jipproduċu l-ikel u li jkun fihom xi sustanza attiva ġdida li, fid-data ta' bidu fis-sehh ta' dan l-Att, ma kientx awtorizzata minn Malta jew minn xi sieheb fil-kummerċ għall-użu f'annimali li jipproduċu l-ikel.

TAQSIMA Ċ

Organizmu ġenetikament modifikat (GMO) tfisser organismu li fih ikun inbidel il-materjal ġenetiku b'tali mod li ma jokkorrix b'mod naturali mit-tiżwiġ u, jew mir-rikombinazzjoni naturali.

F'dak li trid tfisser din id-definizzjoni, il-modifikazzjoni

ġenetika tiġri għall-inqas permezz ta' l-użu tat-teknikalitajiet tal-ġenetika, li fost l-oħrajn huma:

teknikalitajiet tad-DNA rikombinanti li jużaw sistemi vettorjali;

teknikalitajiet li jinvolyu l-introduzzjoni diretta f'organizmu ta' materjal ereditarju ppreparat barra l-organizmu inkluża kull mikro-injezzjoni, makro-injezzjoni u mikro-enkapsulazzjoni;

fużjoni ċellulari (inkluża fużjoni protoplastika) jew teknikalitajiet ta' ibridizzazzjoni meta ċelluli hajjin ma' kombinazzjonijiet ġodda ta' materjal ġenetiku creditabbli jiġu ffurmati permezz tal-fużjoni ta' żewġ ċelluli jew iktar permezz ta' metodi li ma jokkorrux b'mod naturali.

il-teknikalitajiet li ma jkunux ikkunsidrati bħala li jirriżultaw f'modifikazzjoni ġenetika, bil-kondizzjoni li dawn ma jinvolvux l-użu ta' molekuli tad-DNA rikombinanti jew xi GMO, huma:

l-induzzjoni tal-poliploidji,

il-fertilizzazzjoni *in vitro*,

il-konjugazzjoni, it-trasduzzjoni, it-trasformazzjoni jew kull proċess naturali iċhor.

Mghoddi mill-Kamra tad-Deputati fis-Scduta Nru. 634 tas-6 ta' Novembru, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE HYZLER
Acting President

9th November, 2001

ACT No. XXIII of 2001

AN ACT to establish and consolidate the requirements in the veterinary field, veterinary medicinal products, feeding stuffs and zootechnical requirements and for the regulation of the veterinary profession.

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

Preliminary

1. (1) The short title of this Act is the Veterinary Services Act, 2001. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for veterinary services may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

2. In this Act, unless the context otherwise requires: Definitions.

"animal" means all living members of the animal kingdom, other than human beings, including free-living larval and, or reproducing larval forms, but excluding foetal or embryonic forms;

"border inspection post" means any inspection post, designated and approved for the carrying out of veterinary inspections on live animals and products arriving from third countries at the border of the territory of Malta or at the border of the territory of any trading partner;

"Council" means the Veterinary Surgeons' Council established by article 39:

"Department" means the Department of Veterinary Services:

"Director" means the Director, Veterinary Services, or a veterinary officer nominated by him:

"feeding stuffs" means products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding:

"immunological veterinary medicinal product" means a veterinary medicinal product administered to animals in order to produce active or passive immunity or to diagnose the state of immunity:

"importation" means importation from third countries, of live animals, products of animal origin and products listed in the First Schedule, into Malta or into the territory of a trading partner:

"Minister" means Minister responsible for veterinary services:

"official veterinarian" means a veterinary surgeon who is authorised to carry out State veterinary activities:

"placing on the market" means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of offering for consumption, storage, transport for the purpose of sale and importation for the purpose of sale:

"private veterinary activity" has the meaning assigned to it in article 44:

"State veterinary activities" has the meaning assigned to it in article 45:

"third country" means any country which is not a trading partner:

"trading partner" means such State, or group of States, or organisation or institution, as may be designated by the Minister by notice from time to time, which State, group of States, organisation or institution may have entered into any treaty or agreement, by whatever name called, with the Government of Malta relating to the provisions of this Act:

"veterinary services" means the authority in Malta, or in a trading partner, or in a third country, as the case may be, empowered to carry out veterinary inspections and examinations:

"veterinary medicinal product" means any medicinal product intended for animals:

"withdrawal period" means that period of time, as may be specified by the Director from time to time, with reference to particular animals or species of animals, during which the produce and products of animal origin may not be consumed or sold for human or animal consumption, following the administration or use of veterinary medicines or other chemicals for therapeutic or other reasons.

3. (1) The provisions of this Act apply to - Applicability.
- (a) the requirements in the veterinary field -
- (i) in connection with animal health and public health with regard to live animals including the germinal products referred to in paragraph (a) of the First Schedule:
- (ii) in connection with animal and public health with regard to products of animal origin, including by-products and the plant products referred to in paragraphs (b) and (c) of the First Schedule:
- (b) the requirements in veterinary medicinal products:
- (c) the requirements relating to feeding stuffs:
- (d) the zootechnical requirements in animal breeding.
- (2) The regulation of -
- (a) the rights and obligations of natural and legal persons in the field of veterinary activities, as well as professional veterinary activities and their execution:
- (b) the organisation of the persons exercising private veterinary activities; and
- (c) the organisation, scope of authority and powers of the bodies exercising state veterinary activities.

shall be governed by the provisions of this Act.

PART I

Veterinary requirements

Veterinary requirements.

4. Within the scope of this Act, the veterinary requirements shall include -

- (a) measures, concerning live animals, relating to -
 - (i) the control of contagious diseases;
 - (ii) the notification of diseases;
 - (iii) animal identification and registration;
 - (iv) health conditions relating to the movement of live animals and germinal products; and
 - (v) importation conditions relating to live animals and germinal products imported into Malta from third countries;
- (b) measures, concerning products of animal origin, relating to -
 - (i) the production and placing on the market of products of animal origin;
 - (ii) animal health measures for the production and placing on the market of products of animal origin; and
 - (iii) importation conditions relating to products of animal origin imported into Malta from third countries;
- (c) measures relating to live animals and products of animal origin concerning -
 - (i) the prohibition on the use of certain substances;
 - (ii) the monitoring of certain substances and residues thereof in live animals and products of animal origin; and
 - (iii) animal waste and pathogens;
- (d) measures concerning veterinary inspections relating to the exchange, with trading partners, of live animals and

products of animal origin:

(e) measures concerning veterinary inspections relating to the importation, from third countries, of live animals and products of animal origin:

(f) certification with regard to veterinary matters; and

(g) the relationship with trading partners in veterinary matters.

5. (1) The Minister may prescribe rules concerning the prevention and control of diseases and, in particular, may by such rules - Control of contagious diseases.

(a) classify diseases as dangerous contagious diseases and prescribe veterinary requirements in relation thereto;

(b) impose obligations on the owners of animals and of products of animal origin, including the obligation to notify the Department, in such circumstances as may be prescribed;

(c) prescribe the procedure for the diagnosis of diseases;

(d) impose restrictive measures in case of suspicion or occurrence of diseases;

(e) establish a National Veterinary Laboratory.

(2) The Minister shall draw up rules concerning contingency plans relating to diseases referred to in subarticle (1).

(3) For the purposes of this article, control of contagious diseases shall include measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications.

6. (1) The Department shall, within twenty-four hours of each such occurrence, notify trading partners about - Notification of diseases.

(a) the primary outbreak, confirmed in Malta, of any of the diseases listed in the Second Schedule; and

(b) the removal, after the eradication of the last case in an outbreak, of restrictions imposed in relation to the outbreak of the disease.

(2) Without prejudice to the provisions of subarticle (1), the Department shall notify directly to the trading partners, at least on the first working day of each week, the secondary outbreaks of any of the diseases listed in the Second Schedule which are confirmed in Malta. The aforesaid notification shall cover the week ending at midnight between the Sunday and Monday prior thereto.

(3) The notifications referred to in subarticles (1) and (2) shall be communicated in such a manner as may be determined by the Director.

Identification and registration of animals.

7. The Minister may prescribe rules establishing systems for the identification and registration of animals.

Movements of live animals and germinal products.

8. The Minister may prescribe rules concerning the health conditions to be observed in relation to the movement of live animals and germinal products.

Import conditions relating to live animals and germinal products.

9. (1) The Minister may prescribe rules concerning the conditions, and particularly health conditions, under which live animals and germinal products may be imported from third countries.

(2) The Director shall publish in the Gazette -

(a) a list of third countries from which live animals and germinal products are authorised to be imported into Malta;

(b) a list of collection centres, approved bodies, institutes or centres, authorised to export live animals and germinal products to Malta;

(c) a model certificate, relating to the different kinds of live animals and germinal products, to be used by the importers.

Placing on the market of products of animal origin.

10. (1) The Minister may prescribe rules concerning the production and, after consultation with the Minister responsible for public health, may prescribe rules concerning the placing on the market of products of animal origin.

(2) The Director shall publish in the Gazette the list of establishments approved for processing and placing on the market products of animal origin.

Animal health measures.

11. The Minister may prescribe rules concerning animal health measures to be taken for the production, processing and placing on the market of products of animal origin.

12. (1) The Minister may, in agreement with the Minister responsible for public health, prescribe rules concerning the conditions, and particularly health and sanitary conditions, under which products of animal origin may be imported from third countries.

Import conditions relating to products of animal origin.

(2) The Director shall publish in the Gazette -

(a) a list of third countries from which products of animal origin are authorised to be imported into Malta;

(b) a list of establishments authorised to export products of animal origin to Malta;

(c) a model certificate relating to the different kinds of products of animal origin, to be produced by the importers.

13. The Minister may, with the concurrence of the Minister responsible for public health, prescribe rules -

Prohibition of use of certain substances

(a) concerning the prohibition of the use, in stock farming, of substances which have a hormonal or thyreostatic action and of beta agonists and bovine somatotrophin, and of other substances which may, in the opinion of the Minister responsible for public health, be injurious to public health; and

(b) concerning the measures to be taken to monitor substances and residues thereof in live animals and products of animal origin.

14. The Minister may, in consultation with the Minister responsible for the environment, prescribe rules concerning the measures to be taken for the disposal and processing of animal waste and pathogens, for their placing on the market, and for the prevention of pathogens in feeding stuffs of animal or fish origin.

Animal waste and pathogens.

15. (1) The Minister may prescribe rules concerning the veterinary inspections to be carried out on live animals, germinal products, animal waste, pathogens and products of animal origin, which are intended for trade and which are subjected to exchange with trading partners.

Veterinary inspections relating to live animals and products of animal origin.

(2) The Minister may prescribe the measures to be taken during an inspection carried out at the place of origin and destination of a consignment or during transportation.

(3) The Minister may prescribe the manner in which costs relating to the measures prescribed in subarticle (2) shall be borne by

the consignor or his representative or by the person responsible for the animals or products of animal origin.

(4) The Minister may prescribe the measures to be taken in the case where the veterinary services in Malta establish the presence of agents responsible for a disease referred to in the Second Schedule, a zoonosis or disease, or any cause likely to constitute a serious hazard to animals or humans.

(5) In the cases referred to in subarticles (2) and (4), the Director may order that immediate emergency measures be taken, and shall establish direct contacts with the persons, organisations or administrations concerned in Malta or abroad.

Importation of
live animals and
products of
animal origin.

16. (1) The Customs Department shall not authorise the release, for free circulation in Malta, of live animals or products of animal origin, including the products listed in the First Schedule, imported into Malta, unless it is satisfied that the requirements laid down in this article have been complied with.

(2) The Minister may, with the concurrence of the Minister responsible for Customs, prescribe rules concerning the organisation and the action to be taken following the inspection of live animals; and the action to be taken following the inspection of products of animal origin.

(3) The Director may order that immediate emergency measures be taken, and shall establish direct contact with the persons, organisations or administrations concerned in Malta or abroad where -

(a) in a third country, any of the diseases listed in the Second Schedule, a zoonosis or other disease, or any other circumstance liable to present a serious threat to animal or public health, manifests itself or spreads; or

(b) any other serious animal health or public health reason so warrants, in the light of findings of the veterinary experts of a trading partner or on the basis of the inspections carried out at a border inspection post of a trading partner; or

(c) any one of the inspections provided for in this article indicates that any consignment of live animals or products of animal origin, including the products listed in the First Schedule, is likely to constitute a danger to animal or human health.

(4) The Minister may by regulations prescribe the manner in

which costs relating to the measures prescribed in subarticle (2) shall be borne by the consignor or his representative or by the person responsible for the animals or products of animal origin.

(5) The Minister may prescribe the frequency of veterinary inspections relating to importations, from third countries, of live animals and products of animal origin, including the products listed in the First Schedule.

(6) The Minister may prescribe regulations for the approval of border inspection posts situated in Malta, and for the suspension, for reasons related to public or animal health, of the said border inspection posts.

17. The Minister may prescribe rules concerning the certification to be established in connection with veterinary inspections and control of live animals and animal products and prescribe rules concerning fees to be paid in connection with the inspectorate activity. Certification.

18. (1) The financial measures which are to be taken for the purpose of the eradication of diseases shall consist of - Financial measures.

(a) financial contributions and compensatory measures within the framework of an emergency, as declared by order of the Minister; and

(b) financial contributions in connection with national schemes for the eradication of particular diseases.

(2) In the event of an outbreak of any of the diseases listed in the Fifth Schedule, the veterinary services shall define protection zones and the owners of animals shall receive such State financial contribution from the veterinary services for the eradication of the disease, as the Minister may from time to time establish, subject to the condition that the measures applied consist of, at least, the isolation of the holding from the time of a suspicion of the presence of the disease and following official confirmation of the disease, and -

(a) the veterinary services demand the slaughter of animals of susceptible species which have been affected or contaminated or suspected of having been affected or contaminated, and their destruction, and, in the case of avian plague, the destruction of the eggs;

(b) the veterinary services demand the destruction of contaminated feeding stuffs and contaminated equipment, in the case where the contaminated items cannot be disinfected in

accordance with paragraph (c): and

(c) the veterinary services demand the cleaning, disinsectisation and disinfection of the holdings and of the equipment on the holdings.

(3) The owners of animals shall be entitled to receive a State financial contribution only if the measures defined by the veterinary services to prevent the risk of the spread of infection are respected, and where the waiting period established by the veterinary services to be observed after the slaughter and before the re-stocking of the holding is complied with.

(4) Without prejudice to any market support measures that may be taken, the State financial contribution may, if appropriate, be divided into tranches: the contribution, which must be adequate and given without delay, may be in the form of -

(a) the reimbursement of the costs incurred by the owners in the slaughter, destruction of animals and, where appropriate, their products, for the cleaning, disinsectisation and disinfection of holdings and equipment, and for the destruction of the contaminated feeding stuffs and contaminated equipment referred to in subarticle (2)(b); or

(b) where the veterinary services have ordered that animals, or certain types or species of animals, are to be vaccinated, the supply of the vaccine and the administration of the vaccination by the veterinary services shall be carried out free of charge.

(5) Subject to the provisions of subarticle (6), the provisions of subarticles (2), (3) and (4) shall apply, notwithstanding the existence of any eradication programme, in accordance with the provisions of article 19, in respect of the disease.

(6) In the event of an outbreak of Newcastle disease in Malta, the provisions of subarticles (2) and (3) shall apply:

Provided that the Minister may authorise, under certain conditions and for a limited period and within a limited area, the recourse to vaccination, but, in such case, no State financial contribution shall be granted for the supply of the vaccine or for the administration of the vaccination.

(7) The Minister may apply the provisions of subarticles (3) and (4), with the exception of the provisions of subarticle (4)(b) to a

zoonosis.

(8) The Minister may by regulations add to the list of diseases listed in the Fifth Schedule any disease which is likely to constitute a danger to public or animal health in Malta.

(9) For the purposes of this article -

"protection zone" means any area as may be officially declared by the Minister, being an area based on a minimum radius of three kilometres and a surveillance zone based on a minimum radius of ten kilometres, taking into account natural boundaries, wherein the presence of a notifiable disease has been diagnosed, and wherein measures shall be taken, in accordance with the provisions of this Act, for the control and the eradication of the disease; and

"market support measures" means such measures as may be permitted, in agreement with trading partners, to be taken to support market prices in the case of the outbreak of any of the diseases listed in the Fifth Schedule.

19. (1) Subject to the provisions of this Act, the Director may set up national schemes for the prevention, control and eradication of diseases listed in the Fourth Schedule.

Financial contribution to a national scheme

(2) The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules to bring into effect the provisions of this article, and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

(a) the diseases which are to be subject to a national scheme of eradication;

(b) the conditions under which the owners of animals shall obtain a State financial contribution from the veterinary services for the eradication of these diseases; and

(c) the State financial contribution and other services provided by the veterinary services within the framework of the scheme.

20. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules concerning the fees to be charged by the Director for veterinary inspections and for the control of live animals and animal products.

Requirements concerning financing of veterinary inspections.

21. The Minister may, with the concurrence of the Minister responsible for Foreign Affairs, prescribe rules regarding the

Relations with trading partners in the veterinary field.

assistance and co-operation which the veterinary services are to provide to trading partners so as to ensure the proper application of veterinary and zootechnical rules, the prevention and detection of infringements of such rules and the detection of any activity which is or may be contrary thereto.

Part II

Requirements with regard to Animal Feeding Stuffs

Requirements regarding feeding stuffs.

22. Within the scope of this Act, the veterinary requirements in the field of feeding stuffs shall include -

(a) the organisation of inspections and the conditions for the approval of establishments involved in the animal nutrition sector;

(b) the additives which may be incorporated in feeding stuffs, the use of certain products and the prohibition of undesired substances and products used in animal nutrition;

(c) the methods of sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition;

(d) the circulation of feed materials and the marketing of compound feeding stuffs;

(e) the conditions governing the preparation, the placing on the market and the use of medicated feeding stuffs; and

(f) the fees payable in connection with any service provided by the veterinary services in the animal nutrition sector.

Inspections and approval of establishments in the animal nutrition sector.

23. The Minister may prescribe rules relating to the organisation, the inspection and the conditions for the approval of establishments in the animal nutrition sector and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

(a) the organisation of official inspections in the field of animal nutrition;

(b) the conditions under which establishments and intermediaries operating in the animal nutrition sector shall be approved and registered; and

(c) the inspections to be carried out on feeding stuffs imported from third countries.

24. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the additives which may be incorporated in feeding stuffs, the use of certain products, the prohibition of undesirable substances and products used in animal nutrition, and the use and marketing of enzymes and micro-organisms, and their preparation in connection with animal nutrition.

Additives.

25. The Minister may prescribe rules regarding the methods of sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition.

Methods and sampling and analysis.

26. The Minister may prescribe rules regarding the circulation of feed materials and the marketing of compound feeding stuffs.

Circulation of feed materials and marketing of compound feeding stuffs.

27. The Minister may prescribe rules regarding the conditions governing the preparation, the placing on the market and the use of medicated feeding stuffs.

Preparation, placing on the market and use of medicated feeding stuffs.

28. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules regarding the fees to be levied -

Fees.

(a) for the examination of the documentation relating to additives; and

(b) in connection with the approval and registration of establishments and intermediaries.

PART III

Requirements with regard to Veterinary Medicinal Products

29. Within the scope of this Act, the requirements in the field of veterinary medicinal products shall include -

Requirements in veterinary medicinal products.

(a) requirements in connection with the marketing of veterinary medicinal products;

(b) the establishment of the analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products;

(c) the procedures to be observed for the authorisation

and supervision of the production, distribution and use of veterinary medicinal products: and

(d) the fees to be levied for the authorisation and supervision of veterinary medicinal products.

Marketing of veterinary medicinal products.

30. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the marketing of veterinary medicinal products.

Standards and protocols in respect of veterinary medicinal products.

31. The Minister may, with the concurrence of the Minister responsible for Public Health, prescribe rules regarding the analytical, the pharmaco-toxicological and the clinical standards, and the protocols in respect of the testing of veterinary medicinal products.

Authorisation for, and supervision of, veterinary medicinal products.

32. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the authorisation for, and the supervision of, veterinary medicinal products listed in the Sixth Schedule.

Fees.

33. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules regarding the fees to be charged for services rendered by the veterinary services under the provisions of this Part of this Act.

PART IV

Zootechnical requirements in connection with Animal Breeding

Zootechnical requirements.

34. The Minister may prescribe rules regarding zootechnical requirements in animal breeding and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

- (a) pure-bred breeding animals of the bovine species;
- (b) pure-bred breeding animals of the swine species;
- (c) pure-bred breeding animals of the ovine and caprine species;
- (d) zootechnical and genealogical conditions governing trade in *equidae*;
- (e) trade in *equidae* intended for competition and conditions for participation in such competitions;
- (f) zootechnical and pedigree requirements for the marketing of other pure-bred animals: and

(g) zootechnical and genealogical conditions applicable to the importation, from third countries, of animals, their semen, ova and embryos.

PART V

Obligations of certain persons and other bodies

35. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

Obligations of persons in the field of veterinary activities.

(a) shall declare his activity to the veterinary services, in accordance with the provisions of this Act, as the Director may determine;

(b) shall provide the necessary cooperation and assistance to the officers of the veterinary services, the official veterinarian or his authorised staff, in the performance of any State veterinary activity; without prejudice to the generality of the foregoing, such persons shall -

(i) allow the execution of the veterinary inspections, examinations or inspections of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products;

(ii) restrain and transport animals in accordance with the provisions of this Act relating to identification controls, examination of animals, preventive vaccinations or eradication of diseases;

(iii) collect, transport and show in the best conditions products of animal origin, products listed in the First Schedule, feeding stuffs and veterinary medicinal products in accordance with the provisions of this Act relating to controls or inspections of such products, feeding stuffs and veterinary medicinal products;

(iv) allow access to the veterinary services at any time, as the case may require, to places where live animals, products of animal origin, products referred to in the First Schedule, animal feeding stuffs or veterinary

medicinal products are kept or transported; and

(v) assist the officers of the veterinary services in any treatment which they may deem necessary to be carried out on products of animal origin, products referred to in the First Schedule, animal feeding stuffs or veterinary medicinal products;

(c) shall observe any obligation imposed under this Act relating to contagious diseases, and implement the rules relating thereto; without prejudice to the generality of the foregoing, such persons shall -

(i) co-operate and assist in the control of contagious diseases, and in the declaration and notification to the veterinary services of any suspicion of any of the contagious diseases listed in the Second Schedule;

(ii) observe the obligations imposed by the veterinary services, in the case of a suspected outbreak of any of the diseases listed in the Second Schedule including any obligation concerning the restriction of movement of animals and humans, the slaughtering of animals, the destruction of animal products, feeding stuffs and equipment, and the cleaning and disinfection of premises, material and equipment;

(iii) identify and register animals, and declare the movements of animals for which they are responsible;

(iv) keep individual registers for each holding for which they are responsible;

(v) observe the health conditions in connection with the movements of live animals and germinal products;

(vi) produce, at the request of any officer of the veterinary services, the necessary certificates or documents;

(vii) declare and notify to the veterinary services any suspected outbreak of any contagious diseases listed in the Third Schedule, or any of the diseases listed in the Fourth Schedule which are subject to a national programme of eradication;

(viii) observe the obligations imposed by the veterinary services in the case of a suspected outbreak of

the diseases listed in the Third Schedule, or any of the diseases listed in the Fourth Schedule which are subject to a national programme of eradication, including obligations concerning the restriction of movement of animals, the slaughtering of animals, the destruction of animal products, feeding stuffs and equipment, and the cleaning and disinfection of premises, material and equipment:

(d) shall comply with the conditions relating to the importation of live animals, germinal products and products of animal origin, and provide foreign operators with the appropriate model of certificates, relating to the different kinds of live animals, germinal products and products of animal origin, to be used:

(e) shall produce, at the request of the officers of the veterinary services, the necessary certificates or documents:

(f) shall notify the veterinary services of any suspicion of zoonosis or other disease or any other phenomenon or circumstance liable to present a serious threat to animal or public health:

(g) shall abide by the suspension or the withdrawal, by the officers of the veterinary services, of any authorisations or official approval, following the results of inspections carried out by such officers, or following the use or manufacture of unauthorised substances or products by such person:

(h) shall observe the obligations, imposed by the veterinary services, relating to restriction of trade for products declared unfit for human consumption, or unauthorised substances or products, or relating to the destruction of products of animal origin which present a serious threat to animal or public health:

(i) shall observe the animal health measures for the production and placing on the market of live animals and products of animal origin, and produce, at the request of the officers of the veterinary services, the necessary certificates or documents:

(j) shall observe any withdrawal period, as may be ordered under the provisions of this Act:

(k) shall assist the veterinary services in the monitoring of such substances, and residues thereof, in live animals and

products of animal origin as may be provided by or under this Act:

(l) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed thereunder; and

(m) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, designed to avoid the outbreak of diseases amongst animals or for the control thereof.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

Monitoring of
certain
substances,
animal waste
and pathogens.

36. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

(a) shall assist the veterinary services in the monitoring of such substances, and residues thereof, as may be provided by or under this Act, in live animals and products of animal origin;

(b) shall place on the market only animals to which no unauthorised substances or products have been administered or which have not undergone any illegal treatment contrary to the provisions of this Act:

(c) shall not place in a holding or on the market animals which have been treated with veterinary medicinal products, unless the relevant withdrawal period has been observed before the animals were so placed or slaughtered;

(d) shall not accept, whether by direct delivery or through an intermediary, any animals for which the producer is not able to guarantee that the withdrawal periods have been observed;

(e) shall place under official control, when requested to do so by an officer of the veterinary services, any unauthorised

substances or products, until appropriate measures are taken by the veterinary services:

(f) shall comply with any order for the suspension or withdrawal of any authorisation or approval previously given by the veterinary services:

(g) shall comply with any order restricting or prohibiting trade in products declared unfit for human or animal consumption, or ordering the destruction of products of animal origin which present a serious threat to animal or public health:

(h) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed; and

(i) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, designed to avoid the outbreak of diseases amongst animals or for the control thereof.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

37. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

Obligations relating to trade and importations.

(a) shall place on the market only those animals which have been correctly identified, and which are not subject to any restriction of movement because of the suspicion, outbreak or existence of a disease referred to in the Second Schedule or because of the application of safeguard measures:

(b) shall not place in a holding or on the market, recognised as being free from any of the diseases listed in the Third or Fourth Schedules, any animal which is not covered by the guarantees in accordance with the provisions of this Act:

(c) shall not accept, whether by direct delivery or

through an intermediary, any animals which have not been correctly identified, and for which the producer is not able to guarantee that the animal is not subject to any restriction of movement because of the suspicion, outbreak or existence of a disease referred to in the Second Schedule or because of the application of safeguard measures:

(d) shall not accept in a holding, centre or organisation, or on the market, recognised as being free from any of the diseases listed in the Third or Fourth Schedules, any animal which is not covered by guarantees, required by the provisions of this Act, to show that such animal is free from any of those diseases:

(e) shall ensure that all animals intended for trade or slaughter meet the health requirements specified in this article or in any regulations made thereunder:

(f) shall, before the consignment is divided up or subsequently marketed, check that the identification marks, certificates or documents are present, and notify the veterinary services of any irregularity or anomaly and, in the latter case, isolate the animals in question until the veterinary services have taken a decision regarding the said irregularity or anomaly:

(g) shall report in advance the arrival of animals and germinal products from a trading partner and, in particular, the nature of the consignment and the anticipated arrival date:

(h) shall keep for a period of not less than six months, and not more than five years, as may be specified by the veterinary services, the health certificates or documents referred to in article 17, for presentation to the veterinary services, should the latter so request:

(i) shall ensure that products of animal origin intended for trade have been obtained, checked, marked and labelled in accordance with the provisions of this Act, and are accompanied to the final consignee by a health certificate, animal health certificate or by any other document as may be required:

(j) shall ensure, by constant self-supervision, that products of animal origin intended for trade satisfy the requirements of the provisions of this Act and of any regulations made thereunder:

(k) shall ensure that products of animal origin intended

for trade comply with all the requirements in veterinary matters at all stages of the production, storage, marketing and transport of such products:

(l) shall ensure that uniform tests are carried out on products to which this Act applies, whether the products are intended for a trading partner or for the national market:

(m) shall place under official control, when requested to do so by the veterinary services, any animals or products of animal origin, until appropriate measures are taken by the veterinary services:

(n) shall produce, at the request of the veterinary services, the necessary certificates or documents where veterinary inspections relating to the importation, from third countries, of live animals and products of animal origin, are held:

(o) shall give sufficient prior notice to the veterinary services of the border inspection post, where the animals are to be presented, specifying the number, nature and estimated time of arrival of the animals:

(p) shall convey directly the animals, under official supervision, to the inspection site or, where applicable, to a quarantine centre, as may be directed by the veterinary services:

(q) shall forward advance information to the veterinary services, by duly completing, where applicable, any certificate or document delivered by the inspection service, or by providing a detailed description, in writing or in computerised form, of any consignment of products of animal origin, including the products referred to in the First Schedule:

(r) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed thereunder; and

(s) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, related to trading of animal and animal products, and investigations carried out at border inspection posts.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may

be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

Obligations relating to animal feeding stuffs and veterinary medicinal products.

38. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

(a) shall obtain all relevant authorisation from the veterinary services prior to the placing on the market of animal feeding stuffs and veterinary medicinal products;

(b) shall provide, at the demand of the veterinary services, any studies, results or information relating to the animal feeding stuffs or veterinary medicinal products;

(c) shall comply with any order for the suspension or withdrawal of any authorisation or approval previously given by the veterinary services;

(d) shall comply with any order restricting or prohibiting trade in feeding stuffs or veterinary medicinal products, or ordering the destruction of feeding stuffs or veterinary medicinal products which present a serious threat to animal or public health;

(e) shall pay the relevant fees for the inspections and controls referred to in this article or in any regulations as may be prescribed thereunder; and

(f) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, related to trading of animal and animal products, and investigations carried out at border inspection posts.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

PART VI

Professional Veterinary Activities

39. (1) There shall be a Council, to be called the Veterinary Surgeons' Council, hereinafter referred to as "the Council", which shall exercise and perform the functions assigned to it by this Act.

The Veterinary Surgeons' Council.

(2) The Council shall consist of the following members:

(a) a Chairman, to be appointed by the Prime Minister, on the advice of the Minister;

(b) the Director or his representative;

(c) two members to be appointed by the Prime Minister, on the advice of the Minister, one of whom shall be a veterinary officer from the Department; and

(d) four elected members, of whom two shall be veterinary surgeons with experience in the practice on large animals, and two with experience in the practice on small animals, and who shall be elected by secret ballot by the veterinary surgeons ordinarily resident in Malta.

(3) The Director shall, after consultation with the Chairman of the Council, appoint an officer of the Department to act as Registrar of the Council.

40. (1) The Chairman shall hold and vacate his office in accordance with the terms of his appointment, but may at any time resign his office by notice in writing to the Prime Minister.

Terms of appointment and vacancies.

(2) The members appointed or elected, as the case may be, under article 39(2)(c) and (d) shall be so appointed or elected for a term of three years.

(3) The members appointed under article 39(2)(c) shall hold office on such terms and conditions, and may at any time have their appointment terminated, as the Prime Minister, acting on the advice of the Minister, may deem appropriate.

(4) Any member appointed or elected, as the case may be, under article 39(2)(c) and (d) may at any time resign his office by notice in writing to the Chairman of the Council.

(5) When a vacancy occurs in the composition of the Council, a new appointment shall be made or an election held to fill the

vacancy for the remaining term of the member vacating the post, as the case may be, within a period of one month from the date of such vacancy:

Provided that, subject to the provisions of article 41(6), the Council may act notwithstanding any vacancy amongst its members.

Proceedings of
the Council.

41. (1) In the absence of the Chairman from any meeting of the Council, the members present shall elect one of them to preside over the meeting.

(2) The Council shall have the power to appoint sub-committees, and to allow at its meetings the presence of persons who are not members of the Council.

(3) The Council shall meet at least once every three months and, subject to the provisions of subarticle (6), it may act notwithstanding any vacancy amongst its members.

(4) The Council shall hold its meetings at such time and place as shall be stated in the notice calling the meeting.

(5) The decisions of the Council shall be taken by a majority of votes. The Chairman shall have an original vote, and in case of equality of votes, also a second or casting vote.

(6) It shall not be lawful for the Council to transact any business unless there are at least four of its members present:

Provided that, if the Council is convened to consider any matter upon which its advice is certified by the Minister to be urgently required by Government, the Council may take decisions by a majority of members present, notwithstanding that less than four members may be present.

(7) Subject to the provisions of this Act, the Council may regulate its own procedure.

Functions and
duties of the
Council.

42. (1) The Council shall:

(a) advise and make recommendations to the President of Malta concerning the grant of warrants to veterinary surgeons to practice their profession:

(b) keep a Register in respect of such profession and professions and trades supplementary to the veterinary profession:

(c) prescribe and maintain professional and ethical standards for the veterinary profession and professions and trades supplementary to the veterinary profession;

(d) advise the Minister on any matter, including legislation, affecting such profession and professions and trades supplementary to the veterinary profession;

(e) advise the Minister on the issue of licences for the running of veterinary practices, veterinary clinics, veterinary hospitals, veterinary laboratories and other veterinary establishments;

(f) advise and make recommendations to the President of Malta concerning the suspension or withdrawal of warrants to veterinary surgeons who are found to be in breach of the obligations or conditions laid down under this Act;

(g) plan, monitor and organise professional training of veterinary surgeons and professional proficiency tests for veterinary surgeons in private veterinary activities;

(h) carry out expert supervision of private veterinary activities as described in article 44;

(i) co-operate in the preparation of programmes of educational and expert training; and

(j) carry out such other functions as may be assigned to it by or under this Act or any other law.

(2) The Council, with the concurrence of the Minister, shall make regulations governing the conditions and procedures for the grant of veterinary licences.

43. (1) Professional veterinary activities shall comprise both State and private veterinary activities.

Professional
veterinary
activities.

(2) No person shall practice as a veterinary surgeon unless -

(a) he holds a warrant to practice from the President of Malta; and

(b) his name is registered in the Veterinary Surgeons' Register.

(3) Warrants shall be granted to any applicant who produces a certificate issued by the Council showing that the Council is satisfied

that the applicant -

(a) has attained majority:

(b) has graduated in veterinary medicine and surgery, having a degree or formal qualification recognised by the Council, after consultation with the University of Malta, as being equivalent to the degree or formal qualification, in the subject, in Malta, if any, and in trading partners:

(c) produces and submits to the Council a certificate which shows that he has trained in the practice of the profession with a warrant holder for one year after obtaining the academic qualification referred to in paragraph (b):

(d) is of good character:

(e) is in a state of good physical and mental health:

(f) has undergone an interview and, or, a written examination to prove to the Council that he has acquainted himself with the relevant legal provisions applying in Malta:

(g) is a citizen of Malta or is otherwise legally entitled to work in Malta.

(4) Where an applicant intends to provide a specialised veterinary service for a limited period of time in Malta, prior notification concerning the type of service and the duration of the temporary stay in Malta is to be submitted to the Council, and the applicant shall not provide the said service unless the Council grants a temporary registration and licence.

(5) (a) The Council shall keep a register, to be called the Veterinary Surgeons' Register, in which shall be entered the name of every veterinary surgeon to whom a warrant has been granted by the President of Malta under this article.

(b) Every veterinary surgeon shall be entitled to have entered against his name in the Veterinary Surgeons' Register, any degree or diploma which he may hold, provided that such degree, diploma or equivalent formal qualification relates to the profession of veterinary surgeon and is recognised by the Council, after consultation with the University of Malta.

44. The Minister may, after consultation with the Council, prescribe regulations regarding the registration of veterinary surgeons exercising private veterinary activities, the definition of private

veterinary activities, and the execution of private veterinary activities.

45. The Minister may, after consultation with the Council, prescribe regulations regarding the appointment of veterinary surgeons in charge of State veterinary activities, and the execution of State veterinary activities.

46. (1) Where a veterinary surgeon is found to be in breach of any of the obligations or conditions laid down under this Act, and without prejudice to any other liability under any other law, the Council may suspend or cancel the registration of the veterinary surgeon from the Veterinary Surgeons' Register.

(2) The Minister may, in consultation with the Council, prescribe regulations for the implementation of the provisions of this article.

47. The Minister may make regulations prescribing the manner in which the first elections to the Council shall be held, and generally for regulating the conduct of elections to the Council.

PART VII

State Veterinary Organisation

48. (1) All State veterinary activities shall be under the direction and control of the Department of Veterinary Services, which shall be headed by the Director.

(2) The Department shall exercise its powers and functions in the entire territory of Malta, including customs warehouses, free zones or free warehouses.

49. Without prejudice to any other obligation relating to the operation of veterinary activities arising out of the provisions of this Act, the Director shall -

(a) be the chief advisor to the Government on any matter relating to animal or veterinary public health or relating to, or in connection with, the veterinary health services;

(b) submit periodical reports, to the Minister, on the situation concerning State veterinary activities;

(c) report to the Minister any information concerning any new scientific evidence or facts, which may directly or indirectly affect State veterinary activities;

(d) submit to the Minister the documentation or data

required for the making, by the Minister, of rules and, or, regulations in accordance with the provisions of this Act, and advise the Minister on any matter required to be done by the Minister under this Act:

(e) liaise with other departments or bodies on matters falling under his responsibility; and

(f) perform such duties and functions as are assigned to him by or under this Act and, generally, to monitor the running of veterinary activities.

PART VIII

Functions and Duties of the National Veterinary Laboratory

The Head of the National Veterinary Laboratory.

50. (1) There shall be a National Veterinary Laboratory which shall exercise the functions and duties as are assigned to it by this Act, and which shall be headed by the Head of the National Veterinary Laboratory.

(2) Without prejudice to any other obligation relating to the operation of veterinary activities arising out of the provisions of this Act, the National Veterinary Laboratory shall have the following functions -

(a) to make reports to the veterinary services concerning veterinary pharmaceuticals; and

(b) to carry out post mortem examinations, microbiological analysis, laboratory diagnosis and analysis, and residues testing.

Functions in the veterinary field.

51. The National Veterinary Laboratory shall perform its functions related to post mortem examinations, microbiological analysis, laboratory diagnosis and analysis or related to the identification of residues in accordance with internationally recognised procedures and standards and shall participate in comparative tests at international levels.

Functions related to feeding stuffs.

52. The Minister may prescribe regulations to regulate the manner in which the National Veterinary Laboratory shall carry out research on additives, and on undesirable products and substances, which may be incorporated in feeding stuffs and products used in animal nutrition, and the methods to be used in the sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition.

53. (1) The National Veterinary Laboratory -

Functions in the field of veterinary medicinal products.

(a) shall decide upon any request made by the manufacturer, or by a duly authorized representative, of veterinary medicinal products employed in the care of animal health, for the purpose of obtaining authorisation for the marketing of the products in accordance with the provisions of this Act:

(b) shall, where a request under paragraph (a) has been favourably decided upon, issue the authorisation for the marketing of the veterinary medicinal products in accordance with the provisions of article 30, and include the products in the List of Approved Veterinary Medicinal Products, which shall, from time to time, be published by the Department:

(c) shall draw up and update assessment reports on the results of analytical and pharmaco-toxicological tests, and the clinical trials of veterinary medicinal products:

(d) may test medicinal products, their active principles and, if necessary, intermediate products or other constituent materials, or may submit products for testing by a trading partner laboratory or by a laboratory designated for that purpose, in order to ensure that the testing methods employed by the manufacturer and described in the application are satisfactory:

(e) shall decide on the further use or otherwise of a veterinary medicinal product, in cases where an undesirable effect has been detected:

(f) shall, upon a reference made to it for the purpose, decide whether veterinary medicinal products or other products have been used in a particular substance: and

(g) shall exercise supervision, on behalf of the veterinary services, on the production, introduction, distribution and use of veterinary medicinal products.

(2) The National Veterinary Laboratory may, in its decision given under subarticle (1)(a), specify the method of distribution and the period of validity of its decision.

(3) In cases where the National Veterinary Laboratory deems it necessary to treat an animal whose life is in danger, or for research purposes, the National Veterinary Laboratory may permit the use of a veterinary preparation or a veterinary medicinal product which have

not yet been approved and included in the list referred to in subarticle (1)(b).

(4) The Minister may prescribe regulations for the implementation of the provisions of this article.

PART IX

Enforcement, Offences and Penalties

Assistance.

54. For the purpose of enforcing the provisions of this Act, the Director may request the assistance of the members of the Police Force, the Armed Forces of Malta, or of Civil Protection units, as the case may require and, for this purpose, there shall be a committee composed of representatives from the Police Force, the Armed Forces of Malta and from Civil Protection units, and which shall meet on a regular basis so as to update emergency and contingency plans; without prejudice to the generality of the foregoing, the Director may, in particular, request such assistance -

(a) where official veterinarians are empowered, by the provisions of this Act, to carry out inspections and supervision in connection with the restriction of trading of animals, or the prohibition of the movement of persons or animals in a contaminated area;

(b) in cases of outbreak of major epizootics, for the prevention of the spreading of the disease and the suppression of contagious animal diseases; and

(c) where official veterinarians are, while carrying out their duties and functions under this Act, confronted with physical resistance or otherwise obstructed, or when such resistance or obstruction is reasonably expected.

Veterinary
Surgeons'
Disciplinary
Committee.

55. (1) The Veterinary Surgeons' Council shall set up a subcommittee, to be known as the Disciplinary Committee, which shall be empowered to conduct investigations and give directions of a disciplinary nature, upon any case in which it is alleged that a person is liable to have his name removed from the Veterinary Surgeons' Register, hereinafter referred to as "the Register", or to have his registration cancelled or suspended, or to be awarded a pecuniary penalty (recoverable as a civil debt by the Director) of not more than five hundred liri and admonished, or be liable to any other penalty as may be deemed appropriate in the circumstances of the case, and in accordance with the provisions of this Act.

(2) The provisions of subarticle (1) shall apply where -

(a) a veterinary surgeon, who is registered in the Register, is convicted in Malta or abroad of a criminal offence, which, in the opinion of the Disciplinary Committee, renders him unfit to practice the veterinary profession; or

(b) any such veterinary surgeon is found, by the Disciplinary Committee, to have been guilty of disgraceful conduct in any professional respect; or

(c) the Disciplinary Committee is satisfied that the name of any such person has been fraudulently entered in the Register.

(3) The Disciplinary Committee will report all its findings and the results of its investigations and enquiries, together with its direction, to the Council.

(4) The Disciplinary Committee may, in cases of a grave offence, direct that a veterinary surgeon's name be removed from the Register or, except in a case falling under subarticle (2)(b), that his registration therein shall be suspended for a period to be specified in the direction.

(5) The Registrar of the Council shall cause a notice of any direction of the Disciplinary Committee to be served on the person to whom the direction refers.

(6) Notwithstanding any other provision of this Act, any person whose name has been removed or suspended from the Register shall automatically be deemed to have had his warrant from the President of Malta, to practice his profession, withdrawn or suspended for the period specified in the direction.

(7) A person to whom a direction has been notified under the provisions of this article may, within twenty-eight days from the date of service on him of the notice of the direction, appeal to the Veterinary Surgeons' Council, in accordance with such regulations as may be prescribed by the Minister for the purpose of this article.

(8) A direction given under the foregoing provisions of this article shall take effect:

(a) where no appeal is made under subarticle (7) against the direction within the time specified for such an appeal, on the expiration of that time;

(b) where such an appeal is brought and is subsequently withdrawn or struck out as abandoned, on the withdrawal or

striking out of the appeal:

(c) where such an appeal is brought and not withdrawn or struck out as aforesaid, when the decision on the appeal is given.

(9) Where a person's name has been removed from the Register, in pursuance of a decision as aforesaid, the name of that person shall not be entered again in the Register unless the Disciplinary Committee, on an application made to it on that behalf, otherwise directs.

(10) Where the registration of a person in the Register is suspended in pursuance of a decision as aforesaid, the name of that person shall not be entered in the Register throughout the period of the suspension, unless the Disciplinary Committee, on application made to it in that regard, otherwise directs.

(11) Any application under subarticles (9) and (10) shall not be made to the Disciplinary Committee before the expiration of ten months from the date of the removal or the suspension of the registration or ten months from the date of a previous application thereunder.

(12) The provisions of subarticles (1) to (11) shall, *mutatis mutandis*, also apply to persons registered in the Register for the Professions and Trades Supplementary to the Veterinary Profession.

Obstruction of
official
veterinarian.

56. Any person who -

(a) assaults, resists or wilfully obstructs an official veterinarian in the exercise of his powers under this Act; or

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

(c) without reasonable cause fails to -

(i) answer any question asked by an official veterinarian; or

(ii) produce anything required to be produced.

in pursuance of this Act; or

(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 or directions or from answering such questions, producing anything or allowing a search or inspection; or

(f) for the purposes of obtaining any licence or permit, or for the 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 two hundred liri but not exceeding two thousand five hundred liri.

57. (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 more than five thousand liri. Other offences.

(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 instruments, appliances, products or substances used in the commission of the offence shall be forfeited to the Government and, if so forfeited, shall be disposed of in such a manner as the Court may determine on the advice of the Director.

58. (1) In respect of proceedings for offences charged against this Act, the Court may award in favour of the Government such costs and expenses incurred in relation to those proceedings as it may deem proper. Court proceedings.

(2) Notwithstanding the provisions of article 413(1)(b) of the Criminal Code, the Attorney General shall always have a right of appeal from any judgment given by the Court of Magistrates, sitting as a court of criminal judicature, in respect of proceedings for an offence against this Act. Cap. 9.

59. The Minister may by order make such provisions as he may consider appropriate for the enforcement of any restriction or obligation relating to the carrying out of veterinary activities and to animal health in general contained in a Convention to which Malta is a party and may provide in the order that any contravention of any such restriction or obligation shall constitute an offence against this Act liable to the punishment of a fine (*multa*) as laid down in the order, which fine (*multa*) shall not exceed the sum of twenty-five thousand liri. Any such order may be amended, substituted or revoked by the Minister from time to time. Convention offences.

Forfeiture of
licence or
permit.

60. (1) In the case of a second or subsequent conviction against this Act, the person convicted shall, in addition to any other penalty, forfeit any licence or permit, and any relative entry in any register made under this Act shall be cancelled. The person convicted may, at the discretion of the Court and in addition to any other penalty, also forfeit any fees paid for any licence or permit forfeited as aforesaid or for any entry cancelled as aforesaid, and shall be incapable for a period of three years from the day of the second or subsequent conviction, as the case may be, of holding any such licence or permit or of being so entered in the register under this Act.

(2) Notwithstanding the provisions of subarticle (1), the Minister may, in the circumstances of any particular case and upon application being made to him, direct that the provisions of that subarticle are not to apply to any particular licence, permit or entry in the record of any register under this Act otherwise forfeited.

Administrative
penalties.

61. (1) Where the Director has reasonable cause to believe that -

(a) an offence against this Act has been committed by any person; and

(b) having regard to the previous conduct of the person concerned, it would be appropriate to impose a penalty under this article.

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

(2) A notice under subarticle (1) 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 on a statement setting out the provisions of this

article.

(3) Any person on whom a notice under subarticle (1) 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 article by the Director; and

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

(4) Any person on whom a notice under subarticle (1) is served who does not wish 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 or after such subsequent period as the Director may determine.

(5) Where under this article 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.

(6) The penalty imposed under subarticle (5) 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 article 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.

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

(8) Where a person on whom a notice under subarticle (1) is served does not, within thirty days after the notice is served on him, admit the offence, the Director shall institute proceedings or cause proceedings to be instituted before the Court in respect of the alleged offence.

PART X

Repeal

Repeal.
Cap. 96.

62. (1) The Veterinary Service Ordinance is hereby repealed.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the Veterinary Service Ordinance therein mentioned shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

Cap. 31.

(3) In the Medical and Kindred Professions Ordinance, Part III (articles 13 - 17, both inclusive) and any reference to "veterinary surgeon" or "veterinary surgeons" in articles 3, 11, 26, 31, 32 and 105 shall be deleted.

FIRST SCHEDULE

(Articles 3, 16, 35, 36, 37, 38, 44 and 45)

Germinal products, by-products and plant products subject to
veterinary requirements

(a) Germinal products:

Semen, ova and embryos of domestic species and other species according to the requirements of the trading partners in this matter.

(b) By-products:

A detailed list of these products (by-products not listed in Annex II of the Treaty on the European Union), shall be drawn up in regulations prescribed by the Minister, on the advice of the Director, taking into account the requirements of the trading partners in this matter.

(c) Plant products:

A detailed list of plant products which, particularly on account of their subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases and, for that reason, are to be subjected to veterinary inspections, shall be drawn up in regulations prescribed by the Minister, on the advice of the Director.

SECOND SCHEDULE

(Articles 6, 15, 16, 35 and 37)

Diseases which are the subject of the notification referred to
in article 6

Foot-and-mouth disease

Rinderpest (cattle plague)

Contagious bovine pleuropneumonia

Bluetongue

Swine vesicular disease

Classical swine fever

African swine fever

Porcine enterovirus encephalomyelitis (was Teschen disease)

Avian influenza (was fowl plague)

Newcastle disease

African horse sickness

Vesicular stomatitis

Peste des petits ruminants

Rift Valley Fever

Lumpy skin disease

Sheep and goat pox (Capripox)

Infectious hematopoietic necrosis

Bovine spongiform encephalopathy

THIRD SCHEDULE

(Articles 8, 35 and 37)

Bovine diseases

- Foot-and-mouth disease
- Rabies
- Tuberculosis
- Brucellosis
- Contagious bovine pleuropneumonia
- Enzootic bovine leukosis
- Anthrax

Swine diseases

- Rabies
- Brucellosis
- Classical swine fever
- African swine fever
- Foot-and-mouth disease
- Swine vesicular disease
- Anthrax

Sheep and goats diseases

- Foot-and-mouth disease
- Brucellosis (*B. melitensis*)
- Contagious epididymitis (*B. ovis*)
- Anthrax

- Rabies
- Scrapie

Equidae diseases

- Dourine
- Glanders
- Equine encephalomyelitis (of all types, including VEE)
- Infectious anaemia
- Rabies
- Anthrax
- African horse sickness
- Vesicular stomatitis

Poultry diseases

- Avian influenza
- Newcastle disease

Fish diseases

- Infectious salmon anaemia (ISA)

Atlantic salmon (*Salmo salar*)

- VHS (Viral haemorrhagic septicaemia)

Salmonid species

Grayling (*Thymallus thymallus*)

Whitefish (*Coregonus* spp.)

Pike (*Esox lucius*)

Turbot (*Scophthalmus maximus*)

- Infectious haematopoietic necrosis (IHN)

Salmonid species

Pike fry (*Esox lucius*)

Molluscs diseases

- *Bonamia ostreae*

Flat oyster (*Ostrea edulis*)

- *Marteilla refringens*

Flat oyster (*Ostrea edulis*)

Other species diseases

- Newcastle disease

Birds

- Avian influenza

Birds

- Psittacosis

Psittacidae

- American fowlbrood

Bees

- Foot-and-mouth disease

Ruminants

- Brucellosis (*Brucella* spp.)

suidae

- Tuberculosis

suidae

- Classical swine fever

suidae

- African swine fever

suidae

- Foot-and-mouth disease

suidae

- Rabies

All susceptible species

FOURTH SCHEDULE

(Articles 8, 19, 35 and 37)

Bovine disease

- Infectious bovine rhinotracheitis

Swine diseases

- Aujeszky's disease
- Brucella suis infection
- Transmissible gastro-enteritis

Sheep and goats diseases

- Contagious agalactia
- Paratuberculosis
- Caseous lymphadenitis
- Pulmonary adenomatosis
- Maedi visna
- Caprine viral arthritis, encephalitis

Fish diseases

- Infectious pancreatic necrosis (IPN)
- Spring viraemia of carp (SVC)
- Bacterial kidney disease (BKD) (Renibacterium salmonidarum)

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- Furunculosis (*Aeromonas salmonicida*)
- Enteric redmouth disease (ERM) (*Yersinia ruckeri*)
- Gyrodactylus salaris

Crustaceans

Crayfish plague (*Aphanomyces astaci*)

Other species diseases

- Viral enteritis

Mink

- Aleutian disease

Mink

- European foulbrood

Bees

- Varroasis and acariasis

Bees

- Tuberculosis

Apes and felids

- Tuberculosis

Ruminants

- Myxomatosis

Lagomorphs

- Viral haemorrhagic disease

Lagomorphs

- Tularaemia

Lagomorphs

FIFTH SCHEDULE

(Article 18)

Foot-and-mouth disease
Rinderpest (cattle plague)
Contagious bovine pleuropneumonia
Bluetongue
Swine vesicular disease
Classical swine fever
African swine fever
Porcine enterovirus encephalomyelitis (was Teschen disease)
Avian influenza (was fowl plague)
African horse sickness
Vesicular stomatitis
Peste des petits ruminants
Rift Valley Fever
Lumpy skin disease
Sheep and goat pox (Capripox)
Hemorrhagic disease of deer
Venezuelan equine viral encephalomyelitis

SIXTH SCHEDULE

(Article 32)

PART A

Veterinary medicinal products developed by means of one of the following biotechnological processes:

recombinant DNA technology.

controlled expression of genes coding for biologically active proteins in prokaryotes and eukaryotes including transformed mammalian cells.

hybridoma and monoclonal antibody methods

Veterinary medicinal products, including those not derived from biotechnology, intended primarily for use as performance enhancers in order to promote the growth of treated animals or to increase yields from treated animals.

PART B

Veterinary medicinal products developed by other biotechnological processes which, in the opinion of the National Veterinary Laboratory, constitute a significant innovation.

Veterinary medicinal products administered by means of new delivery systems which, in the opinion of the National Veterinary Laboratory, constitute a significant innovation.

Veterinary medicinal products presented for an entirely new indication which, in the opinion of the National Veterinary Laboratory, is of significant therapeutic interest.

Veterinary medicinal products based on radio-isotopes which, in the opinion of the National Veterinary Laboratory, are of significant therapeutic interest.

Veterinary medicinal products the manufacture of which employs processes which, in the opinion of the National Veterinary Laboratory, demonstrate a significant technical advance such as two-dimensional electrophoresis under micro-gravity.

Veterinary medicinal products intended for use in food-producing animals containing a new active substance which, on the date of entry into force of this Act, was not authorized by Malta or any trading partner for use in food-producing animals.

PART C

Genetically modified organism (GMO) means an organism in which the genetic material has been altered in a way that does not occur naturally by mating and, or natural recombination.

Within the terms of this definition genetic modification occurs

at least through the use of the techniques of genetics, which are inter alia:

recombinant DNA techniques using vector systems:

techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation;

cell fusion (including protoplast fusion) or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.

the techniques which are not considered to result in genetic modification, on condition that they do not involve the use of recombinant DNA molecules or GMOs, are:

polyploidy induction,

in vitro fertilization,

conjugation, transduction, transformation or any other natural process.

Passed by the House of Representatives at Sitting No. 634 of the 6th November, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives