

MALTA

ATT Nru XXXIII tal-2023

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT li jipprovdi għar-regolazzjoni, il-protezzjoni, il-konservazzjoni u l-ġestjoni tal-agrikoltura f'Malta u kwistjonijiet inċidentali għaliha.

ACT No. XXXIII of 2023

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the regulation, protection, conservation and management of agriculture in Malta and matters incidental thereto.

Nagħti l-kunsens tiegħi.

(L.S.)

FRANK BEZZINA
Aġent President

17 ta' Ottubru, 2023

ATT Nru XXXIII tal-2023

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

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TAQSIMA I

Preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 dwar l-Agricoltura.

Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data jew dati li l-Ministru responsabbli għall-agrikoltura u l-affarijiet rurali jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra:

"agrikoltura" tfisser il-kultivazzjoni ta' uċuh ta' raba' agrikoli u ortikulturali u t-trobbija tal-bhejjem;

"attività agrikola" tfisser il-produzzjoni, it-trobbija jew it-
tkabbir ta' prodotti agrikoli inkluż il-ħsad, il-ħlib, it-tgħammir tal-annimali u ż-żamma tal-annimali għal skopijiet ta' biedja, jew iż-żamma tal-art f'kundizzjoni agrikola u ambjentali tajba;

"awtorità kompetenti" tfisser id-Direttorat tal-Agrikoltura;

"awtorizzazzjoni" tfisser att amministrattiv li permezz tiegħu d-Direttur jista' jippermetti kwalunkwe attività pertinenti għal dan l-Att, wara s-sottomissjoni ta' applikazzjoni;

"azienda agrikola" tfisser l-unitajiet ta' produzzjoni kollha inklużi dawk ġestiti minn bidwi, minn persuna li trabbi l-bhejjem, jew minn proċessur;

"bidwi" tfisser persuna fiżika jew ġuridika, jew grupp ta' persuni fiżiċi jew ġuridiċi responsabbli għall-azienda u li teżercita attività agrikola;

"Direttorat" tfisser id-Direttorat tal-Agrikoltura u jinkludi d-Direttur jew kull entità jew persuna awtorizzata li taġixxi f'isem id-Direttorat skont is-setgħat delegati mid-Direttorat taħt dan l-Att;

"Direttur" tfisser id-Direttur responsabbli għall-agrikoltura u tinkludi, sal-grad tal-awtorità mogħtija, kwalunkwe uffiċjal awtorizzat minnu bil-miktub, sabiex jaġixxi f'ismu għal kwalunkwe mill-għanijiet ta' dan l-Att jew kwalunkwe regolamenti magħmula taħtu;

"ħamrija fertili" tfisser ħamrija li, fl-opinjoni tad-Direttur, tkun adattata jew tkun tista' ssir adattata għal skopijiet ta' agrikoltura;

"industrija agrikola" jew "settur agrikolu" tfisser in-negozju ta' uċuh ta' raba' agrikoli u ortikulturali, u tgħammir ta' bhejjem;

"Malta" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 124 tal-Kostituzzjoni;

"Ministru" tfisser il-Ministru responsabbli għall-

agrikoltura u l-affarijiet rurali;

"organizzazzjonijiet ta' produttori u gruppi ta' produttori" tfisser inizjattiva ta' produttori ta' prodotti partikolari jew ta' persuni li jaħdmu fl-industrija tal-agrikoltura, li jaġixxu flimkien sabiex itejbu l-pożizzjoni tagħhom fis-suq;

"persuna" tfisser persuna fiżika, u li tinkludi kwalunkwe sħubija kummerċjali, ditta, kumpanija, jew assoċjazzjoni oħra ta' persuni jew kwalunkwe entità legali oħra;

"persuna awtorizzata" tfisser persuna debitament awtorizzata mid-Direttur sabiex twettaq spezzjonijiet u funzjonijiet oħra bil-għan li jintlaħqu l-għanijiet ta' dan l-Att jew kwalunkwe regolamenti oħra magħmula tahtu;

"prodotti agrikoli" tfisser il-prodotti elenkati fl-Anness I tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea, bl-eċċezzjoni tal-prodotti tas-sajd, iżda tinkludi l-qoton;

"Tribunal" tfisser it-Tribunal ta' Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva. Kap. 490.

TAQSIMA II Amministrazzjoni

3. (1) Dan l-Att għandu jkun amministrat mid-Direttur li għandu jkun responsabbli għal: Setgħat tad-Direttur responsabbli għall-agrikoltura.

(a) l-iżvilupp u l-implimentazzjoni tal-Politika Agrikola Nazzjonali;

(b) għat-teħid ta' tali miżuri li jista' jqis xierqa għall-protezzjoni, il-konservazzjoni, is-sostenibbiltà ta' art agrikola, bhejjem u prodotti;

(ċ) il-ġbir ta' data relatata mal-aspetti kollha tal-produzzjoni u l-ipproċessar ta' prodotti agrikoli inkluż iżda mhux limitat għall-istruttura tal-azjenda agrikola, il-post, il-kontabilità, l-impjiegi u l-prattiki agrikoli u tal-ipproċessar adottati għat-thejjija tal-politika, it-tfassil tal-istatistika u ż-żamma ta' databases;

(d) il-monitoraġġ, il-kontroll u s-sorveljanza ta' attivitajiet agrikoli u attivitajiet anċillari għalihom;

(e) il-ħruġ, il-varjazzjoni, is-sospensjoni u r-revokar ta'

permessi u liċenzji għal attivitajiet agrikoli, u kwalunkwe tagħmir jew makkinarju użat b'konnessjoni mal-agrikoltura u attivitajiet oħra li għalihom huma meħtieġa permessi jew liċenzji skont dan l-Att jew kwalunkwe leġiżlazzjoni sussidjarja magħmula tahtu;

(f) il-provvediment ta' dispożizzjonijiet regolatorji għall-frammentazzjoni u l-konsolidazzjoni tal-art;

(g) il-ġbir ta' tariffi fir-rigward ta' permessi u liċenzji kif ukoll il-ġbir ta' tariffi għal liċenzji maħruġa għall-kategoriji l-oħra kollha ta' permessi u liċenzji msemmija fil-paragrafu (e);

(h) it-twaqqif u l-amministrazzjoni ta' servizzi ta' estensjoni sabiex jipprovdu appoġġ lis-settur agrikolu;

(i) kwalunkwe kwistjonijiet oħra li jeħtieġu amministrazzjoni taht dan l-Att.

(2) Id-Direttur jista', bil-miktub, jawtorizza kwalunkwe uffiċjal pubbliku sabiex jeżerċita kwalunkwe jew is-setgħat kollha tad-Direttur skont dan l-Att, jew fl-istess hin miegħu jew fl-assenza tiegħu, soġġett għal dawk il-kondizzjonijiet li jista' jistipula fl-awtorizzazzjoni tiegħu bil-miktub.

TAQSIMA III

Politiki, Pjanijiet u Regolamenti

Pjanijiet,
politiki u
regolamenti.

4. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, il-ġestjoni sostenibbli tas-settur agrikolu għandha tkun regolata minn pjanijiet, politiki u regolamenti, li huma mhejjija u emendati, minn żmien għal żmien, skont id-dispożizzjonijiet ta' dan l-Att.

Il-Politika
Agrikola
Nazżjonali u t-
thejjija u r-
reviżjoni
tagħha.

5. (1) Il-Politika Agrikola Nazżjonali hija dokument ta' governanza strateġika li jstabbilixxi l-qafas ta' politika għat-thejjija ta' pjanijiet, politiki u programmi maħruġa skont dan l-Att.

(2) Id-Direttorat tal-Agrikoltura għandu jipprepara l-Politika Agrikola Nazżjonali. Fit-thejjija ta' dan id-dokument, id-Direttorat tal-Agrikoltura għandu jikkonsulta mal-entitajiet kollha, kemm jekk pubbliċi kif ukoll xort'oħra, inklużi l-ministeri, hekk kif id-Direttorat tal-Agrikoltura jqis xieraq.

(3) Il-Ministru għandu jirrevedi l-Politika Agrikola Nazżjonali kull għaxar (10) snin, sakemm ma tkunx meħtieġa reviżjoni tal-imsemmija politika qabel ma jgħaddu l-għaxar (10) snin:

Iżda jekk id-Direttorat ma jkunx jista', għal kwalunkwe

raguni, ihejji l-Politika Agrikola Nazzjonali jew ir-reviżjoni tagħha, id-Direttur għandu jinforma lill-Ministru mingħajr dewmien u l-Ministru għandu jagħti struzzjonijiet lid-Direttorat sabiex jiddelega din il-funzjoni, u b'hekk jiżgura li d-dispożizzjonijiet ta' din it-Taqsima jiġu mharsa.

(4) Fit-tnejn jew ir-reviżjoni tal-Politika Agrikola Nazzjonali, il-Ministru għandu jqis:

- (a) il-politiki tal-Gvern;
- (b) il-politiki ambjentali;
- (ċ) il-politiki ekonomiċi u finanzjarji attwali;
- (d) il-politiki soċjali attwali;

(e) il-leġiżlazzjoni u l-politiki tal-Unjoni Ewropea u obbligi internazzjonali oħrajn tal-konvenzjoni ambjentali li Malta hija parti minnhom;

(f) ir-riżorsi li x'aktarx ikunu disponibbli fl-entitajiet rilevanti kollha tal-gvern għall-implimentazzjoni tal-istrategija.

6. Il-Ministru jista', permezz ta' ordni fil-Gazzetta, jahtar korpi jew persuni differenti bħala awtorità kompetenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att jew kwalunkwe regolamenti magħmula tahtu. Setgħa sabiex jiddelega.

7. (1) Il-Ministru jista' jagħmel regolamenti, regoli u ordnijiet għall-aħjar implimentazzjoni tad-dispożizzjonijiet ta' dan l-Att li jinkludu s-setgħa li jemenda, iħassar, iżid ma', u jvarja kwalunkwe minn dawn l-istrumenti, minn żmien għal żmien: Setgħa sabiex isiru regolamenti.

Iżda l-Ministru jista' permezz ta' regolamenti jħassar, iżid ma', u jvarja kwalunkwe mill-Iskedi għal dan l-Att.

(2) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet tas-subartikolu (1), l-imsemmija regolamenti jistgħu b'mod partikolari jipprovdu għal:

(a) kwistjonijiet relatati mal-importazzjoni, l-esportazzjoni, il-produzzjoni, l-ipproċessar, il-kummerċjalizzazzjoni u l-bejgħ ta' prodotti agrikoli;

(b) twaqqif ta' skemi nazzjonali bl-għan li jipprovdu għajjnuna finanzjarja u forom oħra ta' gwida jew għajjnuna ta' kwalunkwe natura lill-industrija agrikola;

(c) miżuri li għandhom jittieġdu sabiex tiġi żgurata l-konformità mal-obbligi Ewropej jew internazzjonali u standards oħra relatati mal-prodotti, prattiki jew tagħmir li għandhom x'jaqsmu mal-industrija agrikola;

(d) miżuri li jimponu penalitajiet jew sanzjonijiet amministrattivi jew multi ta' kuljum fuq kwalunkwe persuna li tikser kwalunkwe mid-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula taħtu;

(e) organizzazzjonijiet tal-produtturi u gruppi tal-produtturi;

(f) prodotti li jkunu derivati direttament minn prodotti agrikoli lokali jew minn prodotti primarji tat-trobbija tal-annimali;

(g) kwistjonijiet relatati mal-ġestjoni sostenibbli u l-prattiki agrikoli għall-preservazzjoni tar-riżorsi naturali u l-ekosistemi agrikoli;

(h) kwistjonijiet relatati ma' skemi ta' kwalità ta' prodotti agrikoli u produzzjoni u kummerċjalizzazzjoni organika;

(i) miżuri relatati mat-twaqqif ta' registri nazzjonali ta' prodotti, varjetajiet, jew razez ta' rilevanza għas-settur agrikolu;

(j) kwistjonijiet relatati mal-produzzjoni ta' għelejjel, l-istabbiliment tal-vinji, l-inbid u l-produzzjoni taż-żebbuġ;

(k) kontrolli amministrattivi, ġbir ta' data, verifika ta' registri u kontrolli fuq il-post f'azjendi agrikoli sabiex tiġi żgurata l-konformità ma' dan l-Att u kwalunkwe regolamenti magħmula taħtu;

(l) twaqqif u manutenzjoni ta' fond jew fondi stabbiliti speċifikament għas-settur agrikolu;

(m) ġbir ta' data għall-istabbiliment ta' sistema ta' informazzjoni agrikola, u kwalunkwe riċerka rilevanti;

(n) miżuri għall-protezzjoni, il-ġestjoni u l-konservazzjoni u l-kustodja tal-art agrikola;

(o) registrazzjoni tal-art għal skopijiet agrikoli;

(p) stabbiliment ta' proċeduri għar-rikonoxximent ta'

professionisti fis-settur tal-agrikoltura u f'oqsma relatati mal-agrikoltura;

(q) preskrizzjoni tal-imposti u t-tariffi li jistgħu jiġu imposti għal servizzi mogħtija skont dan l-Att, jew fir-rigward ta' kwalunkwe materja li għaliha jkun ikkunsidrat li għandha tithallas tariffa;

(r) dħul fis-seħħ ta' kull trattat jew strument internazzjonali, inklużi direttivi, regolamenti u deċiżjonijiet, dwar kull materja regolata minn dan l-Att li Malta tista', minn żmien għal żmien, tkun parti jew soġġetta għalih, u li jiġu stabbiliti strutturi u jsiru dispożizzjonijiet oħra għall-implimentazzjoni tiegħu;

(s) stabbiliment ta' objettivi, il-ħruġ ta' direttivi u l-istabbiliment ta' prattiki agrikoli rakkomandati fir-rigward tas-settur agrikolu;

(t) preskrizzjoni fil-forma ta' kwalunkwe avviż, ordni jew dokument ieħor awtorizzat jew meħtieġ minn dan l-Att li għandu jsir, jiġi sottomess, innotifikat jew mogħti;

(u) tfassil ta' dispożizzjonijiet dwar pjan ta' kontingenza f'każ ta' kwalunkwe krizi relatata ma' kwalunkwe kwistjoni regolata minn dan l-Att;

(v) ksur ta' penalitajiet amministrattivi u multi, inklużi tranżazzjonijiet ta' ftehim barra l-qorti;

(w) abbozzar ta' regolamenti relatati mal-ġestjoni tal-ħamrija preżenti fiż-żoni agrikoli;

(x) dispożizzjonijiet sabiex jipprovdi għar-rikonixximent u l-protezzjoni tal-varjetajiet ta' pjanti u razez ta' annimali, li jinkludu sottospeċi li huma kunsidrati kemm bħal awtoktoni kif ukoll ta' importanza agrikola;

(y) għall-preskrizzjoni ta' kwalunkwe haġa li tista' tkun jew hija meħtieġa li tiġi preskritta minn dan l-Att.

(3) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att jew ta' kwalunkwe liġi oħra, regolamenti ppubblikati taħt dan l-Att jistgħu jiġu ppubblikati bil-lingwa Maltija biss jew bil-lingwa Ingliża biss, jew biż-żewġ lingwi.

TAQSIMA IV

Infurzar

Setgħat ġenerali
tal-uffiċjali
awtorizzati.

8. (1) Minkejja d-dispożizzjonijiet ta' kwalunkwe liġi oħra, għall-finijiet tat-tweġġiq tal-funzjonijiet tagħhom taħt dan l-Att, id-Direttur jew kwalunkwe uffiċjal jew persuna awtorizzata mid-Direttur, għandu jkollhom id-dritt li:

(a) jidhlu f'xi azjenda agrikola jew f'xi fond ieħor, pubbliku jew privat, f'kull hin raġonevoli, u fil-każ ta' dar ta' abitazzjoni wara li jagħtu avviż raġonevoli ta' mill-inqas erbgħa u għoxrin (24) siegħa, sabiex jispezzjonaw, jiskopru u jinvestigaw kwalunkwe reat taħt dan l-Att jew xi regolamenti magħmula taħtu, li twettaq jew x'aktarx se jkun imwettaq, sabiex jiġbru evidenza u mingħajr preġudizzju għall-ġeneralità tas-setgħat li teżamina taħt dan l-Att, daww il-persuni għandu jkollhom is-setgħa li jeżaminaw jew jidhlu fi kwalunkwe struttura, post magħluq, bini kummerċjali bħal hwienet tal-bejgħ bl-imnut u mħażen, vettura, stazzjon, dokumenti, tagħmir, laboratorju, razzett, pakkett jew kull oġġett ieħor li jkun meħtieġ sabiex jiġi eżaminat sabiex id-Direttur jew il-persuna awtorizzata jwettqu dmirijiethom sabiex jiksibu l-għanijiet li jaqgħu taħt il-kompetenza ta' dan l-Att:

Iżda kwalunkwe persuna awtorizzata li tidhol f'xi fond skont il-paragrafu (a) għandha tipproduċi evidenza tal-identità tagħha u l-awtorizzazzjoni sabiex tidhol qabel jew malli tidhol f'dak il-fond:

Iżda wkoll l-avviż ta' erbgħa u għoxrin (24) siegħa sabiex jidhol f'dar ta' abitazzjoni ma għandux ikun applikabbli jekk id-Direttur innifsu, iżda mhux xi uffiċjal ieħor li jaġixxi taħt l-awtorità delegata tiegħu, iqis li hemm suspett raġonevoli, abbazi ta' raġunijiet sostanzjali, li reat taħt l-Att jew ir-regolamenti magħmula taħtu twettaq jew ikun wasal sabiex jitwettaq:

Iżda wkoll fil-każ li sid ta' proprjetà privata jew kwalunkwe post ieħor ma jistax jiġi identifikat, l-uffiċjal jista' jidhol bil-forza u mingħajr twissija jew il-kunsens minn qabel tas-sid tal-imsemmija proprjetà privata, sabiex iwettaq id-dmirijiet li jaqgħu taħt il-kompetenza tiegħu sabiex jintlaħqu l-għanijiet ta' dan l-Att u meta fid-diskrezzjoni tad-Direttur, ikun hemm periklu serju;

(b) jissekwestraw jew jissigillaw kwalunkwe prodott agrikolu jew prodott li fir-rigward tiegħu twettaq jew x'aktarx

jitwettaq ksur taħt dan l-Att jew kwalunkwe regolamenti magħmula taħtu;

(ċ) jissekwestraw, jissigillaw, jew irendu mhux funzjonali kwalunkwe tagħmir, prodotti, gear, strumenti u, jew tagħmir elettroniku li huma jemmnu li ntuża fit-twettiq ta' tali reat jew li fir-rigward tiegħu huma jemmnu li tali reat twettaq jew li huwa r-rizultat ta' ksur taħt dan l-Att jew kwalunkwe regolamenti magħmula taħtu;

(d) jissekwestraw jew jieħdu kopji ta' kwalunkwe dokument li huma jemmnu li huwa rilevanti għal kwalunkwe reat bħal dan skont dan l-Att jew kwalunkwe regolamenti magħmula taħtu;

(e) jispezzjonaw ir-rekords, il-liċenzji, il-permessi u n-notifiki kollha maħruġa skont dan l-Att jew li huma meħtieġa li jinżammu jew jiġu ppreżervati skont dan l-Att jew skont kwalunkwe regolamenti magħmula taħtu;

(f) iwettqu spezzjonijiet, jissorveljaw kull attività, jelevaw kampjuni, jieħdu ritratti, jiffilmjaw, jirrekordjaw bil-vidjo jew immagini elettronici sabiex jivverifikaw il-konformità, jew skont kwalunkwe investigazzjoni ta' reati taħt dan l-Att jew kwalunkwe regolamenti magħmula taħtu jew kwalunkwe kondizzjoniet li għalihom tkun inħarġet liċenzja jew permess taħt dan l-Att jew kwalunkwe regolamenti magħmula taħtu;

(g) jistgħu jitolbu u għandhom jingħataw kwalunkwe informazzjoni miżmuma minn dipartimenti jew korpi pubbliċi oħra responsabbli għall-agrikoltura u minn kwalunkwe persuna li tkun involuta bi kwalunkwe mod, ikkonċernata jew li tirregola s-settur agrikolu jew li jkollha interess fih li tingħata dik l-informazzjoni li tali persuna awtorizzata tista' raġonevolment teħtieġ dwar kwalunkwe kwistjoni regolata minn dan l-Att jew kwalunkwe regolamenti magħmula taħtu; u

(h) generalment jiżguraw il-konformità mad-dispożizzjonijiet ta' dan l-Att jew ma' kwalunkwe regolamenti magħmula taħt dan l-Att.

(2) Għall-fini tat-twettiq ta' xi funzjoni taħt dan l-Att, id-Direttur, l-uffiċjali jew kwalunkwe uffiċjal jew persuna oħra li tista' tkun awtorizzata mid-Direttorat tal-Agricoltura tista' titlob l-ghajnuna tal-Pulizija Eżekuttiva, kwalunkwe kunsill lokali, kwalunkwe organizzazzjoni volontarja jew settur privat, kwalunkwe dipartiment tal-Gvern jew kwalunkwe aġenzija tal-gvern.

A 754

Avviż ta' qbid li għandu jingħata lil sid ta' oġġetti maqbuda.

(3) Kull meta jsir qbid, minnbarra meta jsir quddiem il-ħati jew is-sid, ta' kwalunkwe oġġett konfiskat skont dan l-Att, il-persuna awtorizzata li taġixxi bhala l-uffiċjal tal-qbid għandha tagħti avviż bil-miktub ta' dan il-qbid u bir-raġunijiet tagħha lil sid l-oġġetti maqbuda, jekk magħruf, jew billi tagħti l-avviż lilu personalment jew b'ittra indirizzata lilu u mibgħuta b'posta registrata billi jithalla fl-aħħar post magħruf tar-residenza jew tan-negożju tiegħu f'Malta.

Hwejjeġ maqbuda jintalbu fi żmien tletin jum.

(4) Il-hwejjeġ kollha maqbuda skont dan l-Att, għandhom jitqiesu kkonfiskati *ipso jure* u jistgħu jinbiegħu, jingħataw bhala donazzjoni jew jista' jsir bihom xort'oħra, kif jordna d-Direttur:

Iżda d-Direttur ma jistax jiddisponi minn dawk l-affarijiet jekk, fi żmien tletin (30) jum mid-data tal-qbid, il-persuna li mingħandha jkun sar dak il-qbid, jew is-sid ta' dawk l-affarijiet maqbuda, jew xi persuna awtorizzata minnu, jagħti avviż bil-miktub lid-Direttur li jitlob l-affarijiet hekk maqbuda jew li beħsiebu jitlobhom u jekk fi żmien tletin (30) jum mid-data li fiha jkun ingħata dak l-avviż, jiġu istitwiti proċeduri mir-rikorrent fil-qorti ċivili kompetenti:

Iżda wkoll jekk il-proċeduri ma jiġux istitwiti fi żmien tletin (30) jum mid-data tal-avviż, it-talba għandha titqies li giet abbandunata u d-Direttur jista' jiddisponi minn dawk l-affarijiet.

Oġġetti li jithassru, eċċ., jistgħu jinbiegħu.

(5) Meta kwalunkwe oġġett maqbud skont dan l-artikolu jkun ta' xorta li jithassar jew fil-fehma tad-Direttur jista' jsufri telf sostanzjali fil-valur wara li jgħaddi ż-żmien minn fuqu, jew ikun kreatura ħajja, b'ordni tad-Direttur, jistgħu jinbiegħu jew jingħataw bhala donazzjoni jew jiġu disposti:

Iżda meta tinbiegħ il-ħaġa li min-natura tagħha tithassar u jiġu istitwiti proċeduri fil-qorti, id-Direttur għandu jiddepożita l-qligħ tal-bejgħ fil-qorti sakemm il-qorti tagħti ordni dwar il-qbid jew xort'oħra tal-qligħ, lill-persuna li mingħandha l-affarijiet ġew maqbuda skont dan l-Att.

(6) Meta qbid magħmul skont dan l-artikolu jiġi kontestat skont is-subartikolu (4), id-Direttur jista', f'kull żmien, jekk jidhirlu li jkun hekk xieraq u minkejja li jkun għadhom għaddejjin il-proċeduri li fihom ikun qiegħed jiġi kontestat il-qbid, jikkunsinna kull oġġett maqbud lil kull min jagħmel talba, hekk kif dan iħallas lid-Direttur dik is-somma li d-Direttur jidhirlu li tkun rappreżentattiva tal-valur tal-oġġett, jew meta min jagħmel it-talba jagħti lid-Direttur garanzija suffiċjenti għall-ħlas eventwali tat-tali somma, liema garanzija għandu jkollha l-istess valur tal-oġġett kif id-Direttur iqis xieraq. Dik is-somma jew garanzija, skont il-każ, għandha tinzamm sabiex tagħmel tajjeb għal kull pretensjoni li jista' jintalab għaliha skont il-liġi u, għall-fini

ta' kull proċeduri skont dan l-Att dwar l-oġġetti maqbuda, għandha tirrappreżenta u tissostitwixxi l-istess oġġetti maqbuda.

(7) Għall-fini tat-twettiq ta' kwalunkwe funzjoni skont dan l-Att jew xi regolamenti magħmula tahtu, id-Direttur, jew kwalunkwe persuna oħra awtorizzata tista' titlob l-għajjnuna tal-Pulizija Eżekuttiva, il-Kontrollur tad-Dwana, kwalunkwe kunsill lokali, jew kwalunkwe dipartiment tal-Gvern jew aġenzija, kif ikun meħtieġ.

(8) Id-dispożizzjonijiet tas-subartikolu (1) għandhom ikunu mingħajr preġudizzju għas-setgħat tal-Pulizija Eżekuttiva, tal-uffiċjali tal-komunità, il-Kontrollur tad-Dwana, jew ta' kull awtorità oħra skont il-Kodiċi Kriminali jew liġi oħra.

Kap. 9.

(9) Id-Direttur, jew kwalunkwe uffiċjal ieħor mahtur jew awtorizzat skont dan l-Att jew kwalunkwe regolamenti magħmula tahtu, minkejja kwalunkwe liġi oħra, għandu jkollu d-dritt li jassisti lill-Pulizija Eżekuttiva jew lill-Avukat Ġenerali fit-tmexxija tal-prosekuzzjoni skont dan l-Att jew regolamenti magħmula tahtu u li jittratta l-kawża quddiem il-qorti:

Iżda kull spejjeż relatati mal-konfiska, is-sekwestru, il-qbid u, jew ir-rimi ta' kwalunkwe prodott agrikolu, annimali u, jew kwalunkwe tagħmir għandu jagħmel tajjeb għalih fl-intier tiegħu, il-persuna li tkun kisret il-liġi.

9. Kwalunkwe persuna li:

Reati u pieni.

(a) tattakka, tfixkel, tostakola, timmolesta jew tinterferixxi, jew tipprowa tattakka, tfixkel, tostakola, timmolesta jew tinterferixxi, tirreżisti jew tfixkel volontarjament kull uffiċjal awtorizzat jew persuna oħra mahtura jew kwalunkwe uffiċjal tal-Pulizija Eżekuttiva, uffiċjal tal-komunità, jew uffiċjal pubbliku, impjegat jew haddiem ta' kwalunkwe dipartiment tal-Gvern jew ta' xi aġenzija tal-Gvern fit-twettiq ta' dmirijiet skont dan l-Att jew regolamenti magħmula tahtu;

(b) tirrifjuta jew tonqos milli tikkonforma ma' kull ordni jew direzzjoni magħmula jew mogħtija legalment taht dan l-Att u, jew regolamenti magħmula tahtu;

(c) mingħajr raġuni valida tonqos milli:

(i) tipprowdi l-informazzjoni mitluba lil uffiċjal awtorizzat; jew

(ii) tipproduċi kwalunkwe haġa meħtieġa li tkun prodotta skont dan l-Att u, jew kwalunkwe regolamenti

magħmula taħtu;

(d) tonqos milli tippermetti tfittxija jew spezzjoni skont dan l-Att u, jew kwalunkwe regolamenti magħmula taħtu;

(e) twaqqaf jew tipprova twaqqaf persuna oħra milli tikkonforma ma' kwalunkwe ordni jew direzzjoni jew milli twieġeb kwalunkwe mistoqsija, jew milli tipproduci xi haġa jew tippermetti tfittxija jew spezzjoni; jew

(f) għall-finijiet li tikseb kwalunkwe liċenzja jew permiss, jew għall-allegata konformità li tidher ma' kwalunkwe rekwiżit li tipprovdi kwalunkwe informazzjoni taħt dan l-Att u, jew kwalunkwe regolamenti magħmula taħtu, tipprovdi informazzjoni li hija taf li hi falza f'fatt materjali jew bi traskuraġni tipprovdi informazzjoni li hi falza f'fatt materjali,

għandha tkun haġta ta' reat u tehel, meta tinstab haġta, multa ta' mhux inqas minn erba' mija u sitta u sittin euro (€466) iżda li ma taqbiżx sitt elef euro (€6,000).

Ir-responsabbiltà għal kwalunkwe telf jew dannu mgarrab.

10. (1) Ebda uffiċjal awtorizzat jew uffiċjal tal-Pulizija Eżekuttiva, uffiċjal tal-komunità, jew uffiċjal pubbliku, impjegat jew haddiem ta' kwalunkwe dipartiment tal-Gvern jew ta' kwalunkwe aġenzija tal-Gvern fit-twettiq tad-dmirijiet skont dan l-Att jew regolamenti magħmula taħtu, ma għandu jkun responsabbli għall-ebda telf jew dannu mgarrab minn kwalunkwe persuna minhabba xi haġa li saret jew li naqset milli ssir *in bona fede* matul l-amministrazzjoni ta' dan l-Att jew ta' kwalunkwe regolament magħmul taħtu.

(2) L-ebda azzjoni jew proċeduri legali oħra ma għandhom jiġu istitwiti kontra l-Gvern fir-rigward ta' kwalunkwe telf li jirriżulta mid-detenzjoni ta' prodotti jew mid-deterjorazzjoni tagħhom minhabba tali detenzjoni għall-iskop ta' spezzjoni taħt dan l-Att jew kwalunkwe regolamenti magħmula taħtu.

Multi.

11. Kwalunkwe persuna li tikser xi dispożizzjoni ta' dan l-Att jew kwalunkwe regolamenti magħmula taħtu li għaliha ma tkun provduta l-ebda multa, għandha tkun soġġetta għal multa ta' mhux inqas minn hamsin euro (€50) iżda mhux iktar minn hdax-il elf u sitt mija u sitta u erbgħin euro u sebġha u tmenin ċenteżmu (€11,646.87).

Avviż ta' infurzar mid-Direttur.

12. (1) Meta d-Direttur jemmen li kwalunkwe dispożizzjoni ta' dan l-Att jew kwalunkwe regolamenti magħmula taħtu jkunu ġew miksura, id-Direttur jew persuna oħra mahtura mid-Direttur jistgħu jinnotifikaw b'avviż ta' infurzar skont is-subartikolu (2).

(2) Avviż ta' infurzar innotifikat skont is-subartikolu (1) għandu:

(a) jitlob lill-persuna li wettqet il-ksur li tkun ġiet nnotifikata, sabiex twettaq dawk ix-xogħlijiet jew sabiex tiegħu dawk il-passi li d-Direttur jista' jistabbilixxi sabiex tirrimedja, jew tipprevjeni l-kontinwazzjoni jew ir-ripetizzjoni ta' kwalunkwe ksur li għalih inħareġ l-avviż ta' infurzar; u

(b) jiddikjara l-perjodu li fih kull tali rekwiżit għandu jiġi mħares.

(3) Il-perjodu indikat fl-avviż ta' infurzar għall-konformità ma' xi rekwiżit għandu jkun perjodu li huwa raġonevoli fiċ-ċirkostanzi u ma għandu fl-ebda każ ikun perjodu ta' inqas minn tmienja u għoxrin (28) jum tax-xogħol.

(4) Id-Direttur jista' f'kull hin:

(a) jirtira l-avviż ta' infurzar;

(b) jestendi l-perjodu ta' konformità ma' kull rekwiżit tal-avviż ta' infurzar; jew

(ċ) jimmodifika r-rekwiżiti tal-avviż ta' infurzar.

13. (1) Meta d-Direttur jkollu kawża raġonevoli li jemmen li sar ksur taht dan l-Att jew kwalunkwe regolament magħmul tahtu minn xi persuna, u l-persuna li wettqet il-ksur ma kenitx konformi mal-kondizzjonijiet u, jew maż-żmien tal-avviż ta' infurzar imsemmija fl-artikolu 12, jew meta l-avviż ta' infurzar ma jkunx jista' jinħareġ minħabba li l-ksur ma jkunx jista' jiġi rimedjat, huwa jista' jordna li dik il-persuna li tiġi notifikata bil-miktub skont is-subartikolu (2).

Penalitajiet
amminis-
trattivi.

(2) Avviż skont is-subartikolu (1) għandu jkun fih dan li ġej:

(a) id-data jew il-perjodi ta' żmien u ċ-ċirkostanzi li fihom seħħ il-ksur;

(b) id-dispożizzjonijiet tal-liġi li jipprovdu għall-ksur;

(ċ) gabra fil-qosor tal-fatti li fuqhom hi bbażata l-allegazzjoni li ġie mwettaq il-ksur, li tkun suffiċjenti b'mod komplet u ġust sabiex tinforma lill-persuna bl-allegazzjoni kontriha;

(d) kull kwistjoni oħra li d-Direttur iqis rilevanti għall-impożizzjoni ta' penali;

(e) l-ammont tal-penali dovuta, u fejn il-penali dovuta tiddependi fuq ksur preċedenti, id-data ta' tali ksur; u

(f) jekk jidher li huwa raġonevoli għad-Direttur u mingħajr preġudizzju għad-dispożizzjonijiet l-oħra tal-liġi, jekk applikabbli, is-sospensjoni għal dak il-perjodu ta' żmien, kif innotifikat, ta' kull liċenzja, u, jew permess jew kull tip ieħor ta' awtorizzazzjoni mogħtija skont dan l-Att jew kwalunkwe regolamenti magħmula tahtu, jew mid-Direttur taht kwalunkwe liġi oħra, u fl-avviż, għandu jkun hemm dikjarazzjoni bil-miktub li tali avviż qiegħed jinħareġ taht dan l-artikolu.

(3) Meta persuna tkun giet notifikata skont is-subregolament (1) ma tammettix u ma tħallasx l-ammont impost fi żmien tletin (30) jum wara li tkun giet innotifikata bl-avviż, id-Direttur għandu jistitwixxi proċeduri jew jitlob li jiġu istitwiti proċeduri fil-Qorti fir-rigward tal-allegat ksur.

(4) Meta persuna tammetti ksur taht dan l-artikolu, id-Direttur għandu jimponi penali monetarja fuq dik il-persuna fir-rigward tal-ksur. Id-Direttur għandu jqis kwalunkwe wieħed jew aktar mill-kriterji li ġejjin sabiex jiddetermina l-ammont li għandu jkun impost għall-ksur:

- (a) in-natura u l-limitu tal-ħsara kkawżata;
- (b) l-intenzjoni tal-ħati;
- (c) is-sitwazzjoni ekonomika tal-ħati; u
- (d) kull ripetizzjoni tal-ksur.

(5) Il-penali imposta taht is-subartikolu (4) għandha tkun dovuta bhala dejn ċivili infurzabbli mill-qorti kompetenti tal-ġurisdizzjoni ċivili favur il-Gvern u l-ammissjoni tal-akkuża taht ġurament mill-persuna li kontriha tiġi imposta l-piena għandha tikkostitwixxi titolu eżekuttiv għall-finijiet tal-artikolu 253 tal-Kodiċi tal-Organizzazzjoni u l-Proċedura Ċivili.

Kap. 12.

(6) Minkejja kull dispożizzjoni oħra ta' dan l-Att jew kwalunkwe regolamenti oħra magħmula tahtu, fejn ikun ġie ammess ksur taht dan l-artikolu, l-ebda akkuża ma tista' tinħareġ fir-rigward ta' dan il-ksur kontra persuna li tkun irreġistrat l-ammissjoni.

(7) Proċeduri fir-rigward ta' ksur taht dan l-Att jew kwalunkwe regolamenti oħra magħmula tahtu, għandhom jittieħdu quddiem il-Qorti tal-Maġistrati bhala qorti ta' ġudikatura kriminali u d-dispożizzjonijiet tal-Kodiċi Kriminali dwar proċeduri kriminali quddiem tali qorti għandhom, sogġett għall-artikoli ta' dan l-Att, japplikaw fir-rigward ta' proċeduri għal ksur taht dan l-Att jew kwalunkwe regolamenti magħmula tahtu.

Kap. 9.

(8) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu d-dritt tal-appell fil-Qorti tal-Appell Kriminali fir-rigward ta' kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) fir-rigward ta' proċeduri għal kwalunkwe reat taħt dan l-Att.

Kap. 9.

(9) L-ebda haġa f'dan l-artikolu ma għandha tapplika għal ksur li fir-rigward tiegħu tkun diġà saret xi akkuża.

14. Fejn ksur jitwettaq minn assoċjazzjoni jew korp ta' persuni, kull persuna li, fiż-żmien tat-twettiq tal-ksur, kienet direttur, maniġer, segretarju jew uffiċjal simili ieħor ta' tali assoċjazzjoni jew korp ta' persuni, jew kellha l-intenzjoni li taġixxi f'tali kapaċità, għandha tkun haġja ta' dak ir-reat sakemm ma ggħibx prova li r-reat twettaq mingħajr l-għarfien tagħha u li eżerċitat id-diligenza dovuta kollha sabiex tipprevjeni t-twettiq tar-reat.

Ksur minn korp ta' persuni.

15. (1) It-Tribunal għar-Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva għandu jkun kompetenti sabiex jisma' u jiddetermina l-appelli magħmula minn kwalunkwe persuna li tħossha aggravata minn kwalunkwe deċiżjoni tad-Direttur li ma jagħtix jew ma jggeddidx, jew jissospendi jew jirrevoka awtorizzazzjoni, jew liċenzja jew permess, jew li jimponi kondizzjonijiet, limitazzjonijiet jew esklużjonijiet relatati magħhom.

Tribunal għar-Revizjoni Amministrattiva. Kap. 490.

(2) It-Tribunal għar-Revizjoni Amministrattiva jista' jitlob lil kwalunkwe dipartiment jew aġenzija tal-Gvern sabiex jipprovdi lit-Tribunal b'tali informazzjoni jew parir skont kif jidhirlu t-Tribunal li jkun meħtieġ għat-twettiq xieraq tal-funzjonijiet tiegħu.

(3) Appell skont dan is-subartikolu lit-Tribunal għar-Revizjoni Amministrattiva għandu jiġi pprezentat fi żmien għoxrin (20) jum min-notifika tad-deċiżjoni tad-Direttur.

(4) Għandu jkun hemm dritt ta' appell skont id-dispożizzjonijiet tat-Taqsima IV tal-Att dwar il-Ġustizzja Amministrattiva minn deċiżjonijiet tat-Tribunal għar-Revizjoni Amministrattiva skont is-subartikolu (1) u l-imsemmi appell għandu jsir lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri).

Kap. 490.

TAQSIMA V
Mixxellanji

Id-deċiżjonijiet li għandhom jittiehdu minghajr dewmien.

16. (1) Deċiżjonijiet dwar l-applikazzjonijiet għandhom jittiehdu minghajr dewmien.

(2) Il-Ministru jista', wara konsultazzjoni mal-awtorità kompetenti, jagħmel regolamenti sabiex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-artikolu.

Reviżjoni tal-attivitajiet.

17. Id-Direttorat jista' jagħmel ukoll reviżjoni ta' kwalunkwe attività mwettqa qabel id-dhul fis-seħh ta' dan l-Att, jew kwalunkwe Att ieħor li jippreċedi dan l-Att, li ma tkunx konformi mar-regoli, ir-regolamenti, il-pjanijiet, il-politiki jew l-awtorizzazzjonijiet fis-seħh fiż-żmien li tkun seħhet l-attività, u fir-rigward ta' kwalunkwe attività bħal din id-Direttorat għandu jkollu s-setgħat li għandu fir-rigward ta' attività mwettqa wara d-dhul fis-seħh ta' dan l-Att sabiex jiżgura l-konformità mar-regoli, ir-regolamenti, il-pjanijiet u l-politiki msemmija qabel jew sabiex jirregolarizza xi attività bħal din sal-limitu li d-Direttorat iqis li jkun adegwat fiċ-ċirkostanzi.

Notifika ta' dokumenti.

18. (1) Fejn kwalunkwe notifika, ordni, strument jew dokument ieħor ikun meħtieġ jew awtorizzat li jiġi nnotifikat jew mogħti minn jew taħt dan l-Att, jista' jiġi nnotifikat jew mogħti bi kwalunkwe wieħed mill-mezzi li ġejjin:

(a) billi jingħata lill-persuna li lilha għandu jiġi nnotifikat jew lil min għandu jingħata;

(b) billi jithalla fil-post ta' residenza tiegħu jew fl-aħħar residenza magħrufa ta' dik il-persuna jew, jekk tali persuna tkun ipprezentat indirizz għan-notifika, f'dak l-indirizz;

(ċ) billi jintbagħat permezz ta' ittra rreġistrata indirizzata lil dik il-persuna fil-post ta' residenza jew fl-indirizz għan-notifika msemmi qabel;

(d) fil-każ ta' entità korporattiva jew entità oħra ta' persuni, billi dan jingħata lil uffiċjal jew impjegat tiegħu fl-uffiċċju rreġistrat jew prinċipali, jew billi dan jintbagħat permezz ta' ittra rreġistrata indirizzata lill-entità msemmija hawn f'dak l-uffiċċju;

(e) fi kwalunkwe każ li fih ma jkunx raġonevolment possibbli li ssir in-notifika bi kwalunkwe mezz imsemmi hawn fuq, kemm jekk lill-persuni kollha jew lil xi waħda jew aktar minn dawk li trid issirilhom jew għandha tingħatalhom notifika, billi jitwahhal id-dokument li għandu jiġi nnotifikat jew mogħti

f'post li jidher fuq l-art li magħha jkun relatat u billi dan jinżamm imwaħħal għal perjodu ta' mhux inqas minn sebat (7) ijiem;

(f) fi kwalunkwe każ li fih ma jkunx raġonevolment possibbli li ssir notifika fi kwalunkwe wieħed mill-modi msemmija fil-paragrafi (a) sa (e) kemm jekk lill-persuni kollha jew lil kwalunkwe waħda jew aktar li lilhom għandha ssir in-notifika jew għandu jingħata avviż, permezz ta' pubblikazzjoni f'gazzetta lokali; jew

(g) meta l-ordni, in-notifika, jew dokument ieħor li għandu jiġi nnotifikat jew mogħti jitwaħħal fuq l-art iżda jitneħħa qabel il-perjodu ta' skadenza ta' sebat (7) ijiem, it-twaħħil mill-ġdid tal-ordni, in-notifika jew dokument ieħor għandu jkun biss għall-perjodu li jifdal wara li d-dokument ikun tneħħa.

(2) Meta l-avviż jew dokument ieħor ikun meħtieġ jew awtorizzat li jiġi nnotifikat jew mogħti lil kwalunkwe persuna li jkollha interess fl-art, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat wara investigazzjoni raġonevoli, jew ikun meħtieġ jew awtorizzat li jiġi nnotifikat lill-okkupanti tal-art, l-avviż għandu jitqies li jkun ġie nnotifikat kif suppost jew mogħti jekk ikun innotifikat jew mogħti fi kwalunkwe wieħed mill-modi indikati fis-subartikolu (1) u indirizzat lill-persuna li għandha interess fl-art bid-deskrizzjoni ta' "sid" jew "okkupant".

(3) Persuna li fi kwalunkwe ħin wara li ordni, avviż jew dokument ieħor jitwaħħal skont dan l-artikolu, tneħħi, tagħmel ħsara jew tħassar l-imsemmija ordni, avviż jew dokument ieħor imwaħħal matul it-terminu tal-validità tiegħu mingħajr awtorità legali għandha tinstab ħatja ta' reat u għandha tkun soġġetta għal multa li ma taqbiżx ammont massimu ta' elf euro (€1,000).

19. (1) L-Ordinanza dwar l-Istatistika tal-Biedja u l-Ordinanza dwar l-Esportazzjoni ta' Prodotti tal-Biedja, hawn iżjed 'il quddiem imsejha "l-Ordinanzi mħassra" huma b'dan imħassra, u kwalunkwe referenza fi kwalunkwe liġi għall-Ordinanzi mħassra għandhom jinftiehem b'ħala referenza għal dan l-Att.

Thassir, riżervi
u
dispożizzjonijiet
tranżitorji.
Kap. 84.
Kap. 85.

(2) Kwalunkwe ordni, regola, regolament, bye-law, avviż, pjan jew politika jew strument ieħor li jkollu s-saħħa ta' liġi magħmula taħt l-awtorità jew li jinżamm fis-seħħ taħt kwalunkwe dispożizzjoni tal-Ordinanzi mħassra għandhom jibqgħu fis-seħħ u għandu jibqa' jkollhom effett daqslikieku saru skont dan l-Att u jistgħu jiġu emendati, sostitwiti jew imħassra kif xieraq.

(3) Kull liċenzja, permess, awtorità, ordni, notifika jew ċertifikat, jew kull prosekuzzjoni jew akkuża mogħtija jew magħmula jew miżmuma fis-seħħ taħt kull waħda mid-dispożizzjonijiet tal-Ordinanzi mħassra u li għandhom fis-seħħ minnufih qabel id-data tad-dhul fis-seħħ ta' dan l-Att, għandhom sa minn dik id-data jibqgħu fis-seħħ daqslikieku kienu liċenzja, permess, awtorità, ordni, avviż jew ċertifikat, jew prosekuzzjoni jew akkużi mogħtija jew magħmula taħt dispożizzjoni korrispondenti ta' dan l-Att, u kull liċenzja, permess, awtorità, ordni, notifika jew ċertifikat bħal dawn, jew prosekuzzjoni jew akkużi kif imsemmija qabel għandhom jiġu ttrattati u indirizzati kif xieraq:

Iżda f'każ ta' tali liċenzja, permess, awtorità, ordni, notifika jew ċertifikat maħruġ bħala operattiv għal perjodu speċifiku, tali liċenzja, permess, awtorità, ordni, notifika jew ċertifikat għandhom jibqgħu operattivi għal tali perjodu mid-data li fiha tali liċenzja, permess, awtorità, ordni, notifika jew ċertifikat ikunu nħarġu.

(4) Kwalunkwe liġi qabel id-dhul fis-seħħ ta' dan l-Att għandha titqies, dment li ma jsirux dispożizzjonijiet oħra taħt jew bis-saħħa ta' dan l-Att, li baqgħet fis-seħħ inkluż għall-fini ta' kull att, deċiżjoni, azzjoni jew proċeduri li jkunu ġew istitwiti qabel daqslikieku tali att ġara wara d-data msemmija.

Emendi
konsegwenzjali.
Kap. 490.

20. (1) Fit-Tieni Skeda li tinsab mal-Att dwar il-Ġustizzja Amministrattiva, minnufih wara l-partita "Att dwar l-Awtorità tal-Innovazzjoni Diġitali ta' Malta" għandha tiġi miżjuda din il-partita ġdida li ġejja:

"Att dwar l-Agrikol- Kap. 639 Kompetenza Inferjuri".
tura

(2) Mad-dhul fis-seħħ ta' dan l-Att, il-legiżlazzjoni sussidjarja elenkata fl-ewwel kolonna tal-Iskeda għandha titqies li saret taħt id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandha tiġi enumerata mill-ġdid skont kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

SKEDA
(Artikolu 20(2))

Legiżlazzjoni Sussidjarja meqjusa bhala magħmula taħt dan l-Att

LEGIŻLAZZJONI SUSSIDJARJA	ENUMERAZZJONI PREŻENTI	KIF GĦANDHA TIĠI ENUMERATA MILL-ĠDID
Regolamenti dwar il-Produzzjoni taż-Żejt taż-Żebbuġa	L.S.117.34	L.S. 639.01
Regolamenti dwar il-Kunsill Konsultattiv dwar l-Agricoltura	L.S. 117.45	L.S. 639.02
Regolamenti dwar it-Twaqqif ta' Reġistru Nazzjonali ta' Prodotti Agri-alimentari Tradizzjonali ta' Malta	L.S.427.89	L.S. 639.03
Regolamenti dwar l-Istabiliment ta' Skema Nazzjonali tal-Prodotti ta' Kwalità	L.S.427.90	L.S. 639.04
Regolamenti dwar Organic Production and Labelling of Organic Products	L.S. 427.93	L.S. 639.05
Regolamenti dwar l-Għaqdiet tal-Produtturi fl-Oqsma tal-Ħaxix u Frott	L.S. 447.01	L.S. 639.06
Regolamenti dwar l-Għaqdiet tal-Produtturi (Ċertu Prodotti)	L.S. 447.02	L.S. 639.07
Regolamenti dwar l-Għaqdiet tal-Produtturi fil-Qasam ta' l-Inbid	L.S. 447.03	L.S. 639.08
Regolamenti dwar Bord dwar l-Għaqdiet tal-Produtturi	L.S. 447.04	L.S. 639.09

VERŻJONI ELETTRONIKA

A 764

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 154 tal-11 ta' Ottubru, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

FRANK BEZZINA
Acting President

17th October, 2023

ACT No. XXXIII of 2023

AN ACT to provide for the regulation, protection, conservation and management of agriculture in Malta and matters incidental thereto.

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

ARRANGEMENT OF ACT

Part I	Preliminary	1-2
Part II	Administration	3
Part III	Policies, Plans and Regulations	4-7
Part IV	Enforcement	8-15
Part V	Miscellaneous	16-20
Schedule	Subsidiary Legislation	

PART I

Preliminary

1. (1) The short title of this Act is the Agriculture Act, 2023.

Short title and commencement.

(2) This Act shall come into force on such date or dates as the Minister responsible for agriculture and rural affairs may, by notice in the Gazette, establish and different dates may be so established for different provisions and, or purposes of this Act

A 766

Interpretation.

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

"agriculture" means the cultivation of agricultural and horticultural crops and the rearing of livestock;

"agricultural activity" means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition;

"agricultural holding" means all the production units including those managed by a farmer, livestock breeder, or processor;

"agricultural industry" or "agricultural sector" means the business of agricultural and horticultural crops, and of breeding livestock;

"agricultural products" means the products listed in Annex I to the Treaty on the Functioning of the European Union, with the exception of fishery products, but including cotton;

"authorisation" means an administrative act by which the Director may permit any activity pertinent to this Act, following the submission of an application;

"authorised person" means a person duly authorised by the Director to carry out inspections and other functions with a view to the attainment of the objectives of this Act or any other regulations made thereunder;

"competent authority" means the Agriculture Directorate;

"Director" means the Director responsible for agriculture and includes, to the extent of the authority given, any officer authorised by him in writing, to act on his behalf for any of the purposes of this Act or any regulations made thereunder;

"Directorate" means the Agriculture Directorate and includes the Director or any authorised body or person acting on the Directorate's behalf in accordance with the powers delegated by the Directorate under this Act;

"farmer" means a natural or legal person, or a group of natural or legal persons responsible for a holding and who exercises an agricultural activity;

"fertile soil" means soil which, in the opinion of the Director, is suitable or could be made suitable for purposes of agriculture;

"Malta" shall have the same meaning as that assigned to it by article 124 of the Constitution;

"Minister" means the Minister responsible for agriculture and rural affairs;

"person" means a natural person, and includes any commercial partnership, firm, company, or other association of persons or any other legal entity;

"producer organisations and producer groups" means an initiative of producers of particular products or of persons working in the agricultural industry, acting together to improve their position in the marketplace;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act.

Cap. 490.

PART II Administration

3. (1) This Act shall be administered by the Director who shall be responsible for:

Powers of the Director responsible for Agriculture.

(a) the development and implementation of the National Agriculture Policy;

(b) the taking of such measures as he may consider appropriate for the protection, conservation, sustainability of agricultural land, livestock and products;

(c) the collection of data related to all aspects of the production and processing of agricultural products including but not limited to agricultural holding structure, location, accountancy, employment and agricultural and processing practices adopted for the preparation of policy, drawing up of statistics and maintenance of databases;

(d) the monitoring, control and surveillance of agricultural activity and activities ancillary thereto;

(e) the issue, variation, suspension and revocation of permits and licences for agricultural activities, and any equipment or machinery used in connection with agriculture and

other activities for which permits or licences are required under this Act or any subsidiary legislation made thereunder;

(f) providing regulatory provisions for land fragmentation and consolidation;

(g) the collection of fees in respect of permits and licences as well as the collection of fees for licences issued for all other categories of permits and licences referred to in paragraph (e);

(h) the setting up and administration of extension services to provide support to the agriculture sector;

(i) 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 in accordance with this Act, either concurrently with him or in his absence, subject to such conditions as he may stipulate in writing in his authorisation.

PART III

Policies, Plans and Regulations

Plans, policies and regulations.

4. Without prejudice to the provisions of this Act, the sustainable management of the agriculture sector shall be regulated by plans, policies and regulations, which are prepared and amended, from time to time, in accordance with the provisions of this Act.

The National Agricultural Policy and its preparation and review.

5. (1) The National Agricultural Policy is a strategic governance document which establishes the policy framework for the preparation of plans, policies and programs issued in accordance with this Act.

(2) The Agriculture Directorate shall prepare the National Agricultural Policy. In preparing such document, the Agriculture Directorate shall consult with all the entities, whether public or otherwise, including ministries, as the Agriculture Directorate may deem proper.

(3) The Minister shall review the National Agricultural Policy every ten (10) years, unless a review of said policy is required prior to the lapse of the ten (10) years:

Provided that if the Directorate is unable, for whatever reason, to prepare the National Agricultural Policy or its review, the Director shall inform the Minister without delay and the Minister shall instruct

the Directorate to delegate such function, and in so doing it shall ensure that the provisions of this Part are complied with.

(4) In preparing or reviewing the National Agricultural Policy, the Minister shall have regard to:

- (a) the policies of the Government;
- (b) environmental policies;
- (c) current economic and financial policies;
- (d) current social policies;
- (e) European Union legislation and policies and other international environmental convention obligations to which Malta is a party;
- (f) the resources likely to be available in all relevant government entities for the implementation of the strategy.

6. The Minister may, by order in the Gazette, designate different bodies or persons as a competent authority for different provisions and different purposes of this Act or any regulations made thereunder. Power to delegate.

7. (1) The Minister may make regulations, rules and orders for the better carrying out of the provisions of this Act that include the power to amend, repeal, add to, and vary any such instrument, from time to time: Power to make regulations.

Provided that the Minister may by regulations repeal, add to, and vary any of the Schedules to this Act.

(2) Without prejudice to the generality of the provisions of sub-article (1), the said regulations may in particular provide for:

- (a) matters relating to the importation, exportation, production, processing, marketing and sale of agricultural produce;
- (b) the establishment of national schemes for the purpose of providing financial assistance and other forms of guidance or assistance of any nature to the agricultural industry;
- (c) measures to be taken to ensure compliance with European or international obligations and other standards relating to products, practices or equipment relating to the agricultural industry;

(d) measures to impose administrative penalties or sanctions or daily fines upon any person who breaches any of the provisions of this Act or of any regulations made thereunder;

(e) producer organisations and producer groups;

(f) products being direct derivatives of local agricultural or animal husbandry primary produce;

(g) matters relating to sustainable management and agricultural practices to preserve the natural resources and agricultural ecosystems;

(h) matters relating to quality schemes of agricultural products and organic production and marketing;

(i) measures related to the establishment of national registers of products, varieties, or breeds of relevance to the agricultural sector;

(j) matters relating to crop production, vineyard establishment, wine and olive production;

(k) administrative checks, collection of data, verification of records and on-the-spot checks on agricultural holdings to ensure compliance with this Act and any regulations made thereunder;

(l) the setting up and maintenance of a fund or funds specifically set up for the agricultural sector;

(m) data collection for the establishment of an agricultural information system, and any relevant research;

(n) measures for the protection, management and conservation and guardianship of agricultural land;

(o) land registration for agricultural purposes;

(p) the establishment of procedures for the recognition of professionals in the sector of agriculture and agricultural related areas;

(q) the prescription of charges and fees that may be levied for services rendered under this Act, or in respect of any matter for which it is considered that a fee should be payable;

(r) the commencement of any international treaty or

instrument, including directives, regulations and decisions, relating to any matter governed by this Act to which Malta may, from time to time, be a party or subject, and to set up structures and make other provisions for the implementation thereof;

(s) the setting up of objectives, issuing directives and establishing recommended agricultural practices in relation to agriculture sectors;

(t) the prescription in the form of any notice, order or other document authorised or required by this Act to be made, submitted, served or given;

(u) the making of provisions regarding a contingency plan in the event of any crisis relating to any matter regulated by this Act;

(v) administrative penalties and fines (*multi*), including out of court settlement arrangements;

(w) the drafting of regulations related to the management of soil present in agricultural areas;

(x) the recognition and protection of plant varieties and animal breeds, including sub-species that are considered to be both autochthonous and of agricultural importance;

(y) the prescription of anything which may be or is required to be prescribed by this Act.

(3) Notwithstanding the other provisions of this Act or of any other law, regulations published under this Act may be published in the Maltese language only or in the English language only, or in both languages.

PART IV Enforcement

8. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Director or any officer or authorised person by the Director, shall have the right to:

General powers
of authorised
officers.

(a) enter any agricultural holding, or any other premises, public or private, at all reasonable times, and in the case of a dwelling house after giving reasonable notice of at least twenty-four (24) hours, to inspect, detect and investigate any offence under this Act or any regulations made thereunder, which has been committed or likely to be committed; to collect evidence

and without prejudice to the generality of the powers to examine under this Act, said person shall have the power to examine or enter any structure, enclosure, commercial premises such as retail outlets and warehouses, vehicle, station, documents, equipment, laboratory, farm, parcel or any item that is necessary to be examined in order for the Director or authorised person to execute the duties so as to achieve the objectives falling within the competence of this Act:

Provided that any authorised person entering any premises in accordance to paragraph (a) shall produce proof of his identity and authorisation to enter prior to or upon entering such premises:

Provided further that the twenty-four (24) hours notice to enter into a dwelling house shall not be applicable if the Director himself, but not any other official acting under his delegated authority, considers that there is reasonable suspicion, on the basis of substantiated grounds, that an offence under the Act or the regulations made thereunder has been committed or is about to be committed:

Provided further that in the event that the owner of a private property or any other premises cannot be identified, the officer may enter by means of force and without prior warning or consent of the owner of said private property, to execute his duties which fall under his competence so as to achieve the objectives of this Act and when in the discretion of the Director, there is serious jeopardy;

(b) seize or seal off any agricultural produce or product in relation to which an infringement under this Act or any regulations made thereunder has been committed or likely to be committed;

(c) seize, seal off, or render non-functional any equipment, products, gear, instruments and, or electronic appliances which they reasonably believe have been used in the commission of such offence or in respect of which they reasonably believe that such offence has been committed or that is the result of an infringement under this Act or any regulations made thereunder;

(d) seize or take copies of any documents which they believe are relevant to any such offence in accordance with this Act or any regulations made thereunder;

(e) inspect all records, licences, permits and notifications issued under this Act or required to be kept or preserved under this Act or any regulations made thereunder;

(f) carry out inspections, monitor any activity, elevate samples, take photographs, film, video recording or electronic images in order to verify compliance, or in pursuance to any investigation of offences under this Act or any regulations made thereunder or any conditions subject to which a licence or permit is issued under this Act or any regulations made thereunder;

(g) may request and shall be provided with any information held by departments or other public bodies responsible for agriculture and from any person who is involved, concerned or regulating the agriculture sector in any manner or having an interest therein be furnished with such information as such authorised person may reasonably require with respect to any matter regulated by this Act or any regulations made thereunder; and

(h) generally ensure compliance with the provisions of this Act or any regulations made thereunder.

(2) For the purpose of performance of any function under this Act, the Director, officers or any other such officer or person as may be authorised by the Agriculture Directorate may request the assistance of the Executive Police, any local council, any voluntary organisation or private sector, any department of Government or any government agency.

(3) Whenever any seizure is made, except in the presence of the offender or owner, of any thing as forfeited in accordance with this Act, the authorised person acting as the seizing official shall give notice in writing of such seizure and of the grounds thereof to the owner of the things seized, if known, either by delivering the notice to him personally or by letter addressed to him and sent by registered post or delivered at his last known place of abode or business in Malta.

Seizure notice to be given to owner of seized goods.

(4) All goods seized in accordance with this Act, shall be deemed to be forfeited *ipso jure*, and may be sold or donated, or otherwise disposed of as the Director may order:

Seized goods to be claimed within thirty days.

Provided that the Director cannot dispose of such things if, within thirty (30) days from the date of seizure, the person from whom such seizure has been made, or the owner of such things seized, or some person authorised by him, gives notice in writing to the Director that he claims the things so seized or that he intends to claim them and if within thirty (30) days from the date upon which such notice was

given, proceedings are instituted by the claimant in the competent civil court:

Provided further that if proceedings are not instituted within thirty (30) days from date of notice, the claim shall be deemed to be abandoned and the Director can dispose of such things.

Perishable goods,
etc., may be sold.

(5) When any thing seized in accordance with this article is of a perishable nature or is, in the opinion of the Director, likely to suffer a substantial loss of value by the lapse of time, or is a living creature, by order of the Director, they may be sold, donated or disposed of:

Provided that when the thing of a perishable nature is sold, and court proceedings are instituted, the Director shall deposit the proceeds of the sale in court pending an order by the court in respect of the seizure or otherwise of the proceeds, to the person from whom the things were seized in accordance with this Act.

(6) When a seizure made in accordance with this article is contested in accordance with sub-article (4), the Director may, at any time, if he deems fit and notwithstanding the pendency of the proceedings wherein the seizure is contested, deliver anything seized to any claimant upon the payment by the said claimant to the Director of a sum representative of the value of the thing as the Director deems proper, or upon the claimant giving to the Director such sufficient guarantee for the eventual payment of such sum, which guarantee is to have the same value as the thing as the Director deems fit. Such sum or such guarantee, as the case may be, shall be retained to honour the outcome of any claim that may be legally made in respect thereof and shall, for the purpose of any proceedings in accordance with this Act in respect of the seized goods, represent and substitute the said seized goods.

(7) For the purpose of any fulfilment of any functions in accordance with this Act or any regulations made thereunder, the Director, or any other such authorised person may request the assistance of the Executive Police, the Comptroller of Customs, any local council, or any Government department or agency, as may be required.

Cap. 9.

(8) The provisions of sub-article (1) shall be without prejudice to the powers of the Executive Police, community officers, the Comptroller of Customs, or of any other authority under the Criminal Code or other law.

(9) The Director, or any other officer appointed or authorised in accordance with this Act or any regulations made thereunder, shall, notwithstanding any other law, have the right to assist the Executive

Police or Attorney General in the conduct of prosecution in accordance with this Act or regulations made thereunder and to plead the case before the court:

Provided that any expenses related to the confiscation, impounding, seizure and, or disposal of any agricultural produce, animals and, or any equipment shall be fully borne by the offender.

9. Any person who:

Offences and
punishments.

(a) assaults, hinders, obstructs, molests or interferes or attempts to assault, hinder, obstruct, molest or interfere, resist or wilfully obstructs any authorised official or other appointed person or any officer of the Executive Police, community officer, or public officer, employee or worker of any department of Government or of any Government agency in the execution of duties in accordance with this Act or regulations made thereunder;

(b) refuses or fails to comply with any order or direction lawfully made or given under this Act and, or any regulations made thereunder;

(c) without reasonable cause fails to:

(i) provide the requested information to an authorised official; or

(ii) produce anything required to be produced in accordance with this Act and, or any regulations made thereunder;

(d) fails to allow a search or inspection in accordance with this Act and, or any regulations made thereunder;

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

(f) for the purposes of obtaining any licence or permit, or for the purported compliance with any requirement to provide any information under this Act and, or any regulations made thereunder, provides information which he knows to be false in a material fact or recklessly provides information which is false in a material fact,

shall be guilty of an offence and liable, on conviction, to a fine (*multa*)

A 776

of not less than four hundred and sixty-six euro (€466) but not exceeding six thousand euro (€6,000).

Responsibility
for any loss or
damage
suffered.

10. (1) No authorised person or officer of the Executive Police, community officer, or public officer, employee or worker of any department of Government or of any Government agency in the execution of duties in accordance with this Act or regulations made thereunder, shall be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any regulation made thereunder.

(2) No action or legal proceedings can be instituted against the Government in respect of any loss arising from the detention of produce or from their deterioration on account of such detention for the purpose of inspection under this Act or any regulations made thereunder.

Fines (*multi*).

11. Any person who contravenes any provision of this Act or any regulations made thereunder for which no fine (*multa*) is specifically provided, shall be liable to a fine (*multa*) of not less than fifty euro (€50) but not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (€11,646.87).

Enforcement
notice by the
Director.

12. (1) When the Director believes that any provision of this Act or any regulations made thereunder have been contravened, the Director or other person appointed by the Director may serve an enforcement notice in accordance with sub-article (2).

(2) An enforcement notice served in terms of sub-article (1) shall:

(a) require the infringing party upon whom it is served, to carry out such works or to take such steps as the Director may establish in order to remedy, or to prevent the continuation or repetition of any contravention for which the enforcement notice was served; and

(b) state the period within which any such requirement is to be complied with.

(3) The period stated in the enforcement notice for compliance with any such requirement shall be such period as is reasonable in the circumstances and shall not in any case be a period of less than twenty-eight (28) working days.

(4) The Director may at any time:

(a) withdraw the enforcement order;

(b) extend the period for compliance with any requirement of the enforcement order; or

(c) modify the requirements of the enforcement order.

13. (1) When the Director has reasonable cause to believe that an infringement of any provision of this Act or any regulation made thereunder has been committed by any person, and the infringing party did not comply with the conditions and, or with the time frames of the enforcement notice referred to in article 12, or when an enforcement notice could not be issued as the infringement cannot be remedied, he may order that person to be notified in writing in accordance with sub-article (2). Administrative penalties.

(2) A notice in accordance with sub-article (1) shall contain the following:

(a) the date or time periods and the circumstances in which the infringement took place;

(b) the provisions of the law providing for the infringement;

(c) a summary of the facts upon which the allegation that the infringement was committed is based, which is sufficient to fully and fairly inform the person of the allegation against him;

(d) any other matters that the Director considers relevant to the imposition of a penalty;

(e) the amount of the penalty due, and where the penalty due depends on a previous infringement, the date of such infringement; and

(f) if it so appears reasonable to the Director and without prejudice to the other provisions of the law, if applicable, the suspension for that time period, as notified, of any licence, and, or permit or any other type of authorisation in accordance with this Act or any regulations made thereunder, or by the Director under any other law, and in the notice, there shall be a written declaration that such notice is being issued under this article.

(3) When a person is served under sub-article (1) does not, after the notice is served upon him, admit the infringement and pay the amount imposed within thirty (30) days, the Director shall institute proceedings or request proceedings to be instituted before the Court in respect of the alleged infringement.

(4) When a person admits to an infringement under this article, the Director shall impose a monetary penalty on that person in respect of the infringement. The Director shall take into account any or more than one of the following criteria when determining the amount of the infringement which is to be imposed:

- (a) the nature and the extent of damage caused;
- (b) the intention of the offender;
- (c) the economic situation of the offender; and
- (d) any repetition of the violation.

Cap. 12.

(5) The penalty imposed under sub-article (4) shall be due as a civil debt enforceable by the competent court of civil jurisdiction in favour of the Government and the admission under oath by the person on whom the penalty is imposed shall constitute an executive title for the purposes of article 253 of the Code of Organization and Civil Procedure.

(6) Notwithstanding any other provisions of this Act or any other regulations made thereunder, where an infringement has been admitted under this article, no charge may be issued in respect of such infringement against any person who registered an admission.

Cap. 9.

(7) Proceedings in respect of an infringement under this Act or any other regulation made thereunder, shall be taken before the Court of Magistrates as a court of criminal judicature and the provisions of the Criminal Code relating to criminal proceedings before such court shall, subject to the articles of this Act, apply in respect of proceedings for infringements under this Act or any other regulations made thereunder.

Cap. 9.

(8) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence under this Act.

(9) Nothing in this article shall apply to any infringement in respect of which any charge has already been made.

Infringement by a body of persons.

14. Where an infringement is committed by an association or body of persons, any person who, at the time of the commission of the infringement, was a director, manager, secretary or other similar officer of such association or body of persons, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves

that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

15. (1) The Administrative Review Tribunal established by article 5 of the Administrative Justice Act shall be competent to hear and determine appeals made by any person aggrieved by any decision of the Director not to grant or renew, or suspend or revoke an authorisation, a licence or a permit, or to impose conditions, limitations or exclusions related to them.

Administrative
Review
Tribunal.
Cap. 490.

(2) The Administrative Review Tribunal may require any department or agency of the Government to provide the Tribunal with such information or advice as the Tribunal may deem necessary for the proper execution of its functions.

(3) An appeal in accordance with this sub-article to the Administrative Review Tribunal shall be filed within twenty (20) days from the notification of the Director's decision.

(4) There shall be a right of appeal in accordance with the provisions of Part IV of the Administrative Justice Act from decisions of the Administrative Review Tribunal under sub-article (1) and said appeal shall be to the Court of Appeal (Inferior Jurisdiction).

Cap. 490.

PART V Miscellaneous

16. (1) Decisions on applications shall be taken without delay.

Decisions to be
taken without
delay.

(2) The Minister may, after consultation with the competent authority, make regulations to give better effect to the provisions of this article.

17. The Directorate may also undertake a review of any such activities carried out before the coming into force of this Act, or any other Act preceding this Act, not in compliance with the rules, the regulations, the plans, the policies or authorisations in force at the time the activity took place, and in respect of any such an activity the Directorate shall have such powers as it has in respect of an activity carried out after the coming into force of this Act in order to ensure that the rules, the regulations, the plans and the policies aforesaid are complied with or to regularise any such an activity to the extent that the Directorate deems adequate in the circumstances.

Review of
activities.

18. (1) Where any other notice, order, instrument or document is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

Notification of
documents.

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(a) by delivering it to the person on whom it is to be served or to whom it is to be given;

(b) by leaving it at the usual or last known place of residence of that person or, if such person has furnished an address for service, at that address;

(c) by sending it by means of a registered letter addressed to that person at the place of residence or the address for service aforesaid;

(d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or sending it by means of a registered letter addressed to the body aforesaid at that office;

(e) in any case in which it is not reasonably possible to effect service in any of the aforementioned manners, whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the land to which it relates and keeping it so affixed for a period of not less than seven (7) days;

(f) in any case in which it is not reasonably possible to effect service in any of the manners referred to in paragraphs (a) to (e) whether on all persons or on any one or more of the persons on whom service is to be made or notice is to be given, by publication in a local newspaper; or

(g) when the order, notice, or other document to be served or given is affixed on the land but is removed before the expiry period of seven (7) days, the reaffixing of the order, notice or other document shall only be for the remaining period after the document was removed.

(2) When the notice or other document is required or authorised to be served or given to any person as having an interest in the land, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an occupier of land, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in sub-article (1) and addressed to the person having an interest in the land by the description of "owner" or "occupier".

(3) A person who at any time after an order, notice or other document is affixed in accordance with this article, removes,

damages or defaces the said affixed order, notice or other document during its term of validity without lawful authority shall be found guilty of an offence and shall be subject to a fine (*multa*) not exceeding a maximum amount of one thousand euro (€1,000).

19. (1) The Agricultural Returns Ordinance and the Agricultural Produce (Export) Ordinance, hereinafter referred to as "the repealed Ordinances" are hereby repealed and any references in any law to the repealed Ordinances shall be construed as references to this Act.

Repeal, saving and transitory provisions.
Cap. 84.
Cap. 85.

(2) Any order, rule, regulation, bye-law, notice, plan or policy or other instrument having the force of law made under the authority or kept in force under any provision of the repealed Ordinances shall continue to be in force and shall continue to have effect as if made in accordance with this Act and may be amended, substituted or revoked accordingly.

(3) Any licence, permission, authority, order, notice or certificate, or any prosecution or charges granted or made under or kept in force under any of the provisions of the repealed Ordinances and still in force immediately before the date of coming into force of this Act, shall as from such date continue in force as if it were a licence, permission, authority, order, notice or certificate, or prosecution or charges granted or made under a corresponding provision of this Act, and any such licence, permission, authority, order, notice or certificate, or prosecution or charges as aforesaid shall be treated and dealt with accordingly:

Provided that in the case of any such licence, permission, authority, order, notice or certificate issued as operative for a specific period, such licence, permission, authority, order, notice or certificate shall remain operative for such a period from the date such licence, permission, authority, order, notice or certificate was issued.

(4) Any law prior to the coming into force of this Act shall be deemed, unless other provisions are made under or by virtue of this Act, to have remained in force, including for the purpose of any act, decision, action or proceedings which have been commenced prior to the said date.

20. (1) In the Second Schedule to the Administrative Justice Act, immediately after the item "Malta Digital Innovation Authority Act" there shall be added the following new item:

Consequential amendments.
Cap. 490.

"Agriculture Act Cap. 639 Inferior Competence".

(2) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

SCHEDULE
(Article 20(2))

Subsidiary Legislation deemed to have been made under this Act

SUBSIDIARY LEGISLATION	CURRENT NUMBERING	NEW RE-NUMBERING TO BE GIVEN
Production of Olive Oil Regulations	S.L. 117.34	S.L. 639.01
Agriculture Consultative Council Regulations	S.L. 117.45	S.L. 639.02
Establishment of the National Register of Traditional Agro-Food Products of Malta Regulations	S.L. 427.89	S.L. 639.03
Establishment of the 'Product of Quality' National Scheme Regulations	S.L. 427.90	S.L. 639.04
Organic Production and Labelling of Organic Products Regulations	S.L. 427.93	S.L. 639.05
Fruit and Vegetable Producer Organisations Regulations	S.L. 447.01	S.L. 639.06
Producer Organisations (Certain Products) Regulations	S.L. 447.02	S.L. 639.07
Wine Sector Producer Organisations Regulations	S.L. 447.03	S.L. 639.08
Producer Organisations Board Regulations	S.L. 447.04	S.L. 639.09

Passed by the House of Representatives at Sitting No. 154 of the
11th October, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA