

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

16 ta' Jannar, 2001

ATT Nru. II ta' l-2001

ATT biex jipprovdi ghar-regolazzjoni, konservazzjoni u amministrazzjoni tas-sajd f'Malta u għal hwejjeġ inċidentali għalihom.

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

TAQSIMA I
PRELIMINARI

1. (1) It-titolu ta' dan l-Att hu l-Att ta' l-2001 dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd.

Titolu u bidu
fis-sehh.

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

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

Tiġis.

"area ta' konvenzjoni" tfisser, dwar xi konvenzjoni internazzjonali, l-area li għaliha tirreferi l-konvenzjoni;

"bastiment" tfisser bastiment li jaħdem bl-istim jew bil-makni, lanċa, dgħajsa, *hovercraft*, jew biċċa tal-baħar li toġhdos jew li tibqa' fil-wieċ, ta' kull deskrizzjoni;

"bastiment tas-sajd" tfisser kull bastiment ta' liema daqs ikun u li jitmexxa b'xi mod li jkun li fil-mument ikun qed jintuza ghal hidma ta' sajd jew ghall-ipproċessar, hażna jew ġarr ta' hut jew ghal xi hidmiet (inkluż trasbord ta' hut) anċillari ghal dan, iżda ma tinkludi ebda bastiment użat ghall-ġarr ta' hut jew prodotti ta' hut bhala parti mill-merkanzija generali tiegħu;

"bastiment barrani tas-sajd" tfisser kull bastiment tas-sajd li la jkun bastiment tas-sajd lokali u lanqas bastiment tas-sajd tal-konvenzjoni;

"bastiment tas-sajd liċenzjat" tfisser bastiment mogħti liċenza jew permess biex jistad skond l-artikoli 8, 9 jew 10;

"bastiment tas-sajd lokali" tfisser kull bastiment -

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

(b) li jkun ghal kollox proprjetà ta' kumpannija, soċjetà jew assoċjazzjoni ta' persuni nkorporata jew stabbilita skond il-liġijiet ta' Malta u kontrollata minn persuna wahda jew iżjed li ordinarjament jirrisjedu f'Malta;

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

"Bord" tfisser il-Bord tas-Sajd imwaqqaf skond l-artikolu 5;

"Direttur" tfisser id-Direttur responsabbli mis-sajd maħtur bis-saħħa ta' l-artikolu 4 jew kull persuna li lilha jista' jiddelegalha xi funzjonijiet skond l-artikolu 4(2);

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

"ibhra interni" tfisser dawk l-ibhra li jmissu fuq in-naħa tax-tajta tal-linji bazi li minnhom jitkejlu l-ibhra territorjali ta' Malta;

"ibhra tas-sajd" tfisser l-ibhra tas-sajd ta' Malta kif imfisser skond l-artikolu 3;

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

abbord il-bastiment;

"konvenzjoni" tinkludi trattat, ftehim jew arrangament ieħor;

"liċenza tas-sajd" tfisser liċenza jew permess għas-sajd kif provdut skond dan l-Att;

"Ministru" tfisser il-Ministru responsabbli għas-sajd;

"proċessar", dwar hut, tinkludi tindif, *filleting*, iffriżar, tqeghid fil-laned, salmura, affumikazzjoni, tisjir, immarinar, tnixxif jew priżervazzjoni jew thejjija ohra ta' hut b'kull metodu jkun li jkun;

"qroll" tfisser l-iskelettru kalkarju mnissel minn kolenterati polipojdi tal-klassi *anthozoa*;

"reġistru ta' bastimenti tas-sajd" tfisser ir-reġistru ta' bastimenti tas-sajd lokali miżmum mid-Direttur skond l-artikolu 7;

"sajd" tfisser -

(a) il-qbid jew tehid ta' hut mill-baħar li kiber b'mod totalment naturali;

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

(ċ) kull hidma fuq il-baħar li tghin lil xi attività kif deskritt fil-paragrafi (a) u (b);

"sajd kummerċjali" tfisser il-qbid jew it-tehid ta' hut għall-bejgh;

"sajjed kummerċjali" tfisser:

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

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

"stabiliment ta' l-akwakultura" tfisser kull area, għeluq, konfini, post jew struttura mibnija jew użata fuq l-art jew fil-baħar għall-koltivazzjoni ta' hut tal-baħar jew ta' l-ilma helu u tinkludi kull sodda għall-koltivazzjoni ta' gajdri jew frott iehor tal-baħar jew ċattra jew struttura oħra wżati għall-koltivazzjoni ta' gajdri u frott iehor tal-baħar;

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

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

"uffiċjal tas-sajd tal-konvenzjoni" tfisser persuna mahtura mill-gvern ta' pajjiż iehor jew li jkollha s-setgħa skond il-liġijiet ta' dak il-pajjiż li tenforza konvenzjoni, li Malta tkun parti fiha, u li tipprovidi għat-tharis u t-tmexxija ta' hidmiet tas-sajd jew hidmiet anċillari għalihom.

TAQSIMA II IBHRA TAS-SAJD

Ibhra tas-sajd.

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

(a) l-ibhra interni;

Kap. 226.

(b) l-ibhra territorjali hekk dikjarati skond l-artikolu 3(2) ta' l-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa; u

(ċ) kull ibhra oħra li dwarhom bi proklama, liġi jew konvenzjoni li tkun fis-seħħ, jew li jkollha forza ta' liġi, f'Malta jkunu ġew dikjarati drittijiet sovrani għall-fini ta' esplorazzjoni u esplotazzjoni, konservazzjoni u amministrazzjoni ta' riżorsi hajjin f'dawk l-ibhra.

TAQSIMA III AMMINISTRAZZJONI

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

4. (1) Dan l-Att ikun amministrat mid-Direttur li jkun uffiċjal pubbliku, li jkun mahtur mill-Prim Ministru, u li jkun responsabbli għal -

(a) il-konservazzjoni ta' hut (*stocks*) li jeżistu b'mod naturali;

(b) it-tehid ta' dawk il-miżuri li jidhirlu xierqa għat-tharis ta' stokkijiet ta' hut mill-effetti ta' tniġġiż sew jekk għal żmien kontinwu jew għal żmien qasir u mill-effetti li huma jew jistgħu jkunu ta' hsara għall-istokkijiet ta' hut, u l-miżuri li għandhom jittiehdu biex it-tniġġiż jispiċċa jew ikun kontrollat;

(ċ) l-istima ta' stokkijiet ta' hut u l-ġbir ta' statistika, maghduda dettalji dwar qbid ta' hut;

(d) l-iżvilupp u l-amministrazzjoni tas-sajd;

(e) iż-żamma ta' reġistru ta' bastimenti tas-sajd u tas-sidien u nies li jaħdmu fl-industrija tas-sajd;

(f) *monitoring*, kontroll u sorveljanza ta' hidmiet tas-sajd;

(g) ir-regolazzjoni tat-tmexxija ta' hidmiet tas-sajd, maghduda hidmiet ta' akwakultura u hidmiet anċillari għalihom;

(h) il-hruġ, bdil, sospensjoni u revoka ta' permessi u liċenzi għal sajd, akwakultura, trasbord, tghamir tas-sajd u hidmiet ohra li jehtiegu permessi u liċenzi skond dan l-Att;

(i) il-ġbir ta' drittijiet dwar permessi u liċenzi u ta' reġistrazzjonijiet fir-reġistru ta' bastimenti tas-sajd u kategoriji ohra ta' permessi u liċenzi msemmija fil-paragrafu (h);

(j) l-ghemil ta' dawk ir-rapporti lill-Ministru li dan ikun jehtieġ jew li d-Direttur jidhirlu xieraq li jagħmel;

(k) it-tehid tal-miżuri xierqa b'konsultazzjoni ma' dik l-awtorità li minn żmien għal żmien tkun responsabbli għall-ambjent sabiex speċi protetti ma jinqerdux;

(l) hwejjeġ ohra li skond dan l-Att għandhom ikunu amministrati.

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

(3) Id-disposizzjonijiet tas-subartikolu (2) jkunu bla hsara għad-disposizzjonijiet ta' l-artikolu 34(10).

(4) Dan l-Att ikun infurzat mill-uffiċjali ghat-tharis tas-sajd li jaġixxu taht id-direzzjoni tad-Direttur u għal dan l-għan l-uffiċjali ghat-tharis tas-sajd ikollhom is-setgħat mnizzlin fl-artikolu 19.

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

(a) persuni li jkunu mahtura uffiċjali tas-sajd mid-Direttur;

(b) il-membri kollha tal-Korp tal-Pulizija ta' Malta; u

(c) il-membri kollha tal-Forzi Armati ta' Malta.

Bord dwar is-Sajd.

5. (1) Qieghed hawnhekk jitwaqqaf bord li jkun maghruf bhala l-Bord dwar is-Sajd.

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

(a) membru mid-Dipartiment tas-Sajd, wara konsultazzjoni mad-Direttur, li jkun deputat *chairman*;

(b) membru minn fost u nominat mis-sajjieda kummerċjali minn persuni li huma sajjieda kummerċjali *ai termini* tal-paragrafu (b) tad-definizzjoni ta' "sajjied kummerċjali" fl-artikolu 2 ta' dan l-Att;

(c) membru minn fost u nominat mill-Federazzjoni tas-Sajjieda Dilettanti;

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

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

(f) seba' membri oħra minn fost persuni li jkollhom interess fi hwejjeġ jew li jkollhom tagħrif dwar hwejjeġ li għandhom x'jaqsmu mas-sajd jew ma' l-industrija tas-sajd, li erbgħa minnhom ikunu nominati minn ko-operattivi ta' sajjieda reġistrati skond l-Att dwar il-Ko-operattivi;

Kap. 278.

(g) membru mid-Dipartiment tal-Protezzjoni ta' l-Ambjent nominat mill-Ministru responsabbli għal dak id-dipartiment;

(h) membru mill-Forzi Armati ta' Malta nominat mill-Ministru responsabbli għall-armata.

(3) Il-membri fil-Bord ikunu mahtura, bla hsara ghad-disposizzjonijiet tas-subartikoli (4) u (5), ghal perjodu ta' tliet snin.

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

(5) Il-Ministru jista' f'kull zmien inehhi membru tal-Bord minhabba inkapaċità fit-twettiq tal-funzjonijiet tiegħu, falliment jew traskuraġni tad-dmirijiet.

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

(7) Id-Direttur għandu jahtar uffiċjal pubbliku fid-dipartiment tiegħu biex jagħmilha ta' segretarju tal-Bord.

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

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

Funzjonijiet tal-Bord.

(a) jikkonsidra u jagħmel proposti għall-ghemil ta' regolamenti skond l-artikolu 38 u kull leġislazzjoni ohra li tista' taffettwa l-industrija tas-sajd;

(b) jikkonsidra u jagħmel proposti għall-introduzzjoni ta' miżuri li jipprojbixxu jew jirrestringu l-qbid ta' speċi ta' hut jew miżuri ohra li jfissru konservazzjoni ta' l-istokkijiet ta' hut;

(ċ) jikkonsidra u jagħmel proposti sabiex isiru ftehim jew arrangamenti skond l-artikolu 18;

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

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

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

(g) jaqdi dawk il-funzjonijiet u dmirijiet ohra li jistghu jkunu preskritti.

TAQSIMA IV BASTIMENTI TAS-SAJD LOKALI

Registrazzjoni ta' bastimenti tas-sajd lokali.

7. (1) Id-Direttur għandu jzomm registru tal-bastimenti tas-sajd lokali li jinkludi s-sidien u l-kaptan tal-bastimenti u min jaħdem fuqhom.

(2) Sid ta' bastiment tas-sajd lokali li jkun bi hsiebu juża l-bastiment għas-sajd jista' japplika għand id-Direttur bil-mod preskritt sabiex ikun registrat fir-registru ta' bastimenti tas-sajd.

(3) Bastiment ma jkunx registrat skond dan l-artikolu kemm-il darba -

Kap. 234.

(a) ma jkunx registrat skond l-Att dwar il-Bastimenti Merkantili jekk dan ikun hekk meħtieġ bil-liġi;

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

(c) il-bastiment ma jgorrx dak it-tagħmir u ma jkunx iħares dawk il-ħtiġiet l-ohra li jistghu jkunu preskritti;

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

(4) Id-Direttur jista' jhassar kull registrazzjoni fir-registru ta' bastimenti tas-sajd skond dan l-artikolu jekk xi wahda mill-ħtiġiet tas-subartikolu (3) ma jibqgħux ikunu sodisfatti mill-bastiment registrat fir-registru, iżda għandu jerga jagħmel dik ir-registrazzjoni malli jkun sodisfatt li dak in-nuqqas ikun rimedjat.

(5) Iċ-ċertifikat tar-registrazzjoni fir-registru ta' bastimenti tas-sajd lokali għandu, bla hsara għas-subartikolu (4), ikun validu għal sena u jkun jista' jiġġedded.

Liċenzi għal bastimenti tas-sajd lokali.

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

(a) fl-ibhra tas-sajd, jew

(b) f'xi area barra l-ibhra tas-sajd li biex tistad fiha tkun meħtieġa liċenza jew permess skond dan l-Att,

kemm-il darba ma jkunx registrat fir-registru ta' bastimenti tas-sajd skond l-artikolu 7 u kemm-il darba ma jkunx awtorizzat li hekk jistad skond liċenza jew permess moghtija skond dan l-Att.

(2) Meta bastiment tas-sajd lokali jintuża bi ksur tas-subartikolu (1), il-kaptan, is-sid u min jikrih ikunu hatja, kull wiehed minnhom, ta' reat u jistgħu jehlu, meta jinstabu hatja, multa ta' mhux inqas minn elf lira (Lm1,000) iżda mhux iżjed minn hamsa w għoxrin elf lira (Lm25,000) kull wiehed.

9. (1) Il-Ministru jista', b'regolamenti, jehtieg lil sidien ta' bastimenti tas-sajd li jkunx jixtiequ jistadu barra jew ġo l-ibhra tas-sajd li japplikaw għand id-Direttur għal permess li bih ikun jista' jsir sajd f'arej speċifikati f'dawk il-permessi, u kif provdut għalihom fir-regolamenti.

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

(2) Regolamenti magħmula skond is-subartikolu (1) jistgħu wkoll jipprovdu għal permessi li jagħtu jedd esklużiv għal sajd f'arej speċifikati f'dawk il-permessi, u kif provdut għalihom fir-regolamenti.

(3) F'kull każ barra minn dak provdut għalih fl-artikolu 8(1)(b), kull persuna li tistad bla permess, meta dan il-permess ikun mehtieg b'regolamenti magħmula skond is-subartikolu (1), jew tistad f'area li dwarha ma jkollhiex permess skond dawk ir-regolamenti, tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn hames mitt lira (Lm500) iżda mhux iżjed minn hamest elef lira (Lm5,000).

TAQSIMA V BASTIMENTI TAS-SAJD BARRANIN

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

Sajd minn bastimenti barranin mingħajr liċenza hu projbit.

(2) Meta xi bastiment tas-sajd jintuża bi ksur tas-subartikolu (1), il-kaptan, is-sid u min jikrih ikunu, kull wiehed minnhom, hatja ta' reat u jehlu, meta jinstabu hatja, multa ta' mhux inqas minn erbat elef lira (Lm4,000) iżda mhux iżjed minn hamsin elf lira (Lm50,000) kull wiehed.

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

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

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

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

jistad,

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

(2) Jekk kaptan jonqos li jagħti l-avviż mehtieg skond is-subartikolu (1), hu jkun hati ta' reat u jehel, meta jinstab hati, multa ta' mhux inqas minn elfejn lira (Lm2,000) iżda mhux iżjed minn hamsa w ghoxrin elf lira (Lm25,000).

TAQSIMA VI

DWAR IL-BASTIMENTI TAS-SAJD KOLLHA

Htiġiet u kondizzjonijiet l-liċenza dwar bastimenti lokali u barranin.

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

(2) Il-hruġ ta' kull liċenza tas-sajd tkun fid-diskrezzjoni tad-Direttur li jista' jawtorizza, jew is-sajd b'mod ġenerali, jew għal skopijiet ta' konservazzjoni, jista' jagħti awtorità limitata bil-miktub b'riferenza b'mod partikolari għal -

- (a) area li fiha s-sajd ikun awtorizzat;
- (b) il-perijodi, iż-żminijiet jew vjaġġi partikolari li matulhom is-sajd ikun awtorizzat;
- (ċ) id-deskrizzjonijiet, kwantitajiet, daqs u preżentazzjoni ta' hut li jista' jittiehed;
- (d) il-mod tas-sajd.

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

- (a) it-tniżżil fuq l-art ta' hut taht l-awtorità tad-detentur tal-liċenza;
- (b) l-immarkar tal-bastiment tas-sajd liċenzjat;
- (ċ) ir-registrazzjoni tal-hidmiet tas-sajd li għandhom jinżammu abbord il-bastiment tas-sajd liċenzjat;

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

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

u jekk il-kaptan u s-sid jew il-kerrej tal-bastiment tas-sajd jiksru xi waħda mill-kondizzjonijiet preskritti fil-liċenza, dan ikun hati ta' reat u jehel, meta jinstab hati, multa ta' mhux anqas minn elf lira (Lm1,000) iżda mhux iżjed minn għaxart elef lira (Lm10,000).

(4) Liċenza tas-sajd tista' tkun -

(a) mibdula minn żmien għal iehor, jew

(b) revokata jew sospiża,

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

(5) Ebda qorti ma tista' tohroġ mandat ta' inibizzjoni jew xi att iehor kawtelatorju biex twaqqaf lid-Direttur milli jagħmel xi haġa li *prima facie* hu fil-poter tiegħu li jagħmel skond dan l-Att, qabel ma jkun hemm sentenza finali li dak li jkun ser jagħmel ikun illegali:

Izda minn meta jsir xi appell kontra d-deċiżjoni tad-Direttur skond l-artikolu 39 ta' dan l-Att, u sakemm tinghata sentenza finali fuq dak l-appell, id-Direttur ma jkunx jista' jiehu ebda azzjoni li jkollha x'taqsam direttament mal-kwistjoni li tkun taht appell.

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

(7) Ma tista' tittiehed ebda azzjoni għal danni kontra d-Direttur minhabba fit-tweġiq da parti tiegħu tas-setgħat skond is-subartikolu (4).

13. Kaptan ma jistax, abbord bastiment tas-sajd, fl-ibhra tas-sajd, iżomm jew iħalli li jinżamm hut li ma jkunx ittiehed skond liċenza tas-sajd provduta skond dan l-Att jew f'ammont li jiskorri dak li jippermettu r-regolamenti għall-protezzjoni ta' *stocks* ta' hut.

Min iżomm il-hut illegalment.

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

Stivar ta' tagħmir.

(a) ikun projbit b'dan l-Att li jistad f'dik l-area; jew

(b) bil-liċenza tas-sajd jew xort'ohra jkun permess li jistad biss ghal ċerti speċi jew deskrizzjonijiet ta' hut f'dik l-area,

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

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

(a) il-kaptan tal-bastiment jehel, meta jinstab hati, multa ta' mhux inqas minn elfejn lira (Lm2,000) iżda mhux iżjed minn hamsa u għoxrin elf lira (Lm25,000); u

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

Tagħrif
statistiku.

15. Id-Direttur għandu, qabel ma jirregistra fir-registru ta' bastimenti tas-sajd, bastiment tas-sajd lokali jew qabel ma jagħti liċenza tas-sajd, jchtieġ lill-kaptan, lis-sid jew lill-kerrej tal-bastiment tas-sajd speċifikat fl-applikazzjoni għar-registrazzjoni fir-registru, jew fl-applikazzjoni għal-liċenza, kif ukoll lill-pitkal, li jagħtih dak it-tagħrif statistiku dwar is-sajd li jista' jordnal.

Trasbord u
esportazzjoni ta'
hut.

16. (1) Il-Ministru jista' b'regolamenti jipprovdi għal-liċenza ta' trasbord jew aċċettazzjoni ta' hut minn bastimenti tas-sajd fl-ibhra tas-sajd jew it-trasport mill-ibhra interni jew ibhra territorjali minn xi bastiment ta' hut trasbordat minn xi bastiment iehor.

(2) Ir-regolamenti magħmula skond is-subartikolu (1) jistgħu japplikaw dawk ir-restrizzjonijiet u kondizzjonijiet ma' l-ghoti ta' liċenzi jew permessi li l-Ministru jidhirflu xierqa u b'mod partikolari jistgħu jipprovdu għal -

(a) l-arei li fihom hut jista' jiġi trasbordat;

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

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

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

TAQSIMA VII ARRANĠAMENTI SPEĊJALI

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

Permessi għal riċerka dwar is-sajd.

(2) Id-detentur ta' permess skond is-subartikolu (1) u l-bastiment speċifikat f'dak il-permess għandhom, bla ħsara għad-disposizzjonijiet tas-subartikoli (3), (4) u (5), ikunu eżentati mid-disposizzjonijiet ta' dan l-Att, kif ikun speċifikat fil-permess.

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

(4) Permess mogħti skond is-subartikolu (1) ikun suġġett għal daww il-kondizzjonijiet, li jistgħu jinkludu l-applikazzjoni ta' kull disposizzjoni ta' dan l-Att, kif ikun speċifikat fil-permess.

(5) Il-Ministru jista' b'avviż bil-miktub mogħti lid-detentur ta' permess skond is-subartikolu (1) -

(a) jirrevoka l-permess;

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

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

Ftehim dwar aċċess għas-sajd.

(2) Kull ftehim negozjat skond dan l-artikolu għandu jinkludi disposizzjoni li ttiprovdi għar-responsabbiltà ta' l-istat barrani jew

ta' l-assocjazzjoni li jiehdu l-mizuri mehtiega biex ikun zgurat tharis minn bastimenti ta' dak l-istat jew ta' dik l-assocjazzjoni tal-pattijiet u l-kondizzjonijiet tal-ftehim u tal-ligijiet dwar is-sajd fl-ibhra tas-sajd.

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

(4) Ebda ftehim ta' aċċess dwar sajd magħmul skond dan l-artikolu ma jkun ratifikat mill-Gvern sakemm din ir-ratifika ma tkunx awtorizzata b'riżoluzzjoni tal-Kamra tad-Deputati.

TAQSIMA VIII INFURZAR TA' L-ATT

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

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

(a) jista' jwaqqaf il-bastiment;

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

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

(d) jista' jitla' abbord il-bastiment u jtella' miegħu lil dawk il-persuni l-oħra li jidhirlu mehtiega biex jgħinuh fit-twettiq tas-setghat tiegħu;

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

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

(g) jista' jehtieġ lill-kaptan biex jidher quddiemu biex jagħtih spjegazzjoni dwar il-bastiment u kull membru ta' l-ekwipaġġ jew persuna oħra li tkun abbord il-bastiment u dwar

kull dokument imsemmi fil-paragrafu (e);

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

(i) jekk ikollu raġuni xierqa jissuspetta li xi persuna tkun għamlet reat kontra dan l-Att, jista' minghajr oġġezzjoni, mandat jew proċedura oħra, jiehu lill-persuna li tkun suspettata li għamlet ir-reat u jiehu jew jehtieġ lill-kaptan tal-bastiment biex jiehu dak il-bastiment flimkien ma' l-ekwipaġġ tiegħu, f'port f'Malta sabiex issir kull tfittxija, eżami jew inkješta u sabiex iressqu jew iressaqhom quddiem qorti kompetenti u sabiex iżomm jew iżommhom flimkien mal-bastiment f'Malta sakemm ikun inġhata għudizzju dwar ir-reat allegat;

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

(k) fil-każ ta' xi reat kontra l-artikoli 8, 9 jew 10 jew kontra regolamenti magħmula skond l-artikolu 16(1), jista' jaqbad kull bastiment kif ukoll kull tagħmir, hażna u merkanzija li fil-fehma tiegħu jkunu ntużaw fl-għemil ta' dak ir-reat jew li dwarhom jahseb li jkun sar dak ir-reat jew li jkunu riżultat ta' xi reat;

(l) jista' jaqbad kull tagħmir, strumenti jew apparat tas-sajd li hu jahseb li jkunu ġew użati fl-għemil ta' dak ir-reat;

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

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

(2) Fl-eżerċizzju tas-setgħat imsemmija fis-subartikolu (1), uffiċjal għat-tharis tas-sajd jista' juża jew jimpjega dik il-forza li tkun raġonevolment mehtieġa.

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

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

20. Sabiex ikunu nfurzati d-disposizzjonijiet ta' dan l-Att, uffiċjal għat-tharis tas-sajd jista' -

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

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

(ċ) jekk ikollu raġunijiet xierqa biex jissuspetta li jkun sar reat skond dan l-Att u li l-kawża tar-reat tista' titneħha jew titrażżan -

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

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

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

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

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

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

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

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

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

(ċ) taħbat għal xi uffiċjal bħal dak waqt li jkun qed jeżerċita xi wahda mis-setgħat mogħtija lilu skond dan l-artikolu jew li volontarjament tfixkel lil dak l-uffiċjal mill-eżerċizzju ta' xi wahda minn dawk is-setgħat,

tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn hames mitt lira iżda mhux iżjed minn elfejn u hames mitt lira.

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

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

Indennizz.

23. Meta bastiment tas-sajd jew xi haġa ohra jkunu ttiehdu, nqabdu jew inżammu skond l-artikolu 19, u ma jinbdew ebda proċedimenti fi żmien erbatax-il jum minn meta l-bastiment jew l-oġġett ikun wasal fil-port, id-Direttur għandu, fuq talba tal-kaptan, sid, kerrej jew aġent tal-bastiment, jehles dak il-bastiment jew l-oġġett.

Helsien ta' bastimenti jew oġġetti jekk ma jinbdewx proċedimenti.

24. (1) Meta bastiment tas-sajd ikun ittiehed, inqabad jew inżamm skond dan l-Att u tkun saret akkuża kontra l-kaptan, is-sid jew il-kerrej tal-bastiment għar-rigward tar-reat li għalih il-bastiment ikun inżamm, il-kaptan, is-sid jew il-kerrej jew l-aġent tas-sid jew tal-kerrej tal-bastiment jista' f'kull żmien, qabel ma tkun deċiża l-akkuża, jagħmel rikors quddiem il-Qorti li tkun ser tiddeċiedi l-akkuża sabiex il-bastiment jinheles ma' l-ghoti ta' garanzija skond dan l-artikolu.

Garanzija għall-helsien ta' bastimenti tas-sajd.

(2) Meta tisma' r-rikors il-Qorti, wara li tiżgura li ebda xieħda li tista' tkun meħtieġa ser tiġi preġudikata b'hekk, għandha jew -

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

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

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

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

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

(b) l-akkużat, meta jinstab hati ta' l-akkuża, iħallas fi żmien erbatax-il jum minn meta jkun instab hati l-ammont tal-kost u l-ispejjeż kollha li jkollu jħallas lill-Gvern skond l-artikolu 31,

l-obbligazzjoni tkun minghajr effett, iżda li, jekk ma jkunx hekk, l-obbligazzjoni tibqa' fis-sehh bl-effetti kollha tagħha.

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

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

Disponiment ta' hut u oġġetti maqbuda li jistgħu jiddeterjoraw.

25. Meta xi hut jew oġġetti oħra li jistgħu jiddeterjoraw jinqabdu skond l-artikolu 19, id-Direttur jista', wara li jiżgura li kull xieħda li tista' tkun neċessarja tkun preżervata, minkejja kull disposizzjoni oħra ta' dan l-Att, jew -

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

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

TAQSIMA IX AKWAKULTURA

26. (1) Edda persuna ma għandha tistalla jew thaddem stabbiliment ta' l-akwakultura hlief bl-awtorità u skond il-kondizzjonijiet ta' permess ta' l-akwakultura mogħti mid-Direttur skond dan l-Att. Il-ħruġ ta' dak il-permess ikun suġġett għal konsultazzjoni mid-Direttur, maċ-*Chairman* ta' l-Awtorità Marittima ta' Malta u maċ-*Chairman* ta' l-Awtorità ta' l-Ippjanar dwar l-allokazzjoni ta' sit xieraq għall-istabbiliment ta' l-akwakultura.

Stallazzjoni u
thaddim ta'
stabbiliment ta'
l-akwakultura.

(2) Persuna li tistalla jew thaddem stabbiliment ta' l-akwakultura bi ksor tas-subartikolu (1) jew li, mingħajr l-awtorità tas-sid ta' stabbiliment ta' l-akwakultura awtorizzat, tiġbor xi prodotti ta' dak l-istabbiliment, tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn hamest elef lira (Lm5,000) iżda mhux iżjed minn għaxart elef lira (Lm10,000).

27. (1) Permess għall-akwakultura jinghata lill-persuna speċifikata fih u ma jkunx jista' jiġi trasferit hlief bil-permess bil-miktub bil-quddiem tad-Direttur.

Permess għall-
akwakultura.

(2) Permess għall-akwakultura jagħti lid-detentur tal-permess jeddijiet esklużivi biex jiġbor il-prodotti ta' l-istabbiliment ta' l-akwakultura fl-area speċifikata fil-permess fuq l-art jew fil-baħar.

(3) Permess għall-akwakultura jkun suġġett għal dawk il-kondizzjonijiet li fil-fehma tad-Direttur ikunu meħtieġa jew spedjenti biex tkun regolata l-akwakultura, l-amministrazzjoni tas-sajd u l-benefiċċju ekonomiku ta' Malta, u b'mod partikolari permess jista' jkun fih, bla hsara għall-ġeneralità ta' dak li ntqal qabel -

- (a) kondizzjonijiet dwar is-sit, disinn u materjali wżati fil-kostruzzjoni ta' l-istabbiliment ta' akwakultura;
- (b) kondizzjonijiet sanitarji ta' hut;
- (ċ) miżuri biex speċi ta' hut li jidhlu f'Malta għall-akwakultura ma jaharbux;
- (d) miżuri li jittiehdu biex jiġi evitat li jinfirex il-mard tal-hut fi stokkijiet ta' hut fl-ambjent naturali;
- (e) disposizzjonijiet kummerċjali dwar il-bejgħ tal-hut u prodotti tal-hut.

TAQSIMA X PROJBIZZJONIJIET U REATI

Metodi ta' sajd
projbit.

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

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

(b) iġġor jew ikollha fil-pussess jew taħt il-kontroll tagħha, xi velenu jew sustanza oħra li tagħmel hsara f'ċirkostanzi li juru l-hsieb li dawk l-esplożivi, velenu jew sustanza jintużaw għal xi wiehed mill-ghanijiet imsemmija fil-paragrafu (a),

Kap. 33.

tkun hatja ta' reat skond dan l-artikolu u tehel, meta tinsab hatja, l-piena stabbilita skond l-artikolu 34 ta' l-Ordinanza dwar l-Esplożivi.

(2) Kull -velenu jew sustanza oħra li tagħmel il-hsara li jinstabu abbord xi bastiment għandhom jitqiesu, sakemm ma jkunx ippruvat il-kuntrarju, li kienu maħsuba għall-finijiet imsemmija fis-subartikolu (1).

(3) Kull persuna li tniżżel l-art, tbiegħ, tircievi jew tinstab fil-pussess ta' hut meta tkun taf jew ikollha raġuni xierqa taħseb li dan ikun ittiehed bi ksur ta' dan l-artikolu tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn elf lira (Lm1,000) izda mhux iżjed minn elfejn u hames mitt lira (Lm2,500).

Tfixkil ta' l-
uffiċjali għat-
tharis tas-sajd u
tagħrif falz.

29. (1) Kull persuna li -

(a) tahbat għal, tirreżisti jew volontarjament tfixkel lil,

uffiċjal għat-tharis tas-sajd fit-twettiq tas-setgħat tiegħu skond dan l-Att;

(b) tirrifjuta jew tittraskura li thares xi ordni, rekwiżizzjoni jew direzzjoni leġittimament mogħtija jew magħmula skond dan l-Att;

(c) mingħajr raġuni xierqa tonqos li -

(i) twieġeb għal xi mistoqsija magħmula minn uffiċjal għat-tharis tas-sajd; jew

(ii) tipproduċi xi haġa li tkun meħtieġa tipproduċi,

skond dan l-Att;

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

(e) ma thallix jew tipprova ma thallix lil xi persuna ohra milli thares dawk l-ordnijiet, rekwiżizzjonijiet jew direzzjonijiet jew milli twieġeb għal dawk il-mistoqsijiet, jew milli tipproduċi xi haġa jew milli thalli li ssir tfittxija jew spezzjoni,

tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn mitejn lira (Lm200) iżda mhux iżjed minn elfejn u hames mitt lira (Lm2,500).

(2) Kull persuna li -

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

(b) sabiex turi li qed thares hteġa biex tagħti xi tagħrif skond dan l-Att,

tagħti tagħrif li tkun taf li hu falz f'xi punt materjali jew li bi traskuraġni tagħti tagħrif li jkun falz f'xi punt materjali, tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux inqas minn mitejn lira (Lm200) iżda mhux iżjed minn elf lira (Lm1,000).

30. (1) Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' dan l-Att li dwarha m'hemmx provduta piena speċifika, tkun hatja ta' reat u tehel, meta tinstab hatja, multa ta' mhux anqas minn mitejn lira (Lm200) iżda mhux iżjed minn hamest elef lira (Lm5,000).

Reati, pieni u proċedimenti.

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

(3) Għall-finijiet ta' kull proċedimenti skond dan l-Att kull hut misjub abbord bastiment għandu, kemm-il darba ma jkunx ippruvat il-kuntrarju, jitqies li jkun inqabad -

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

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

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

(5) Kull kaptan li jittrasborda, jirċievi abbord bastiment tas-sajd, iġorr jew b'xi mod ieħor jittratta dwar hut maqbud jew trasbordat bi ksur ta' dan l-Att ikun hati ta' reat.

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

(7) Minkejja d-disposizzjonijiet ta' kull liġi ohra, kull proċedimenti dwar reat kontra dan l-Att, li jinvolvu bastiment tas-sajd barrani, ikunu preskritti jekk jgħaddu għaxar snin minn mindu jkun sar ir-reat.

(8) Id-Direttur jista', dwar prosekuzzjonijiet u proċedimenti għal reati skond dan l-Att, jipproduċi l-provi, u jittratta l-każ minflok, jew flimkien ma', il-Pulizija quddiem il-Qorti.

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

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

(b) il-persuna akkużata jew xi persuna oħra msemmija ma kénitx id-dententur ta' liċenza jew permess skond dan l-Att,

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

TAQSIMA XI
PROĊEDIMENTI FIL-QORTI, PROĊEDIMENTI
AMMINISTRATTIVI U PENALITAJIET

31. (1) Minkejja d-disposizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-Qorti tal-Maġistrati tkun il-qorti kompetenti li tiġġudika reati kontra dan l-Att. Proċedimenti
fil-Qorti.
Kap. 9.

(2) Bla ħsara għad-disposizzjonijiet tas-subartikolu (1), proċedimenti kontra xi persuna għal reat kontra xi wahda mid-disposizzjonijiet ta' dan l-Att għandhom jinbdeu quddiem il-Qorti tal-Maġistrati bhala Qorti ta' Ġudikatura Kriminali skond id-disposizzjonijiet tal-Kodiċi Kriminali: Kap. 9.

Iżda, minkejja d-disposizzjonijiet ta' l-artikolu 376(1)(b) tal-Kodiċi Kriminali, il-Qorti għandha, fuq talba ta' xi wahda mill-partijiet, tniżżel ix-xieħda bil-mod provdut bl-artikolu 391 ta' l-imsemmi Kodiċi jew bl-artikolu 3 ta' l-Att dwar ir-Registrazzjoni Elettro-Manjetika ta' Proċedimenti jew b'xi liġi oħra li tkun fiż-żmien fis-seħħ. Kap. 9.
Kap. 284.

(3) Hlief kif provdut speċifikament xort'oħra, id-disposizzjonijiet ta' l-artikolu 23 tal-Kodiċi Kriminali ma jkunux applikabbli għal reati kontra dan l-Att. Kap. 9.

(4) Dwar proċedimenti għal reati kontra dan l-Att il-Qorti tista' tiddikjara favur il-Gvern dak il-kost u l-ispejjeż, magħduda spejjeż li jkunu saru fl-eżerċizzju tas-setgħa skond l-artikolu 19(1)(i) u (j), li jkunu saru dwar dawk il-proċedimenti kif jidhrilha xieraq.

(5) Minkejja d-disposizzjonijiet ta' l-artikolu 413(1)(b) tal-Kodiċi Kriminali, l-Avukat Ġenerali dejjem ikollu jedd ta' appell minn kull deċiżjoni mogħtija mill-Qorti tal-Maġistrati, bhala qorti ta' ġudikatura kriminali, dwar proċedimenti għal reat kontra dan l-Att. Kap. 9.

32. Il-Ministru jista' b'ordni jipprovdi b'dak il-mod li jidhirlu xieraq biex ikunu nfurzati kull restrizzjonijiet jew obbligi dwar sajd fuq il-baħar, li jkunu jinsabu f'konvenzjoni li tagħha Malta tkun parti, u jista' jipprovdi fl-ordni li kull kontravvenzjoni ta' xi restrizzjoni jew obbligu bħal dan tikkostitwixxi reat kontra dan l-Att u min jagħmel ir-reat jehel il-piena ta' multa kif stabbilita fl-ordni, liema multa ma għandhiex tkun aktar minn hamsa w ghoxrin elf lira (Lm25,000). Reati tal-
konvenzjoni.

Telf ta' liċenza, permess jew registrazzjoni fir-registru ta' bastimenti tas-sajd.

33. (1) Meta persuna tinstab hatja ta' reat kontra dan l-Att ghat-tieni darba jew ghal darb'ohra, dik il-persuna ghandha, barra kull piena ohra, titlef kull liċenza jew permess u kull registrazzjoni fir-registru ta' bastimenti tas-sajd maghmula skond dan l-Att ghandha tithassar. Il-persuna li tinstab hatja ghandha wkoll titlef kull dritt imhallas ghal xi liċenza jew permess mitlufa kif intqal qabel jew ghal kull registrazzjoni mhassra kif intqal qabel, u ma tkunx tista', qabel ma jghaddu tliet snin mid-data li fiha tkun instabet hatja it-tieni darba jew l-ahhar darba, kif ikun il-kaz, jerga' jkollha dik il-liċenza jew dak il-permess jew li tkun hekk registrata skond dan l-Att.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), il-Ministru jista', fiċ-ċirkostanzi ta' xi kaz partikolari u meta ssirli talba fi zmien tletin jum mid-data li fiha persuna tkun instabet hatja, jibghat dik it-talba lill-Kumitat mahtur skond l-artikolu 39(4).

(3) Il-Kumitat ghandu, fi zmien mhux aktar tard minn hamest ijiem minn meta jkun irċieva t-talba minghand il-Ministru, wara li jistudja l-kwistjoni, jisma' kull persuna li jidhirlu xierqa u jiehu l-pariri kollha mehtiega, jaghti parir bil-miktub lill-Ministru jekk ghandux il-Ministru jordna li d-disposizzjonijiet tas-subartikolu (1) ma jkunux japplikaw ghal xi liċenza jew permess partikolari jew ghal xi registrazzjoni partikolari fir-registru ta' bastimenti tas-sajd li xort'ohra kienu jintilfu.

(4) Il-Ministru ghandu jilqa' jew jichad it-talba skond il-parir tal-Kumitat.

Penalitajiet amministrattivi.

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

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

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

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

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

(2) Avviż skond is-subartikolu (1) ghandu jispeċifika:

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

(b) il-fatti fil-qosor li fuqhom ikun qed jiġi allegat li sar reat (dawn il-fatti ghandhom jitniżżlu b'mod shih u gust biex il-

persuna li dwarha ssir l-allegazzjoni jkollha t-taghrif mehtieg);

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

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

u fl-avviż għandha titniżżel dikjarazzjoni li turi d-disposizzjonijiet ta' dan l-artikolu.

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

(a) ma jittiehdu ebda proċedimenti oħra mid-Direttur skond dan l-artikolu; u

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

(4) Kull persuna li lilha jkun notifikat avviż skond is-subartikolu (1) li tagħżel li ma jsiru ebda proċedimenti quddiem il-Qorti dwar ir-reat allegat tista' b'avviż bil-miktub lid-Direttur -

(a) tammetti r-reat, u

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

(5) Meta persuna tammetti reat skond dan l-artikolu, id-Direttur għandu jimponi penalitajiet fuq dik il-persuna dwar ir-reat li jkunu daqs terz ta' l-ogħla piena monetarja li dik il-persuna kienet tehel li kieku nstabet hatja tar-reat mill-Qorti.

(6) Il-penali imposta skond is-subartikolu (5) tkun dovuta bhala dejn ċivili li tkun tista' tiġi infurzata mill-Qorti ta' ġurisdizzjoni ċivili favur il-Gvern u d-dikjarazzjoni mill-persuna li fuqha tkun imposta l-penali, fejn tammetti l-akkuża, tikkostitwixxi titolu eżekuttiv għall-finijiet ta' l-artikolu 253 tal-Kodiċi ta' Kap. 12. Organizzazzjoni u Proċedura Civili bl-istess mod daqsliekeku nġhatat sentenza tal-qorti kompetenti ta' ġurisdizzjoni ċivili.

(7) Minkejja kull disposizzjoni oħra ta' dan l-Att jew ta' xi liġi oħra, meta tkun saret ammissjoni ta' reat skond dan l-artikolu ebda akkuża ma għandha ssir dwar reat kontra xi persuna li tkun ammettiet.

(8) Meta persuna li lilha jkun notifikat avviż skond is-subartikolu (1) ma tamettix ir-reat fi żmien tletin jum minn meta jkun notifikat, id-Direttur għandu jibda proċedimenti, jew jara li jinbdew proċedimenti, quddiem il-Qorti dwar ir-reat allegat.

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

(a) dwar xi reat skond l-artikolu 8(2), l-artikolu 9(3) jew l-artikolu 10(2); jew

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

(10) Id-Direttur għandu jeżerċita s-setgħat skond dan l-artikolu personalment u fl-eżerċizzju ta' dawk is-setgħat ma jkunx sugġett għad-direzzjoni jew kontroll ta' xi persuna jew awtorità oħra.

Zamma jew
konfiska ta'
bastiment tas-
sajd għal nuqqas
ta' hlas ta'
multa jew
garanzija
dwarha.

35. (1) Jekk xi multa u, jew ammont ta' kost jew spejjeż ikunu dikjarati mill-Qorti li huma dovuti mill-kaptan, sid jew kerrej ta' xi bastiment tas-sajd dwar ksur ta' xi disposizzjoni ta' dan l-Att, jew ta' xi ordni magħmul skond l-artikolu 32, il-Qorti tista', jekk ma tkun ingħatat ebda garanzija favur id-Direttur jew jekk jidhrilha li dik il-garanzija ma tkunx biżżejjed, tordna li fin-nuqqas ta' hlas immedjat l-akkużat jagħti garanzija għall-hlas ta' l-ammont dovut, u jekk dik il-garanzija ma tingħatax għas-sodisfazzjon tal-Qorti, din għandha tordna d-detenzjoni tal-bastiment tas-sajd konċernat f'dak il-ksur, u dak il-bastiment tas-sajd ikun jista' jinżamm f'Malta sakemm jithallas l-ammont dovut jew sakemm tingħata garanzija biżżejjed għas-sodisfazzjon tal-Qorti.

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

TAQSIMA XII ĠENERALI

Sistema ta'
sorveljanza.

36. Il-Ministru jkollu s-setgħa li jistabbilixxi sistema ta' sorveljanza bażata fuq satellita biex jissorvelja fuq il-pożizzjoni ta' bastimenti tas-sajd, kif ukoll ċentri ta' sorveljanza fuq is-sajd.

37. Il-Ministru jkollu s-setgħa li jghaddi kull informazzjoni, dwar l-isforzi li jsiru fis-sajd (*fishing effort*) minn xi bastiment tas-sajd, lil xi terza persuna, kif ikun jidhirlu xieraq.

Informazzjoni
dwar sajd.

38. (1) Il-Ministru jista' jagħmel regolamenti sabiex jitwettqu aħjar l-ghanijiet ta' dan l-Att.

Setgħa għall-
għemil ta'
regolamenti.

(2) B'mod partikolari iżda bla ħsara għall-ġeneralità tas-subartikolu (1), dawk ir-regolamenti jistgħu jipprovdu dwar:

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

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

(c) l-istabbiliment u l-amministrazzjoni ta' arei għall-preżervazzjoni ta' stokkijiet ta' hut, inklużi l-mezzi ta' nutriment tagħhom;

(d) il-htieġa ta' liċenza għal kull xorta ta' sajd magħduda kull hidma li għandha x'taqsam mas-sajd u registri varji nkluż dak tal-bastimenti tas-sajd;

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

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

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

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

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

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

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

(l) ir-regolazzjoni tal-bejgh tal-hut maghduda l-allokazzjoni ta' swieq tal-hut, il-kontroll ta' rkantijiet tal-hut u r-registrazzjoni ta' xerrejja u neġozjanti tal-hut;

(m) ir-regolazzjoni ta' skemi ta' interventi fis-suq;

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

(o) il-kontroll ta' livelli ta' kwalità u gradazzjoni ta' hut mibjuġh, esportat jew importat;

(p) il-hlas ta' drittijiet dwar applikazzjonijiet għal permessi, liċenzi jew registrazzjonijiet, u dwar il-hruġ ta' permessi, liċenzi jew registrazzjonijiet; kif ukoll l-ghoti minn applikanti għal liċenza u detenturi ta' liċenza ta' obligazzjonijiet jew forom oħra ta' garanzija, sabiex ikun żgurat it-tharis ta' obbligi u pattijiet u kondizzjonijiet marbutin mal-liċenza tagħhom;

(q) il-kondizzjonijiet u l-proċeduri għal applikazzjonijiet għal kull permessi, liċenzi u registrazzjonijiet, jew dokumenti oħra u l-formuli li għandhom jintużaw għalihom;

(r) il-hatra ta' agenti lokali għal bastimenti tas-sajd barranin;

(s) it-tqeghid ta' osservaturi ta' bastimenti tas-sajd;

(t) biex jirregola kull sistema ta' sorveljanza bażata fuq satellita li tista' tiġi stabbilita skond l-artikolu 36, u biex jimponi dawk l-obbligi fuq bastimenti tas-sajd li jkunu meħtieġa għat-thaddim xieraq ta' dik is-sistema;

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

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

(w) it-tharis ta' u l-implimentazzjoni ta', obbligi ta'

Malta taht xi konvenzjoni u, jew trattat, u jistghu jinkludu l-applikazzjoni ghal bastimenti tal-konvenzjoni ta' kull wahda mid-disposizzjonijiet ta' dan l-Att li ma jkunux jirreferu esklużivament ghal bastimenti tas-sajd barranin b'kull modifiki mehtieġa ghal disposizzjonijiet li jirreferu ghal kull haġa, maghduda kwalifika dwar proprjetarji ta' bastimenti tas-sajd;

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

(y) l-impożizzjoni ta' multa ta' mhux inqas minn hames mitt lira (Lm500) iżda mhux iżjed minn elfejn u hames mitt lira (Lm2,500) ghall-ksur ta' xi wiehed minn dawk ir-regolamenti.

39. (1) Meta d-Direttur jiċhad l-ghoti ta' xi liċenza mehtieġa skond jew taht dan l-Att, jew ivarja dik il-liċenza jew ihassar l-istess, il-persuna li tkun talbet il-liċenza jew il-persuna liċenzjata, skond il-każ, ikollha d-dritt, mhux aktar tard minn hamest ijiem ta' xoghol, li tappella mid-deċiżjoni tad-Direttur permezz ta' ittra lill-Ministru fejn tagħti r-ragunijiet tagħha l-ghala id-deċiżjoni tad-Direttur ghandha tiġi mhassra jew mibdula.

Revizjoni ta'
deċiżjonijiet
tad-Direttur.

(2) Il-Ministru, malli jirċievi appell skond is-subartikolu (1), ghandu jibghat l-istess appell lid-Direttur biex fi żmien jumejn jagħmel rapport bil-miktub lill-Ministru, fejn jindika l-ghala l-appell ghandu jiġi miċhud; iżda d-Direttur jista' jekk jidhirlu li l-appell ikun ġustifikat, jibdel id-deċiżjoni tiegħu skond l-appell u jinforma lill-Ministru fiż-żmien mogħti lilu għar-risposta.

(3) Meta l-Ministru jirċievi r-risposta tad-Direttur, jew ikun għadda ż-żmien għal dik ir-risposta bla ma jkun irċieva l-istess, hu ghandu minnufih jibghat l-appell u r-risposta tad-Direttur, jekk ikun hemm, lill-Kumitat imwaqqaf skond is-subartikolu (4) biex l-istess Kumitat jagħtih parir dwar l-istess.

(4) Ghandu jkun hemm Kumitat li jkun kompost minn dawk il-membri tal-Bord tas-Sajd mahtura taht l-artikolu 5(2)(g) u (h) u mit-tliet membri ta' l-istess Bord mahtura taht l-artikolu 5(2)(f) li ma jkunux ġew nominati minn ko-operativi tas-sajjieda; il-membru mahtur skond il-paragrafu (h) fuq imsemmi jkun il-President ta' dan il-Kumitat.

(5) Il-Kumitat ghandu, fi żmien hamest ijiem minn meta jkun irċieva l-appell minghand il-Ministru, jistudja l-kwistjoni, jisma' kull persuna li jidhirlu xierqa, jiehu l-pariri kollha mehtieġa, u jibghat il-parir tiegħu bil-miktub, flimkien ma' kull verbal ta' kull xieħda mismugħa u ta' kull parir mogħti lill-Kumitat, lill-Ministru dwar kif

ghandu jinqata l-appell.

(6) Il-Ministru ghandu jaqta' l-appell skond il-parir tal-Kumitat u jaghti ordni bil-miktub lid-Direttur skond id-deċiżjoni tiegħu; kopja ta' kull deċiżjoni tal-Ministru ghandha tintbagħat ukoll lill-appellant.

TAQSIMA XIII THASSIR U DISPOSIZZJONIJIET TRANSITORJI

Emenda tal-Kodiċi tal-Liġijiet tal-Pulizija.
Kap. 10

40. (1) L-artikoli 305 u 306 tal-Kodiċi tal-Liġijiet tal-Pulizija għandhom jithassru.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), kull leġislazzjoni sussidjarja magħmula taht xi wahda mid-disposizzjonijiet ta' l-artikoli hemmhekk imsemmija għandha, sakemm ma jsirux disposizzjonijiet ohra taht jew skond dan l-Att, tibqa' ssehh u jkollha effett bhallikieku saret taht dan l-Att.

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

41. (1) L-Att dwar l-Industrija tal-Hut huwa b'dan imħassar.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), kull leġislazzjoni sussidjarja magħmula taht xi wahda mid-disposizzjonijiet ta' l-Att dwar l-Industrija tal-Hut għandha, sakemm ma jsirux disposizzjonijiet ohra taht jew skond dan l-Att, tibqa' ssehh u jkollha effett bhallikieku saret taht dan l-Att.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 460 tat-8 ta' Jannar, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

16th January, 2001

ACT No. II of 2001

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

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

**PART I
PRELIMINARY**

1. (1) The title of this Act is the Fisheries Conservation and Management Act, 2001. Title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for Fisheries 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 - Interpretation.

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

"Board" means the Fisheries Board established under article 5;

"commercial fisherman" means:

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

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

"commercial fishing" means the catching or taking of fish for sale;

"convention" includes a treaty, agreement or other arrangement;

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

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

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

"coral" means the calcareous skeleton secreted by polypoid coelenterates of the class anthozoa;

"Director" means the Director responsible for fisheries appointed by virtue of article 4 or any person to whom he may delegate any of the functions under article 4(2);

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

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

"fishing" means:

(a) the catching or taking of fish that occur or have grown naturally in the sea;

(b) any other activity which can reasonably be expected to result in the catching or taking of fish or the farming of fish;

(c) any operation at sea in support of or in preparation of any activity described in paragraphs (a) and (b);

"fishing licence" means a fishing licence or permit provided for under this Act;

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

"fishing waters" means the fishing waters of Malta as defined in article 3;

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

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

"licensed fishing vessel" means a vessel granted a licence or permit to fish pursuant to articles 8, 9 or 10;

"local fishing vessel" means any vessel -

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

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

"master" or "fish master" mean, in relation to a fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel;

"Minister" means the Minister responsible for fisheries;

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

"record of fishing vessels" means the record of local fishing vessels maintained by the Director under article 7;

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

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

PART II FISHING WATERS

Fishing.

3. The fishing waters of Malta comprise:

(a) the internal waters;

Cap. 226.

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

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

PART III ADMINISTRATION

Director
responsible for
fisheries and
fisheries
protection
officers.

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

(a) the conservation of naturally occurring fish stocks;

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

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

(d) the development and management of fisheries;

(e) the maintenance of a record of fishing vessels, their masters, captains, crew and any other person working on them;

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

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

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

(i) the collection of fees in respect of permits and licences and of entries in the fishing vessels register as well as the collection of fees for licences issued for all other categories of permits and licences mentioned in paragraph (h);

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

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

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

(2) The Director may, in writing, authorise any public officer to exercise any or all of the powers of the Director under this Act either concurrently with him or in his absence, subject to such conditions, including those relative to territorial restrictions, as he may stipulate in the authorisation.

(3) The provisions of subarticle (2) shall be without prejudice to the provisions of article 34(10).

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

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

(a) persons designated as fisheries officers by the Director;

(b) all members of the Malta Police Force;

(c) all members of the Armed Forces of Malta.

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

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

(a) a member of the Fisheries Department, after consultation with the Director, who shall be deputy chairman;

(b) one member from among and nominated by the commercial fishermen who is a person from amongst the commercial fishermen as defined in paragraph (b) of the definition of "commercial fisherman" in article 2 of this Act;

(c) one member from among and nominated from amongst the members of the *Federazzjoni tas-Sajjieda Dilettanti*;

(d) one member from among and nominated by fish market traders (*pitkali*);

(e) one member from among and nominated by fish retailers;

(f) seven other members from among persons having an interest or knowledge in matters relating to fisheries or the fishing industry, of whom four shall be nominated by fishermen's co-operatives registered under the Co-operatives Societies Act;

Cap. 278.

(g) one member from the Department for the Protection of the Environment nominated by the Minister responsible for that department;

(h) one member from the Armed Forces of Malta nominated by the Minister responsible for the armed forces.

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

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

(5) The Minister may at any time remove a member of the Board on grounds of disability to perform his functions, bankruptcy or neglect of duty.

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

(7) The Director shall designate a public officer in his department to act as the secretary to the Board.

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

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

(a) consider and make proposals for the making of regulations under article 38, or any other legislation which may affect the fishing industry;

(b) consider and make proposals for the introduction of measures prohibiting or restricting the catching of species of fish or other measures that would lead to the conservation of fish stocks;

(c) consider and make proposals for agreements or arrangements to be entered into pursuant to article 18;

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

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

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

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

**PART IV
LOCAL FISHING VESSELS**

Record of local fishing vessels.

7. (1) The Director shall maintain a record of local fishing vessels including the owners, captains, and crew thereof.

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

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

Cap. 234.

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

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

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

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

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

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

Local fishing vessel licences.

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

(a) the fishing waters; or

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

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

(2) Where a local fishing vessel is used in contravention of subarticle (1) the master, the owner and the charterer shall each be

guilty of an offence and shall on conviction each be liable to a fine (*multa*) of not less than one thousand liri (Lm1,000) but not exceeding twenty-five thousand liri (Lm25,000).

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

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

(2) Regulations made under subarticle (1) may also provide for permits which grant exclusive rights to fish in areas specified in such permits, and as provided for in the regulations.

(3) In any case other than that provided for in article 8(1)(b), any person who fishes without a permit when such permit is required by regulations made under subarticle (1), or fishes in an area for which he does not have a permit under such regulations, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than five hundred liri (Lm500) but not exceeding five thousand liri (Lm5,000).

PART V FOREIGN FISHING VESSELS

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

Fishing by foreign fishing vessels prohibited without a licence.

(2) Where any fishing vessel is used in contravention of subarticle (1) the master, the owner and the charterer shall each be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not less than four thousand liri (Lm4,000) but not exceeding fifty thousand liri (Lm50,000).

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

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

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

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

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

(2) If a master fails to give the notification required under

subarticle (1) he shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not less than two thousand liri (Lm2,000) but not exceeding twenty-five thousand liri (Lm25,000).

**PART VI
ALL FISHING VESSELS**

Licence requirements and conditions relating to local and foreign vessels.

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

(2) The issue of each fishing licence shall be at the discretion of the Director who may, either authorise fishing generally, or for the purposes of conservation, may confer limited authority in writing by reference in particular to -

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

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

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

and if the master and the owner or charterer of the fishing vessel concerned contravenes any of the conditions prescribed in the licence,

he shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than one thousand liri (Lm1,000) but not exceeding ten thousand liri (Lm10,000).

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

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

(5) No court may issue a warrant of prohibitory injunction or any other precautionary act, stopping the Director from doing anything which *prima facie* is in his power to do in accordance with this Act, before a final judgement that such action is illegal has been delivered:

Provided that where an appeal is made against the Director's decision in accordance with article 39 of this Act, and until a final decision is given on such appeal, the Director may not take any action which is directly related with the matter subject to that appeal.

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

(7) No action for damages may be instituted against the Director because of the exercise by him of the powers under sub-article (4).

13. It shall be an offence for a master to retain or allow to be retained on board a fishing vessel, within the fishing waters, fish which has not been taken in accordance with a fishing licence provided for under this Act or in that quantity that does not exceed that amount permitted by the regulations for the protection of fish stocks.

Illegal holding of fish.

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

Stowage of gear.

- (a) it is prohibited by this Act from fishing in that area;
- or

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

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

(2) If the provisions of this article are contravened -

(a) the master of the vessel concerned shall, on conviction, be liable to a fine (*multa*) of not less than two thousand liri (Lm2,000) but not exceeding twenty-five thousand liri (Lm25,000); and

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

Statistical information.

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

Transshipment and export of fish.

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

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

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

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

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

(3) Regulations made under subarticle (1) shall empower the Director to impose such conditions on the grant of licences or permits thereunder as he shall consider necessary for the regulation of the

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

PART VII SPECIAL ARRANGEMENTS

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

Fisheries
research
permits.

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

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

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

(5) The Minister may by notice in writing given to the holder of a permit under subarticle (1) -

(a) revoke the permit;

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

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

Fisheries
access
agreements.

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

in the fishing waters.

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

(4) No fisheries access agreement made under this article shall be ratified by the Government unless such ratification has been authorised by resolution of the House of Representatives.

PART VIII ENFORCEMENT

General powers
of fisheries
protection
officers.

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

- (a) he may stop the vessel;
- (b) he may require the master to stop fishing and take the fishing gear of the vessel back on board;
- (c) he may require the master to facilitate the boarding of the vessel by all appropriate means;
- (d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;
- (e) he may require the master, the crew or any of them to produce, and the officer may examine and take copies of any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel and to the crew or any member thereof or to any person on board the vessel, which is in their respective possession or control on board the vessel;
- (f) he may muster the crew of the vessel;
- (g) he may require the master to appear before him and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (e);
- (h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any

provision of this Act has been contravened;

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

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

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

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

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

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

(2) In exercising the powers referred to in subarticle (1) a fisheries protection officer may use or employ such force as may be reasonably necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than five hundred liri but not exceeding two thousand five hundred liri.

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

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

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

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

(2) On hearing the application the Court, on ensuring that no evidence that may be required is thereby prejudiced, shall either -

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

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

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

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

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

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

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

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

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

Disposal of
seized fish and
other
perishables.

25. Where any fish or other things of a perishable nature are seized under article 19 the Director may, after ensuring that all evidence that may be necessary is preserved, notwithstanding any other provision of this Act, either -

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

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

PART IX AQUACULTURE

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

Installation and
operation of
aquaculture
establishment.

(2) Any person who installs and operates an aquaculture establishment in contravention of subarticle (1) or who, without the authority of the owner of an authorised aquaculture establishment, harvests the products of that establishment shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than five thousand liri (Lm5,000) but not exceeding ten thousand liri (Lm10,000).

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

Aquaculture
permit.

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

(3) An aquaculture permit shall be subject to such conditions as appear to the Director to be necessary or expedient for the regulation of aquaculture, the management of fisheries and the economic benefit of Malta and in particular a permit may contain,

without prejudice to the generality of the foregoing -

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

PART X PROHIBITIONS AND OFFENCES

Prohibited
fishing methods.

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

- (a) uses any poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish or in any way rendering such fish more easily caught; or
- (b) carries or has in his possession or control, any poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in paragraph (a),

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shall be guilty of an offence against this article and shall be liable, on conviction, to the penalty established in article 34 of the Explosives Ordinance.

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

(3) Any person who lands, sells, receives or is found in possession of fish, knowing or having reasonable cause to believe them to have been taken in contravention of this article, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than one thousand liri (Lm1,000), but not exceeding two thousand five hundred liri (Lm2,500).

29. (1) Any person who -

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

or

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

or

(c) without reasonable cause fails to -

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

(ii) produce anything required to be produced,

in pursuance of this Act; 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, requisitions or directions or from answering such questions, producing anything or allowing a search or inspection,

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than two hundred liri (Lm200) but not exceeding two thousand five hundred liri (Lm2,500).

(2) Any person who -

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

(b) for 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 one thousand liri.

30. (1) Any person who contravenes any provision of this Act for which no penalty is specifically provided shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than two hundred liri (Lm200) but not exceeding five thousand liri

Obstruction of fisheries protection officers and false information.

Offences, penalties and proceedings.

(Lm5,000).

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

(3) For the purposes of any proceedings under this Act, any fish found on board a fishing vessel shall, unless the contrary is proved, be presumed to have been caught -

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

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

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

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

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

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

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

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

(a) a fishing vessel specified in that certificate was not entered in the record of fishing vessels, licensed or specified in

a permit under this Act; or

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

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

**PART XI
COURT PROCEEDINGS, ADMINISTRATIVE PROCEEDINGS
AND PENALTIES**

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

Court
proceedings.
Cap. 9

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

Cap. 9.

Provided that notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the Court shall, at the request of any of the parties, take down the evidence given by the witnesses in the manner provided for in article 391 of the said Code and in article 3 of the Electro-magnetic Recording of Proceedings Act, or in any law for the time being in force.

Cap. 9.

Cap. 284.

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

Cap. 9.

(4) In respect of proceedings for offences against this Act the Court may award the Government such costs and expenses, including expenses incurred in exercise of the power under article 19(1)(i) and (j), incurred in relation to those proceedings as it may deem proper.

(5) Notwithstanding the provisions of article 413(1)(b) of the Criminal Code the Attorney General shall always have a right of appeal from any judgement 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.

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

Convention
offences.

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 (Lm25,000).

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

33. (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 the record of fishing vessels made under this Act shall be cancelled. The person convicted shall 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 within thirty days from the date of conviction, send that application to the Committee appointed according to article 39(4).

(3) The Committee shall, within a period not longer than five days from the date when it shall have received the application from the Minister, after studying the case, hearing every person whom it deems appropriate, and receiving all the required advice, give its advice in writing to the Minister whether the Minister should order that the provisions of subarticle (1) are not to apply to any particular licence, permit or entry in the record of fishing vessels otherwise forfeited.

(4) The Minister shall accede to or refuse the application in accordance with the advice given by the Committee.

Administrative penalties.

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

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

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

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

(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.

Cap. 12.

(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.

(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.

(9) Nothing in this article shall apply:

(a) in respect of any offence under article 8(2), article 9(3), or article 10(2); or

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

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

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

35. (1) If any fine and, or amount of costs or expenses is adjudged to be due by the master, owner or charterer of any fishing vessel in respect of a contravention of any provision of this Act, or of any order made under article 32, the Court may, if no security, or if it considers that insufficient security, has been given to the Director, order that in default of payment forthwith the defendant shall give security for the payment of the amount due and if such security, to the satisfaction of the Court, is not given, the Court may order the detention of the fishing vessel concerned with such contravention and such fishing vessel may accordingly be detained in Malta until the amount due is paid or sufficient security shall be given to the satisfaction of the Court.

(2) If a fine is not paid or security is not given within thirty days of the order of the Court, the Court may order that in the case of any offence against article 8(2), article 9(3) or article 10(2), any vessel and its equipment used in the commission of the offence shall be forfeited to the Government and if so forfeited shall be disposed of in such manner as the Director acting in his discretion may direct.

PART XII GENERAL

36. It shall be in the power of the Minister to establish a satellite-based monitoring system to monitor the position of fishing vessels as well as fisheries monitoring centres.

Monitoring system.

37. The Minister shall have the power to forward any information concerning fishing effort, by any fishing vessels, to any third party, as he shall deem fit.

Information concerning fishing.

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

Power to make regulations.

(2) In particular and without prejudice to the generality of subarticle (1), such regulations may provide for:

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

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

(c) the establishment and management of marine areas for the preservation of fish stocks, including their means of sustenance;

(d) the licensing of any kind of fishing including any activity related to fishing and the various registers necessary including the fishing vessel register;

(e) the regulation of amateur and recreational fishing;

(f) a quota or total allowable catch for any fish or in

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

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

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

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

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

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

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

(m) the regulation of market intervention schemes;

(n) the commercial regulation of the export and import of fish and fish products;

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

(p) the payment of fees on applications for permits, licences and registrations and on the issue of permits, licences or registrations; as well as the provision by applicants for licences and licensees of bonds or other forms of security for securing their compliance with the obligations under the terms and conditions of their licences;

(q) the conditions and procedures for applications for any permits, licences or registrations, or other documents and the forms to be used therefor;

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

(s) the placing of observers on fishing vessels;

(t) to regulate any satellite based monitoring systems that may be established under article 36, and to impose such obligations on fishing vessels necessary for the proper operation of such system;

(u) the control of public slipways;

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

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

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

(y) the imposition of a fine (*multa*) of not less than five hundred liri (Lm500) but not exceeding two thousand five hundred liri (Lm2,500) for any contravention of any such regulations.

39. (1) Where the Director refuses the issuing of a licence required by or under this Act, or modifies that licence or cancels the same, the person applying for the licence or the licensed person, as the case may be, shall have the right, by not later than five working days to appeal against the Director's decision by means of a letter addressed to the Minister wherein that person shall state the reasons why the decision of the Director should be cancelled or modified.

Revision of
Director's
decisions.

(2) The Minister shall, as soon as he receives the appeal in accordance with subarticle (1), send the said appeal to the Director so that, within two days, the Director may make a report in writing to the Minister, wherein he shall indicate the reasons why the appeal should be quashed; however the Director may, where it appears to him that the appeal is justified, change his decision in accordance with the appeal and inform the Minister, within the period given to him for his reply.

(3) When the Minister receives the Director's reply, or the time given for the reply shall have elapsed without the receipt, by the Minister, of such reply, the Minister shall immediately send the appeal and the Director's reply, if any, to the Committee established

under subarticle (4), so that the said Committee may give its advice, to the Minister on the appeal.

(4) There shall be a Committee which shall be composed of those members of the Fisheries Board appointed under article 5(2)(g) and (h) and of the three members of the same Board appointed under article 5(2)(f), who shall not have been nominated by the fisherman's co-operatives; the member appointed under paragraph (h) above-mentioned shall be the Chairman of the Committee.

(5) The Committee shall, within five days of its receipt of the appeal from the Minister, study the case, hear all persons whom it shall deem appropriate, receive all the advice necessary, and send its advice in writing, together with the transcript of any evidence heard and any advice given to the Committee, to the Minister as to the manner in which the appeal is to be dealt with.

(6) The Minister shall decide on the appeal in accordance with the Committee's advice and shall give an order in writing to the Director according to his decision; a copy of the Minister's decision shall also be sent to the appellant.

PART XIII REPEALS AND TRANSITORY PROVISIONS

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

40. (1) Articles 305 and 306 of the Code of Police Laws shall be deleted.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the articles 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.

Repeal of the
Fish Industry
Act.
Cap. 138.

41. (1) The Fish Industry Act is hereby repealed.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the Fish Industry Act 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.

Passed by the House of Representatives at Sitting No. 460 of 8th January, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives