

## **Nru. 190**

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20. 01. 2017

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Josè Herrera, M.P., Ministru għall-Iżvilupp Sostenibbli, Ambjent u Tibdil fil-Klima, u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Jannar, 2017.

A BILL introduced by the Honourable Josè Herrera, M.P., Minister for Sustainable Development, the Environment and Climate Change, and read the First time at the Sitting of the 16th January, 2017.

**ATT biex jemenda l-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, u biex jipprovdi għat-twaqqif tal-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura u għal hwejjeg ancillari għalih.**

**AN ACT to amend the Fisheries Conservation and Management Act and to provide for the establishment of the Fisheries and Aquaculture Consultative Council and for matters ancillary thereto.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### **Abbozz ta' Liġi msejjah**

*ATT biex jemenda l-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, u biex jipprovdi għat-twaqqif tal-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura u għal hwejjeġ ancillari għalih.*

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 li Jemenda l-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor  
u dħul fis-sehħ.

Kap. 425.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti ta' dan il-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet tranżitorji li l-Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'konnessjoni mad-dispożizzjonijiet li jkunu hekk inġiebu fis-sehħ.

Sostituzzjoni  
tal-artikolu 2  
tal-Att  
prinċipali.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

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

"akkwakultura" tfisser it-trobbija u l-kultivazzjoni ta' organiżmi akkwatiċi bl-użu ta' tekniċi mfassla biex tiżdied il-produzzjoni tal-organiżmi inkwistjoni lil hinn mill-kapaċità naturali tal-ambjent, fejn l-organiżmi jibqgħu l-proprjetà tal-persuna naturali jew ġuridika matul l-istadju tat-trobbija u tal-kultivazzjoni, sa u inkluż il-ħsad;

"area ta' konvenzjoni" 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 bicċa tal-baħar li toġħdos jew li tibqa' fil-wicc, ta' kull deskrizzjoni;

"bastiment barrani tas-sajd" tfisser bastiment tas-sajd li la jkun bastiment tas-sajd lokali u lanqas bastiment li għandu liċenza tas-sajd maħruġa minn Stat Membru tal-Unjoni Ewropea kif imfisser fl-Att dwar l-Unjoni Ewropea;

"bastiment tas-sajd" tfisser kull bastiment ta' liema daqs ikun u li jitmexxa b'xi mod li jkun li fil-mument ikun qed jintuza għal ħidma ta' sajd jew għall-ipprocessar, ħażna jew garr ta' ħut jew għal xi ħidmiet (inkluż trasbord ta' ħut) ancillari għal dan jew ikun reġistrat jew awtorizzat għaldaqstant, izda ma tinkludi ebda bastiment użat għall-garr ta' ħut jew prodotti ta' ħut bħala parti mill-merkanzija generali tiegħu;

"bastiment tas-sajd tal-konvenzjoni" tfisser bastiment tas-sajd li huwa reġistrat taħt il-bandiera ta' pajjiż li jkun parti f'konvenzjoni li Malta ukoll tkun parti fiha u li l-bastimenti tas-sajd tiegħu jkunu ġew debitament reġistrati skont dik il-konvenzjoni;

"bastiment tas-sajd liċenzjat" tfisser bastiment mogħti liċenza jew permess biex jistad skont id-dispożizzjonijiet ta' dan l-Att;

"bastiment tas-sajd lokali" tfisser kull bastiment -

(a) li jkun proprjetà ta' persuna waħda jew izjed li ordinarjament jirrisjedu f'Malta, jew

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

"Direttur" tfisser id-Direttur mahtur bis-saħħa tal-artikolu 4 u tinkludi kull persuna li lilha d-Direttur jista' jiddelega xi funzjoni skont l-artikolu 4(2);

"ħut" tfisser kull animal akkwatiku, sew jekk pixxin u sew jekk le, u tinkludi frott tal-baħar bil-qoxra, krustaceji, sponoz, rizzi, fkieren, mammiferi akwatici u z-zgħar tagħhom, frieħ, bajd u qxur tagħhom kif ukoll partijiet minnhom u għalf imnissel mill-ħut;

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

"ibħra tas-sajd" tfisser l-ibħra tas-sajd ta' Malta kif imfisser skont l-artikolu 3;

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

"konvenzjoni" tinkludi trattat internazzjonali, ftehim jew arrangament ieħor, minbarra "it-Trattat" kif imfisser fl-Att dwar l-Unjoni Ewropea;

"Kumitat" tfisser kull wiehed mill-Kumitati mwaqqfa taħt il-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura skont id-dispożizzjonijiet tal-Iskeda;

"Kunsill" tfisser il-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura mwaqqaf permezz tal-artikolu 5;

"licenza tas-sajd" tfisser licenza, permess jew xort'oħra ta' awtorizzazzjoni għas-sajd mogħtija skont dan l-Att;

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

"President" tfisser il-President tal-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura u tinkludi, fiċ-ċirkostanzi msemmija fl-artikolu 5(4), il-Viċi President jew kull persuna oħra mahtura biex taġixxi bħala President;

"processar", dwar ħut, tinkludi tindif, *filleting*, iffriżar, tqegħid fil-laned, salmura, affumikazzjoni, tisjir, immarinar, tnixxif jew prizervazzjoni jew thejjija oħra ta' ħut b'kull metodu jkun li jkun;

"qroll" tfisser l-iskeletru kalkarju prodott minn kolenterati polipojdi tal-klassi anthozoa;

"registru ta' bastimenti tas-sajd" tfisser ir-registru ta' bastimenti tas-sajd lokali mizimum mid-Direttur skont l-artikolu 7;

"Regolament 1005/2008" tfisser ir-Regolament tal-Kunsill (KE) Nru 1005/2008 tad-29 ta' Settembru 2008 li jistabbilixxi sistema Komunitarja sabiex tipprevjeni, tiskoraġġixxi u telimina sajd illegali, mhux irrappurtat u mhux irregolat, li jemenda r-Regolamenti (KEE) Nru 2847/93, (KE) Nru 1936/2001 u (KE) Nru 601/2004 u li jhassar ir-Regolamenti (KE) Nru 1093/94 u (KE) Nru 1447/1999, kif fis-seħħ minn żmien għal żmien;

"sajd" tfisser:

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

(b) kull attività oħra li raġonevolment tkun mistennija li tirrizulta fil-qbid jew teħid ta' ħut, jew it-trobbija ta' ħut;

(c) kull ħidma fuq il-baħar li tgħin lil, jew tkun ta' preparazzjoni għal, xi attività kif imfissra fil-paragrafi (a) u (b);

"sajd kummerċjali" tfisser il-qbid jew it-teħid ta' ħut għall-bejgħ;

"sajjed kummerċjali" tfisser:

(a) fil-każ ta' individwu, persuna li taħdem jew bi ħsiebha taħdem fis-sajd kummerċjali matul is-sena kollha, jew fi stagun speċifiku, jew parti minn stagun kull sena u li tissodisfa lid-Direttur li matul dak iż-żmien li fih taħdem fis-sajd għall-bejgħ tkun tiddependi mill-attivitajiet tagħha tas-sajd, għad-dħul 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 tal-akkwakultura" tfisser kull area, għeluq, konfini, post jew struttura mibnija jew użata fuq l-art jew fil-baħar għall-akkwakultura;

"trasbord" tfisser il-ħatt ta' parti jew it-totalità tal-prodotti tas-sajd u tal-akkwakultura abbord bastiment għal fuq bastiment ieħor;

"uffiċjal tas-sajd tal-konvenzjoni" tfisser persuna maħtura mill-gvern ta' pajjiż ieħor jew li jkollha s-setgħa skont il-liġijiet ta' dak il-pajjiż li tenforza konvenzjoni, li Malta tkun parti fiha, u li tippovdi għat-tharis u t-tmexxija ta' hidmiet tas-sajd jew hidmiet anċillari għalihom;

"uffiċjal għat-tharis tas-sajd" tfisser id-Direttur u kull wieħed mill-uffiċjali għat-tharis tas-sajd maħtura skont 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 tagixxi taħt l-ordnijiet tiegħu.

3. L-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 5 tal-Att prinċipali.

"Twaqqif tal-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura.

5. (1) Qiegħed b'dan jitwaqqaf il-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura, bħala korp konsultattiv sabiex jipprovdi forum ta' konsultazzjoni u djalogu bejn ir-rappreżentanti tas-setturi tas-sajd u l-akkwakultura u l-Ministru dwar affarijiet li għandhom x'jaqsmu ma':

- (a) is-sajd u l-akkwakultura;
- (b) il-kummerċjalizzazzjoni tal-ħut;
- (ċ) l-ipproċessar tal-ħut; u
- (d) l-ippjanar u l-implimentazzjoni ta' politika sostennibli għas-sajd u l-akkwakultura.

(2) Il-Kunsill għandu jiġi maħtur mill-Ministru u għandu jkun kompost mill-membri li ġejjin:

- (a) President, li jkun id-Direttur *ex officio*;
- (b) tliet rappreżentanti mis-servizz pubbliku, nominati u maħtura kif ġej:

(i) membru li jirrappreżenta lis-Segretarju Permanenti fi ħdan il-Ministeru responsabbli għas-sajd u l-akkwakultura, li jkun nominat mis-Segretarju Permanenti tal-imsemmi Ministeru; u

(ii) membru li jirrappreżenta lid-dipartiment responsabbli għas-sajd fi ħdan il-Ministeru responsabbli għas-sajd, kif nominat mill-kap tal-istess dipartiment; u

(iii) membru li jirrappreżenta lid-dipartiment responsabbli għall-akkwakultura fi ħdan il-Ministeru responsabbli għall-akkwakultura, kif nominat mill-kap tal-istess dipartiment; u

(ċ) *ex officio* il-President ta' kull wieħed mill-kumitati mwaqqfa fi ħdan il-Kunsill skont kif stabbilit fl-Iskeda.

(3) Il-membri għandhom jinhatru għal żmien tliet snin u dak iż-żmien jista' jiġġedded għal żminijiet oħra ta' tliet snin kull wieħed:

Iżda l-Ministru jista', wara konsultazzjoni mal-President u l-membri l-oħra tal-Kunsill, ineħhi kull membru tal-Kunsill minhabba f'imġiba ħażina, inkapaċità pruvata fit-twettiq tal-funzjonijiet tiegħu bħala membru tal-Kunsill, jew jekk fil-fehma tal-Ministru dak il-membru ma għadux fis-sitwazzjoni li fiż-żmien tal-ħatra tiegħu kienet meqjusa bħala prerekwizit għall-ħatra skont id-dispożizzjonijiet ta' dan l-Att.

(4) Il-Ministru għandu jagħzel wieħed mill-membri maħtura skont is-subartikolu (2)(b) bħala Viċi-President li, fin-nuqqas tal-President jew meta l-President ma jkunx jista' jaqdi l-funzjonijiet tiegħu jew meta il-kariga ta' President tkun vakanti, ikollu s-setgħa li jaqdi l-funzjonijiet kollha tal-President.



(5) Jekk membru tal-Kunsill maħtur skont is-subartikolu (2)(b) jirriżenja jew jekk il-kariga tiegħu tiġi xort'oħra vakanti, jew jekk dak il-membru ma jkunx jista' għal liema raġuni li tkun iwettaq il-funzjonijiet tal-kariga tiegħu bħala membru, il-Ministru għandu jahtar persuna oħra li tkun nominata *mutatis mutandis* skont is-subartikolu (2)(b):

Iżda membru jista' jirriżenja f'kull waqt billi jinforma bil-miktub lill-Ministru.

(6) Il-Kunsill u kull wieħed mill-Kumitati fi hdanu, skont il-każ u fejn jiġi meqjus li huwa meħtieġ, jistgħu jistiednu persuni tekniċi addizzjonali li jkollhom kompetenzi jew għarfien speċifiku bil-għan li jagħtu l-parir tagħhom fuq sugġetti tekniċi lill-Kunsill jew lil kwalunkwe Kumitat, b'dan iżda li dawn il-persuni tekniċi addizzjonali ma jkollhomx d-dritt tal-vot fil-Kunsill jew f'xi wieħed mill-Kumitati mwaqqfa skont dan il-Att.

(7) Il-Kunsill jista' jaġixxi u jaqdi l-funzjonijiet tiegħu minkejja l-assenza ta' xi membri jew xi vakanzi fost il-membri u dan sakemm ikun hemm *quorum* ta' mhux anqas minn sitt membri u l-President jew il-Viċi-President, skont il-każ.

(8) Il-Kunsill għandu, fil-qadi tal-funzjoniet tiegħu jew fid-deliberazzjonijiet tiegħu fuq xi sugġett jew każ speċifiku, jitlob l-opinjoni tal-Kumitati rilevanti.

(9) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-artikolu u l-artikolu 6, il-Kunsill jista' jirregola l-proċeduri tiegħu.

(10) Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel tibdil fil-Kumitati hekk kif mwaqqfin fl-Iskeda jew iwaqqaf Kumitati ġodda fl-istess Skeda, u jista' ukoll jippreskrivi termini ta' riferiment billi jagħtihom bil-miktub lill-President, biex *inter alia* jirregola l-proċeduri li għandhom jiġu adottati mill-Kumitati, inkluż il-*quorum* meħtieġ għal-laqgħat, biex jimtlew postijiet vakanti, għat-telf tal-mandat tal-membri u għas-sostituzzjoni ta' membri:

Iżda, għall-finijiet ta' dan is-subartikolu, il-Ministru jista', b'regolamenti magħmulin taħt dan l-Att, jemenda l-Iskeda."

Sostituzzjoni tal-artikolu 6 tal-Att prinċipali.

4. L-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Funzjonijiet tal-Kunsill.

6. (1) Il-Kunsill għandu jkun korp konsultattiv u li jagħti l-pariri li jkollu l-funzjonijiet li ġejjin:

(a) il-promozzjoni tal-parteciġazzjoni, tad-djalogu u l-qbil bejn dawk kollha li huma kkonċernati f'affarijiet li jirrelataw jew li għandhom x'jaqsmu mal-iżvilupp sostennibli tas-setturi tas-sajd u l-akkwakultura;

(b) it-titjib u t-tkabbir tal-komunikazzjoni bejn dawk kollha li għandhom interess fis-setturi tas-sajd u l-akkwakultura u l-Gvern, billi jgħin id-diskussjoni bejnhom u l-Ministru;

(ċ) l-identifikazzjoni ta' dawk il-kwistjonijiet li jaffetwaw dawk kollha li jista' jkollhom interess fis-setturi tas-sajd u l-akkwakultura u l-preparazzjoni ta' proposti adegwati għall-istrategiji Governattivi li jindirizzaw dawk il-kwistjonijiet;

(d) il-proponiment għall-kunsiderazzjoni ta' proġetti mixtieqa, sostennibli u fattibli biex tkun implimentata l-politika tal-Gvern għas-setturi tas-sajd u l-akkwakultura u kif ukoll ir-rakkomandazzjoni ta' miżuri li jiffaċilitaw u jwasslu biex dawn l-għanijiet jiġu milhuqa;

(e) fuq talba tal-Ministru, l-eżami, l-evalwazzjoni u t-tfassil ta' rakkomandazzjonijiet għal proposti legiżlattivi relatati mal-għanijiet tal-Kunsill;

(f) fuq talba tal-Ministru, l-għemil ta' rakkomandazzjonijiet u s-sottomissjoni ta' pariri dwar kwistjonijiet li jistgħu jitqajmu u li huma relatati mas-setturi tas-sajd u l-akkwakultura u li jaqgħu taħt ir-responsabbiltà tal-Ministeru responsabbli għas-sajd u l-akkwakultura;

(g) l-għemil ta' rakkomandazzjonijiet lill-Ministru dwar il-politika li għandha x'taqsam mas-setturi tas-sajd u l-akkwakultura billi jqis ukoll l-opinjoni tal-Kumitati;

(h) il-kunsiderazzjoni ta' kwistjonijiet li jistgħu jkollhom impatt fuq is-setturi tas-sajd u l-akkwakultura u li tiġi mressqa minn xi wiehed mill-Kumitati, minn entitajiet oħra jew minn xi membru tal-pubbliku, u l-għemil ta' rakkomandazzjonijiet fuq l-istess kwistjonijiet jekk u kif jinħass meħtieġ mill-Kunsill;

(i) il-qadi ta' dawk il-funzjonijiet l-oħra kollha ta' natura konsultattiva u l-għotja ta' pariri hekk kif jista' jistabbilixxi l-Ministru b'avviż fil-Gazzetta.

(2) Fil-qadi ta' dmirijietu, il-Kunsill m'għandux jikkunsidra jew ikollu xi funzjoni jew ġurisdizzjoni li tirrelata jew għandha x'taqsam ma' affarijiet operattivi dettaljati, każijiet individwali, jew gruppi ta' każijiet li magħhom għandhom x'jaqsmu id-dipartimenti jew id-direttorati fi hdan il-Ministeru responsabbli għas-sajd u l-akkwakultura, u lanqas ma għandu jiddiskuti każijiet li huma s-sugġett ta' xi forma ta' proċeduri ġudizzjarji, amministrattivi, dixxiplinarji jew ta' arbitraġġ u l-President għandu immedjatament iwaqqaf kull diskussjoni fuq dawn f'każ li jitqajmu dawn il-kwistjonijiet.

(3) Kull attività jew opinjoni tal-Kunsill ma tistax tintuża bħala evidenza fi proċeduri sakemm dawk il-proċeduri ma jirrelatawx strettament mal-attivitajiet tal-Kunsill innifsu, lanqas ma jistgħu l-attivitajiet u l-opinjoni tal-Kunsill jiġu użati biex b'xi mod jolqtu jew jiddeterminaw l-interpretazzjoni ta' xi liġi li taffettwa s-setturi tas-sajd u l-akkwakultura.

(4) Bla ħsara għad-dispożizzjonijiet tal-artikolu 5 u ta' dan l-artikolu, u bil-għan li jiġi dispost ulterjorment dwar ir-relazzjoni bejn il-Kunsill u l-Kumitati u, jew mal-Ministru, kif ukoll biex jiġi megħjun il-Kunsill fil-funzjonijiet tiegħu, il-Kunsill għandu ikun soġġett għad-dispożizzjonijiet tal-Iskeda, u *inter alia* jkun assistit minn servizz segretarjali, kif inhu stabbilit fl-imsemmija Skeda:

Iżda, għall-finijiet ta' dan is-subartikolu, il-Ministru jista', b'regolamenti magħmulin taħt dan l-Att, jemenda l-Iskeda."

Emenda tal-artikolu 33 tal-Att prinċipali.

5. Fis-subartikolu (1) tal-artikolu 33 tal-Att prinċipali, minflok il-kliem "Meta persuna tinstab ħatja ta' reat kontra dan l-Att għat-tieni darba jew għal darb'ohra," għandhom jidhlu l-kliem "Meta persuna tinstab ħatja ta' reat kontra l-istess dispożizzjonijiet tat-Taqsimiet IV sa VI jew it-Taqsima IX fi żmien tliet snin mill-ewwel jew mill-aħħar sejbien ta' ħtija, skont il-każ,".

Emenda tal-artikolu 34 tal-Att prinċipali.

6. L-artikolu 34 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1) Meta d-Direttur jidhirlu li -

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

(b) ir-reat ikun ta' natura ħafifa, hekk iżda li r-reat ma jkunx ta' natura ħafifa jekk ir-rikavat li inkiseb jew seta' jinkiseb permezz tiegħu jkun jeċċedi l-ammont ta' ħamest elef euro (€5,000); u

(c) meta l-persuna li wettqet ir-reat ma kinitx instabet ħatja tal-istess reat fi żmien li ma jkunx aktar minn tliet snin qabel it-twettiq tar-reat jew meta dik il-persuna ma kinitx reċidiva minħabba reati kontra dan l-Att,

id-Direttur jista' jagħti avviż bil-miktub li fih jordna lil dik il-persuna tħallas penali amministrattiva flimkien ma' miżuri oħra kif previst f'dan l-artikolu.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Avviż skont is-subartikolu (1) għandu jispeċifika u jipprovdi għal:

(a) id-data jew il-perijodi ta' żmien li fih seħħ ir-reat;

(b) id-dispożizzjonijiet tal-liġi li jipprevedu r-reat;

(ċ) il-fatti, fil-qosor, li fuqhom ikun qed jiġi allegat li sar ir-reat, liema fatti fil-qosor għandhom ikunu dawk li fil-fehma tad-Direttur jkunu jagħtu lok għar-reat;

(d) dawk il-ħwejjeg oħra li d-Direttur jidhirlu rilevanti għall-għoti ta' piena amministrattiva;

(e) l-ammont tal-piena pekunjarja dovuta skont il-liġi;

(f) jekk hekk jidher xieraq lid-Direttur, u mingħajr preġudizzju għal dispożizzjonijiet oħra tal-liġi, ordni ta' konfiska favur id-Direttur ta' dak il-ħut li jkun relatat mar-reat jew miksub permezz tiegħu, jew tal-garanzija mogħtija għall-ħut jew tar-rikavat mill-bejgħ tal-istess ħut skont l-artikolu 25, kif ukoll ordni ta' konfiska favur id-Direttur ta' kull għodda tas-sajd jew haġa oħra relatata jew miksuba permezz tar-reat; u

(g) jekk hekk jidher xieraq lid-Direttur u mingħajr preġudizzju għad-dispożizzjonijiet l-oħra tal-liġi, ordni ta' immobilizzazzjoni temporanja tal-bastiment tas-sajd u, jew is-sospensjoni għal dak iż-żmien li jiġi avżat ta' kull liċenza jew xort'oħra ta' awtorizzazzjoni mogħtija skond dan l-Att jew mid-Direttur taħt xi liġi oħra,

u fl-avviż għandha titniżżel dikjarazzjoni li dak l-avviż qed jinħareġ taħt dan l-artikolu.";

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem "avviż fuq il-formula xierqa" għandhom jidhlu l-kliem "avviż bil-miktub li jirreferi għall-avviż skont is-subartikolu (1) u li jkun iffirmit mill-persuna rilevanti u";

(d) is-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan

li ġej:

"(5) Fir-rigward tal-ammont tal-piena pekunjarja msemmija fis-subartikolu (2)(e), meta persuna tammetti reat skont dan l-artikolu, id-Direttur għandu jimponi piena pekunjarja fuq dik il-persuna li tkun daqs terz tal-għola piena pekunjarja li dik il-persuna kienet tehel għal dak ir-reat skond id-dispożizzjonijiet relattivi tal-liġi flimkien mal-miżuri l-oħra skont id-dispożizzjonijiet tas-subartikoli (2)(f) u, jew (2)(g) kif avżati mid-Direttur."; u

(e) minnufih wara s-subartikolu (10) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(11) Id-dispożizzjonijiet ta' dan l-artikolu huma mingħajr preġudizzju għal dawk il-pieni u sanzjonijiet oħra ta' natura amministrattiva li jistgħu jiġu imposti mid-Direttur skont il-liġi b'konsegwenza ta' dak ir-reat."

Emenda tal-artikolu 38 tal-Att prinċipali.

**7.** Fil-verżjoni bl-Ingliż tal-paragrafu (u) tas-subartikolu (2) tal-artikolu 38 tal-Att prinċipali, minflok il-kelma "slipways" għandhom jidhlu l-kliem "landing places".

Żieda ta' artikolu ġdid mal-Att prinċipali.

**8.** Minnufih wara l-artikolu 39 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Ksur ta' restrizzjonijiet u obbligi tal-Unjoni Ewropea.

Kap. 460.

39A. (1) Kull persuna li, b'agħir jew omissjoni, tikser xi obbligu jew restrizzjoni fir-rigward tas-sajd u l-akkwakultura, kif ukoll fir-rigward tal-kummerċjalizzazzjoni tal-ħut, kif imposti mil-leġislazzjoni tal-Unjoni Ewropea li jkollha applikabbiltà diretta f'Malta kif stabbilit fit-Trattat hekk kif definit fl-Att dwar l-Unjoni Ewropea jew skond id-dritt tal-Unjoni Ewropea kif imfisser mill-ġurisprudenza tal-Qrati tagħha, u kemm jekk tali obbligu jew restrizzjoni jkunu imposti direttament fuq dik il-persuna minn dik il-leġislazzjoni jew fuq Malta bħala Stat Membru tal-Unjoni Ewropea, tkun ħatja ta' reat kontra l-Att.

(2) Kull persuna li tinstab ħatja ta' reat kif previst fis-subartikolu (1) tehel multa ta' mhux inqas minn ħames mitt euro (€500) u mhux iżjed minn għoxrin elf euro (€20,000):

Iżda, mingħajr preġudizzju għal dispożizzjonijiet oħra tal-liġi u b'żieda mal-multa hawn imsemmija, il-Qorti tista' tordna wkoll il-konfiska favur il-Gvern, jew id-distruzzjoni, tal-qabda tal-ħut maqbuda skont dan l-Att jew taħt xi liġi oħra, jew il-konfiska favur il-Gvern tar-rikavat mill-bejgħ tal-ħut mibjugħ skont id-dispożizzjonijiet tal-artikolu 25 jew *mutatis mutandis* tordna li jsir il-bejgħ skond l-artikolu 25 bil-konfiska favur il-Gvern tar-rikavat mill-istess bejgħ, u dan jekk il-qabda tal-ħut jew parti minna tkun relatata mar-reat:

Iżda wkoll, mingħajr preġudizzju għal dispożizzjonijiet oħra tal-liġi u b'żieda mal-multa hawn imsemmija, il-Qorti tista' tordna ukoll il-konfiska favur il-Gvern, jew id-distruzzjoni, ta' kull għodda tas-sajd jew strument ieħor tas-sajd li b'xi mod hu relatat mar-reat.

(3) Fir-rigward ta' reati taħt dan l-artikolu, id-dispożizzjonijiet tal-artikolu 30(6) għandhom japplikaw biss jekk l-akkużat iwettaq reat ieħor kontra dan l-Att fi żmien ta' mhux iżjed minn tliet snin minn meta kien instab ħati għall-ewwel reat, liema reat għandu jkun jittratta l-istess obbligu jew restrizzjoni kif previst taħt is-subartikolu (1).

(4) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, f'każ li d-Direttur jidhirlu li jista' ikun hemm reat taħt dan l-artikolu huwa jkun jista' jieħu dawk il-miżuri immedjati ta' infurzar kif elenkati taħt l-Artikolu 43(1) tar-Regolament 1005/2008.

(5) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-Qorti tista' timponi dawk is-sanzjonijiet komplimentari kif elenkati fl-Artikolu 45 tar-Regolament 1005/2008 flimkien ma' kull piena oħra kif prevista fil-liġi għal reati taħt dan l-artikolu.

(6) Il-Ministru jista' jagħmel regolamenti biex jipprovdi għal sanzjonijiet amministrattivi li jkunu minflok is-sanzjonijiet taħt is-subartikoli (2) sa (5), kif hu jista' jipprovdi fihom.

(7) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-artikolu, il-Ministru jista' jagħmel regolamenti għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-artikolu."

Żieda ta' artikolu ġdid mal-Att prinċipali.

**9.** Minnufih wara l-artikolu ġdid 39A tal-Att prinċipali għandu jiżdid l-artikolu ġdid li ġej:

"Applikabilità tal-Att dwar il-Libertà tal-Informazzjoni. Kap. 496.

39B. Għall-finijiet tal-artikolu 5(3)(b) tal-Att dwar il-Libertà tal-Informazzjoni, u mingħajr preġudizzju għal projbizzjonijiet oħra fil-liġi, huwa projbit li tkun mgħoddija lil terzi kull informazzjoni miġbura fl-eżerċizzju tas-setgħat tad-Direttur u, jew tal-uffiċjali għat-tharis tas-sajd taht dan l-Att."

Żieda ta' Skeda ġdida mal-Att prinċipali.

**10.** Minnufih wara l-artikolu 40 tal-Att prinċipali għandha tiżdid l-Iskeda ġdida li ġejja:

"SKEDA

(Artikolu 5)

Kunsill Konsultattiv għas-Sajd u l-Akkwakultura

1. Il-Kunsill Konsultattiv għas-Sajd u l-Akkwakultura, hawn iżjed 'il quddiem imsejjaħ "il-Kunsill", għandu jinkludi l-Kumitati li ġejjin, liema kumitati għandhom jassistu lill-Kunsill fit-twettiq tal-funzjonijiet tiegħu:

- (a) il-Kumitat għas-Sajd;
- (b) il-Kumitat għall-Akkwakultura;
- (ċ) il-Kumitat għall-Kummerċjalizzazzjoni tal-Ħut; u
- (d) il-Kumitat għall-Koordinazzjoni tal-Konformità.

2. Il-Kumitati għandhom il-funzjoni li jipprovdu opinjonijiet għall-ippjannar, għat-tfassil tal-politika, għall-iżvilupp, għall-amministrazzjoni u għall-konservazzjoni tas-sajd u l-akkwakultura f'Malta fuq inizjattiva tagħhom stess:

Iżda l-Kumitati għandhom jiddiskutu dawk l-affarijiet li jiġu riferiti lilhom mill-Kunsill u għandhom jipprovdu l-opinjoni tagħhom fuq dawk l-affarijiet fiż-żmien li jista' jiġi stipulat mill-istess Kunsill.

3. Il-President tal-Kumitat relevanti għandu jipprovdi lill-Kunsill rapport dwar xi membru li jonqos milli jattendi l-laqgħat tal-Kumitat għal tliet darbiet konsekuttivi, liema rapport għandu jservi bħala bażi għal rakkomandazzjoni mill-Kunsill lill-Ministru rigward iż-żamma tal-kariga ta' dak il-membru fil-Kumitat.



4. Wara li jikkunsidra r-rakkomandazzjonijiet tal-Kunsill mogħtija skont il-paragrafu 3, il-Ministru jista' jtemm il-ħatra ta' membru tal-Kumitat jekk hekk jidhirlu xieraq.

5. Sakemm mhux dispot xort'oħra f'din l-Iskeda, il-membri tal-Kumitati stabbiliti taħt il-paragrafu 1 għandhom jiġu maħtura mill-Ministru għal perijodu ta' tliet snin li jibda jgħodd mid-data tal-ħatra hekk kif ippubblikata permezz ta' avviż fil-Gazzetta.

6. Sakemm mhux dispot xort'oħra f'din l-Iskeda, il-President tal-Kunsill għandu jsejjaħ l-ewwel laqgħa ta' kull Kumitat mhux aktar tard minn xahar wara l-ħatra tal-Kumitat, bil-għan uniku jkun li ssir l-elezzjoni tal-President tal-istess Kumitat, u għal dan il-għan il-President tal-Kunsill għandu jwettaq dawk l-atti li jkunu neċessarji sabiex jiżgura elezzjoni xierqa għall-President ta' kull Kumitat.

7. Sakemm mhux dispot xort'oħra f'din l-Iskeda, id-dispożizzjonijiet tal-paragrafu 6 għandhom japplikaw *mutatis mutandis* f'każ li l-kariga ta' President ta' xi Kumitat tkun vakanti għal kull raġuni li tkun.

8. Sakemm mhux dispot xort'oħra f'din l-Iskeda, il-Presidenti tal-Kumitati għandhom ikunu membri tal-Kumitati rispettivi tagħhom u jiġu eletti minn fost il-membri ta' dak il-Kumitat b'maġġoranza sempliċi:

Iżda dawn il-Presidenti għandhom iservu b'imparzjalità sabiex iħarsu l-interessi kollha rappreżentati fil-Kumitat tagħhom:

Iżda wkoll il-President għandu jkollu l-vot deċiżiv f'każ ta' parità ta' voti fil-Kumitat li jippresjedi.

9. Il-Kumitati jistgħu jaġixxu minkejja vakanza jew assenza fost il-membri, sakemm ikun hemm *quorum* ta' terz tal-membri tagħhom u l-President.

10. Sakemm mhux dispot xort'oħra f'dan l-Att u f'din l-Iskeda, il-Kumitati għandhom jirregolaw l-proċeduri tagħhom infushom.

11. (1) Skont id-dispożizzjonijiet rilevanti ta' din l-Iskeda, għandu jkun hemm Kumitat għas-Sajd li għandu, kemm jista' jkun, ikun rappreżentattiv tas-settur tas-sajd u għandu jkollu s-setgħa li jiddiskuti dawk l-affarijiet li jolqtu s-settur imsemmi minn żmien għal żmien:

Iżda l-Kumitat għas-Sajd għandu, permezz tal-President

tiegħu, jirrapporta lill-Kunsill dwar id-diskussjonijiet tiegħu u l-opinjonijiet fuqhom.

(2) Il-Kumitat għas-Sajd għandu jkun kompost kif ġej:

(a) għaxar membri li jirrapprezentaw kull wiehed mis-setturi jew attivitajiet tas-sajd li ġejjin, liema membri għandu jkollhom liċenza valida biex ikunu involuti f'dak is-settur jew attività partikolari tul il-ħatra tagħhom bħala membri tal-kumitat:

- (i) is-sajd għal-lampuki;
- (ii) is-sajd għat-tonn;
- (iii) is-sajd għall-pixxispad;
- (iv) is-sajd bil-lampara;
- (v) is-sajd bil-konz tal-qiegh;
- (vi) is-sajd bil-pariti;
- (vii) is-sajd bit-tartarun;
- (viii) is-sajd bin-nasses;
- (ix) is-sajd tat-tkarkir;
- (x) is-sajd rikreattiv;

(b) erba' membri minn fost dawk nominati mill-koperattivi tas-sajjieda reġistrati skont l-Att dwar Soċjetajiet Koperativi jew minn Organizzazzjonijiet għall-Produtturi tas-Sajd rikonoxxuti;

(ċ) sajjied kummerċjali li jirrappreżenta l-kategorija tas-sajjieda b'età anqas minn erbgħin sena; u

(d) membru li jirrappreżenta l-bastimenti tas-sajd awżiljarji.

12. (1) Skont id-dispożizzjonijiet rilevanti ta' din l-Iskeda, għandu jkun hemm Kumitat għall-Akkwakultura li għandu, kemm jista' jkun, ikun rappreżentattiv tas-settur tal-akkwakultura u għandu jkollu s-setgħa li jiddiskuti dawk l-affarijiet li jolqtu s-settur imsemmi minn żmien għal żmien:

Iżda l-Kumitat għall-Akkwakultura għandu, permezz tal-

President tiegħu, jirrapporta lill-Kunsill dwar id-diskussjonijiet tiegħu u l-opinjonijiet fuqhom.

(2) Il-Kumitat għall-Akkwakultura għandu jkun kompost kif ġej:

(a) żewġ membri li jirrapprezentaw is-settur tat-*tkabbir* tat-tonn;

(b) żewġ membri li jirrapprezentaw is-settur tat-*trobbija tal-ħut*, eskluż it-tonn;

(ċ) żewġ membri li jirrapprezentaw is-settur tal-*kultivazzjoni ta' organiżmi akwatiċi* li mhumiex ħut; u

(d) membru wieħed li jirrapprezenta l-*Organizzazzjonijiet tal-Produtturi tal-Akkwakultura rikonoxxuti*.

13. (1) Skont id-dispożizzjonijiet rilevanti ta' din l-Iskeda, għandu jkun hemm Kumitat għall-Kummerċjalizzazzjoni tal-*Ħut* li għandu, kemm jista' jkun, ikun rappreżentattiv tal-operaturi kummerċjali, u għandu jkollu s-setgħa li jiddiskuti dawk l-affarijiet li jolqtu s-settur imsemmi minn żmien għal żmien:

Iżda l-Kumitat għall-Kummerċjalizzazzjoni tal-*Ħut* għandu, permezz tal-President tiegħu, jirrapporta lill-Kunsill dwar id-diskussjonijiet tiegħu u l-opinjonijiet fuqhom.

(2) Il-Kumitat għall-Kummerċjalizzazzjoni tal-*Ħut* għandu jkun kompost kif ġej:

(a) żewġ membri li jkunu *irkantaturi tal-ħut* reġistrati u nominati minn fosthom stess;

(b) żewġ membri nominati mill-*bejjiegħa tal-ħut* bl-imnut;

(ċ) żewġ membri nominati minn *xerrejja reġistrati*;

(d) żewġ membri nominati mill-*koperattivi tas-sajjieda reġistrati* skont l-Att dwar Soċjetajiet Koperattivi jew minn *Organizzazzjonijiet tal-Produtturi rikonoxxuti*;

(e) membru wieħed li jirrapprezenta s-settur tal-*ipproċessar tal-ħut*;

(f) membru wieħed li jirrapprezenta s-settur tal-

importazzjoni tal-ħut; u

(g) membru wieħed li jkun uffiċjal pubbliku.

14. (1) Skont id-dispożizzjonijiet rilevanti ta' din l-Iskeda, għandu jkun hemm Kumitat għall-Koordinazzjoni tal-Konformità li, kemm jista' jkun, ikun rappreżentattiv ta' persuni fl-amministrazzjoni pubblika li għandhom rwol fl-infurzar u l-kontroll fuq is-setturi tas-sajd u l-akkwakultura, u li għandu jkollu s-setgħa li jiddiskuti dawk l-affarijiet li jaffettwaw ir-rwoli u l-koordinazzjoni tal-ħidmiet neċessarji biex ikunu żgurati l-konformità, l-implimentazzjoni u l-infurzar ta', u s-sanzjonijar għall-ksur tal-liġijiet tas-sajd u liġijiet oħra relatati mas-setturi msemmija qabel:

Iżda l-Kumitat għall-Koordinazzjoni tal-Konformità għandu, permezz tal-President tiegħu, jirrapporta lill-Kunsill dwar id-diskussjonijiet tiegħu u l-opinjoni tiegħu fuqhom.

(2) Il-Kumitat għall-Koordinazzjoni tal-Konformità għandu jkun kompost kif ġej:

(a) uffiċjal pubbliku fl-iskala 4 jew oġġla delegat mid-Direttur u li jkollu responsabbiltà fuq il-kontroll tal-konformità mal-liġijiet tas-sajd, jew xi uffiċjal pubbliku ieħor delegat mid-Direttur;

(b) membru wieħed li jirrappreżenta lill-Forzi Armati ta' Malta nominat mill-Ministru responsabbli għall-Forzi Armati;

(ċ) membru wieħed li jirrappreżenta lill-Korp tal-Pulizija nominat mill-Ministru responsabbli għall-Korp tal-Pulizija;

(d) membru wieħed mill-Awtorità għar-Riżorsi Ambjentali nominat mill-Ministru responsabbli għall-ambjent;

(e) membru wieħed mid-Direttorat tas-Saħħa Ambjentali nominat mill-Ministru responsabbli għas-saħħa;

(f) membru wieħed li jirrappreżenta l-Awtorità għat-Trasport f'Malta nominat mill-Ministru responsabbli għal dik l-Awtorità;

(g) żewġ membri mid-Dipartiment għas-Sajd u l-Akkwakultura nominati mill-kap tal-istess dipartiment;

(h) membru wieħed li jirrappreżenta s-servizzi

veterinarji nominat mill-Ministru responsabbli għas-servizzi veterinarji; u

(i) membru wiehed li jirrappreżenta d-Dipartiment tad-Dwana nominat mill-Ministru responsabbli għall-finanzi.

(3) Il-President tal-Kumitat għall-Koordinazzjoni tal-Konformità għandu jkun l-uffiċjal pubbliku msemmi fis-subparagrafu (2)(a).

15. (1) Il-Ministru għandu jahtar uffiċjal pubbliku biex jaġixxi bħala Segretarju għall-Kunsill.

(2) Il-Ministru jista' wkoll jahtar uffiċjali pubbliċi oħra biex jassistu lis-Segretarju fil-qadi ta' dmirijietu.

(3) Is-Segretarju għandu jkun responsabbli għas-servizzi amministrattivi u segretarjali tal-Kunsill u tal-Kumitati, u għandu jkun, *inter alia*, responsabbli biex -

(a) isejjaħ il-laqgħat tal-Kunsill u tal-Kumitati kif ukoll iżomm il-minuti tal-istess laqgħat;

(b) iżomm rendikont tal-membri preżenti, assenti jew skużati għal-laqgħat;

(c) jipprovdi servizzi amministrattivi u segretarjali meħtieġa mill-Kunsill u mill-Kumitati;

(d) jassigura li kull informazzjoni li tista' tkun meħtieġa mill-Kunsill u mill-Kumitati biex iwettqu b'mod effettiv il-funzjonijiet tagħhom tkun disponibbli għalihom;

(e) jipprovdi informazzjoni u jwettaq xogħol preparatorju għat-tnejn tar-rapporti tal-Kunsill u l-Kumitati;

(f) jiżgura li jiġu provduti s-servizzi segretarjali għat-tnejn tal-Kunsill u l-Kumitati; u

(g) jeżerċita kull responsabbiltà oħra kif ordnat mill-President tal-Kunsill.

16. (1) Il-Kunsill għandu jiltaqa' fuq bażi regolari skont kif il-President iħoss il-bżonn, b'dan iżda li għandu jzomm laqgħa minn tal-inqas darba kull tliet xhur f'kull sena kalendarja.

(2) Il-Kumitati għandhom jiltaqgħu fuq bażi regolari, hekk iżda li dawn għandhom iżommu laqgħa minn tal-inqas darba kull tliet

xhur f'kull sena kalendarja.

(3) Għandu jkun hemm minn tal-anqas laqgħa waħda mal-Ministru kull tliet xhur f'kull sena kalendarja.

17. Sa mhux aktar tard minn sitt ġimgħat wara l-għeluq ta' kull sena kalendarja, jew meta l-Kunsill jiġi mitlub mill-Ministru, il-Kunsill għandu jissottometti lill-Ministru rapport dwar l-attivitajiet kollha tal-Kunsill u l-Kumitati matul dik is-sena kalendarja. Dan ir-rapport għandu jinkludi *inter alia* rapport ġenerali dwar il-proċeduri u l-iżviluppi tal-Kunsill għal dak il-perijodu li għalih jirreferi r-rapport f'dak li għandu x'jaqsam ma' affarijiet li jaqgħu taħt il-kompetenza tal-istess Kunsill.

18. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u s-setgħat mogħtija tahtu, inklużi s-setgħat tal-Kunsill u tal-Kumitati, il-Ministru jista', minn żmien għal żmien, jagħti bil-miktub lill-Kunsill u lill-Kumitati dawk id-direttivi li jidhrulu xierqa, u l-Kunsill u l-Kumitati għandhom, mill-aktar fis possibli, idahhlu fis-seħħ dawk id-direttivi u jmexxu l-ħidma tagħhom skont dawk id-direttivi.

19. Id-dispożizzjonijiet tal-artikolu 30 tal-Att ma għandhomx japplikaw għal din l-Iskeda u n-nuqqas ta' osservanza ta' dak previst f'din l-Iskeda ma jikkostitwix reat taht dan l-Att."

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### Għanijiet u Raġunijiet

L-għanijiet prinċipali ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għat-twaqqif ta' Kunsill Konsultattiv għas-Sajd u l-Akkwakultura, biex jipprovdi għall-kompożizzjoni, id-dmirijiet u l-funzjonijiet tiegħu, u sabiex jipprovdi għat-twaqqif ta' Kumitati, fi ħdan il-Kunsill, u l-kompożizzjoni, dmirijiet u funzjonijiet rispettivi tagħhom, kif ukoll biex jintroduci għadd ta' emendi li jitqiesu neċessarji u opportuni għall-għanijiet tal-Att prinċipali.

**A Bill  
entitled**

*AN ACT to amend the Fisheries Conservation and Management Act and to provide for the establishment of the Fisheries and Aquaculture Consultative Council and for matters ancillary 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:-

1. (1) The short title of this Act is the Fisheries Conservation and Management (Amendment) Act, 2017, and this Act shall be read and construed as one with the Fisheries Conservation and Management Act, hereinafter referred to as "the principal Act".

Short title and coming into force.  
Cap. 425.

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

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. Article 2 of the principal Act shall be substituted by the following:

Substitution of article 2 of the principal Act.

"2. In this Act unless the context otherwise requires -

"aquaculture" means the rearing and cultivation of aquatic organisms by virtue of the use of technical means set up in order to increase the production of the organisms concerned beyond the natural environmental capacity, where the organisms remain the property of the natural or legal person throughout the period of rearing and cultivation, up to and including the harvesting thereof;

"aquaculture establishment" means any area, enclosure, impoundment, premises or structure set up or used on land or in water intended for aquaculture;

"Chairman" means the Chairman of the Fisheries and Aquaculture Consultative Council and includes, in the circumstances mentioned in article 5(4), the Deputy Chairman or any other person appointed to act as Chairman;

"commercial fisherman" means:

(a) in the case of an individual, a person who is engaged or who intends to engage in commercial fishing 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;

"Committee" means any of the committees established under the Fisheries and Aquaculture Consultative Council in accordance with the provisions of the Schedule;

"convention" includes an international treaty, agreement or other arrangement, other than "the treaty" as defined in the European Union Act;

"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 registered under the flag of a country which is a party to a convention to which Malta is a party and the fishing vessels of which have been registered accordingly under such convention;

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

"Council" means the Fisheries and Aquaculture Consultative Council as established by virtue of article 5;

"Director" means the Director appointed under article 4 and includes any person to whom the Director may delegate any function in accordance with 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 appointed 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 licence, permit or other sort of authorisation for fishing 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 or which is registered or authorised for so doing, 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 vessel holding a fishing licence issued by a Member State of the European Union as defined in the European Union Act;

"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 in accordance with the provisions of this Act;

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

"Minister" means the Minister responsible for fisheries;

"processing", in relation to fish, means 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;

"Regulation 1005/2008" means Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and

unregulated fishing, amending Regulations (EEC) No.2847/93, (EC) No.1936/2001 and (EC) No.601/2004 and repealing Regulations (EC) No.1093/94 and (EC) No.1447/1999, as in force from time to time;

"transhipment" means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;

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

3. Article 5 of the principal act shall be substituted by the following:

Substitution of article 5 of the principal Act.

"Establishment of the Fisheries and Aquaculture Consultative Council.

5. (1) The Fisheries and Aquaculture Consultative Council is hereby established as an advisory body in order to provide a forum for consultation and dialogue between the representatives of the fisheries and aquaculture sectors and the Minister on issues relating to:

- (a) fisheries and aquaculture;
- (b) the commercialisation of fish;
- (c) the processing of fish; and
- (d) the formulation and implementation of sustainable fisheries and aquaculture policies.

(2) The Council shall be appointed by the Minister and shall be composed of the following members:

(a) a Chairman, being the Director *ex officio*;

(b) three representatives of the public service, nominated and appointed as follows:

(i) one member representing the Permanent Secretary within the Ministry responsible for fisheries and aquaculture nominated by the Permanent Secretary of the said Ministry; and

(ii) one member representing the department responsible for fisheries within the Ministry responsible for fisheries as nominated by the head of such department; and

(iii) one person representing the department responsible for aquaculture within the Ministry responsible for aquaculture as nominated by the head of such department; and

(c) *ex officio* the Chairman of each of the committees established within the Council in accordance with the Schedule.

(3) The members shall be appointed for a period of three years and such period may be extended for further periods of three years each:

Provided that the Minister may, after consultation with the Chairman and the other members of the Council, remove any such member from office on grounds of misconduct, proved infirmity to perform the functions of a member of the Council or if the member concerned is no longer in the position that at the time of his appointment was, in the opinion of the Minister, a prerequisite for his appointment in accordance with the provisions of this Act.

(4) The Minister shall designate one of the members of the Council appointed in terms of sub-article (2)(b) as Deputy Chairman and the member so designated shall have all powers and perform all and any of the functions of the Chairman during his absence or in the event of his inability to act as Chairman, or during any vacancy in the office of Chairman.

(5) If a member of the Council appointed according to sub-article (2)(b) resigns or if the office of such member of the Council becomes otherwise vacant or if such member is for any reason unable to perform his functions as a member, the Minister shall appoint another person to be nominated *mutatis mutandis* in accordance with sub-article (2)(b):

Provided that a member may resign at any time by giving, in writing, notice thereof to the Minister.

(6) The Council or any of its Committees, as the case may be and as deemed appropriate by them, may invite additional technical persons having specific expertise or knowledge to advise the Council or any of the Committees on technical matters, so however that such additional technical persons shall not have voting rights within the Council or any of its Committees as set up under this Act.

(7) The Council may act and perform its functions notwithstanding any absence of its members or any vacancy amongst its members, subject to a quorum of at least six members and the Chairman or the Deputy Chairman, as the case may be.

(8) In the exercise of its functions or in its deliberations on specific issues or cases, the Council shall request the opinion of the relevant Committees.

(9) Save as otherwise provided for under the provisions of this article and article 6, the Council may regulate its own procedures.

(10) The Minister may, after consultation with the Council, effect changes to the Committees as set up under the Schedule or establish new Committees under the said Schedule, and he may also issue terms of reference, by submitting them in writing to the Chairman, *inter alia* to regulate the procedures to be adopted by the Committees, including the quorum required for meetings, the filling of vacant posts, loss of mandate and substitution of members:

Provided that, for the purposes of this sub-article, the Minister may, by regulations made under this Act, amend the Schedule."

4. Article 6 of the principal act shall be substituted by the following:

Substitution of article 6 of the principal Act.

"Functions of the Council.

6. (1) The Council shall be a consultative and advisory body having the following functions:

(a) promoting participation, dialogue and consensus amongst all the stakeholders on issues relating to or in connection with the sustainable development of the fisheries and aquaculture sectors;

(b) improving and enhancing communication between the stakeholders of the fisheries and aquaculture sectors and the Government by acting as a facilitator between those stakeholders and the Minister;

(c) identifying those issues that affect stakeholders within the fisheries and aquaculture sectors and making adequate proposals for Government strategies that address such issues;

(d) propose for consideration desirable, sustainable and feasible projects to implement Government policies in the fisheries and aquaculture sectors and recommend measures to facilitate and further the attainment of the objectives thereof;

(e) upon the request of the Minister, examine, assess and make recommendations on legislative proposals relating to the objectives of the Council;

(f) upon the request of the Minister, make recommendations and submit advice on any other matters arising in relation to the fisheries and aquaculture sectors which fall under the responsibility of the Ministry responsible for fisheries and aquaculture;

(g) make recommendations to the Minister regarding policies relating to the fisheries and aquaculture sectors by also taking into account the opinions of the Committees;

(h) consider any matters affecting the fisheries and aquaculture sectors when referred to it by one of the Committees, by other entities or by a member of the public and make its recommendations thereon, if and as the Council may consider appropriate;

(i) perform any other functions of a consultative and advisory nature as may be stipulated by the Minister by notice in the Gazette.

(2) In performing its functions the Council shall not consider or have any function or jurisdiction relating to or in connection with detailed operational matters, individual cases, or groups of cases with which the departments or directorates within the Ministry responsible for fisheries and aquaculture may be concerned, nor shall it discuss in any manner whatsoever cases subject to any form of proceedings including judicial, administrative, disciplinary or arbitration proceedings and the Chairman shall immediately stop any discussion on these matters should such matters arise.

(3) Any activity or opinion of the Council may not be used as evidence in proceedings unless such proceedings strictly relate to the activities of the Council itself, nor may the activities and opinions of the Council be used to affect or determine the interpretation of any law affecting the fisheries and aquaculture sectors.

(4) Without prejudice to the provisions of article 5 and this article and for the purposes of providing further for the relationship of the Council with the Committees and, or with the Minister, as well as for aiding the Council in its functions, the Council shall be subject to the provisions of the Schedule and shall, *inter alia*, be assisted by a secretarial service as established in the said Schedule:

Provided that, for the purposes of this sub-article, the Minister may, by regulations made under this Act, amend the Schedule."

5. In sub-article (1) of article 33 of the principal Act, for the words "In the case of a second or subsequent conviction against this

Amendment of article 33 of the principal Act.

Act," there shall be substituted the words "In the case of a person convicted for an offence against the same provisions of Parts IV to VI or Part IX within a period of three years from the first or latest conviction, as applicable,".

Amendment of article 34 of the principal Act.

**6.** Article 34 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following:

"(1) When the Director considers that -

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

(b) the offence is of a minor nature, so however that an offence is not of a minor nature if the proceeds obtained or which could have been obtained therefrom exceed the amount of five thousand euro (€5,000); and

(c) when the person committing the offence was not convicted of the same offence within a period being not more than three years before the commission of the offence or when such person was not a recidivist as a result of offences against this Act,

the Director may issue a notice in writing ordering that person to effect the payment of an administrative penalty together with the other measures as provided in this article.";

(b) sub-article (2) thereof shall be substituted by the following:

"(2) A notice in accordance with sub-article (1) shall specify and provide:

(a) the date or time periods in which the offence had happened;

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

(c) the facts, in brief, upon which it is being alleged that the offence was committed, which



facts in brief shall be those which, in the opinion of the Director, result in the offence;

(d) the other factors that the Director deems relevant for the sanctioning of an administrative penalty;

(e) the amount of the pecuniary penalty due according to law;

(f) if it so appears reasonable to the Director, and without prejudice to other provisions of the law, a confiscation order in favour of the Director of that fish related to the offence or gained through it, or of the security given for the fish or the proceeds of the sale thereof in accordance with article 25, as well as a confiscation order in favour of the Director of any fishing implement or any other thing related to the offence or obtained through it; and

(g) if it so appears reasonable to the Director and without prejudice to the other provisions of the law, a temporary immobilisation order against the fishing vessel and, or the suspension for that time period as notified of any licence or other type of authorisation given according to this Act or by the Director under any other law,

and in the notice there shall be written a declaration that such notice is being issued under this article.";

(c) in sub-article (3) thereof for the words "by notice in writing in the appropriate form" there shall be substituted the words "by notice in writing referring to the notice issued in accordance with sub-article (1) and signed by the relevant person and";

(d) sub-article (5) thereof shall be substituted by the following:

"(5) With regards to the pecuniary penalty referred under sub-article (2)(e), when a person admits to an offence in accordance with this article, the Director shall impose upon that person a pecuniary penalty being equivalent to a third of the highest pecuniary penalty

which such person would have been liable for in relation to that offence in accordance with the relevant provisions of the law, together with the other measures in accordance with sub-articles (2)(f) and, or (2)(g), as notified by the Director."; and

(e) immediately after sub-article (10) thereof there shall be added the following new sub-article:

"(11) The provisions of this article shall be without prejudice to the other penalties and sanctions of an administrative nature which may be imposed by the Director according to law and as a consequence of that offence."

Amendment of article 38 of the principal Act.

7. In paragraph (u) of sub-article (2) of article 38 of the principal Act, for the word "slipways" there shall be substituted the words "landing places".

Addition of new article to the principal Act.

8. Immediately after article 39 of the principal Act there shall be added the following new article:

"Infringements of European Union restrictions and obligations.

Cap. 460.

39A. (1) Any person who, by an act or omission, infringes an obligation or restriction relating to fishing and aquaculture, as well as with regards to the commercialisation of fish, as imposed by legislation of the European Union having direct applicability in Malta as provided by the Treaty as defined under the European Union Act or in accordance with the law of the European Union as held in the jurisprudence of its Courts, and both if such an obligation or restriction is directly imposed upon such person by such legislation or upon Malta as a Member State of the European Union, shall be guilty of an offence against this Act.

(2) Any person found guilty of an offence as provided under sub-article (1) shall be liable to a fine (*multa*) of not less than five hundred euro (€500) and not more than twenty thousand euro (€20,000):

Provided that, without prejudice to other provisions of the law and in addition to the fine herein mentioned, the Court may also order the confiscation in favour of the Government, or the destruction thereof, of the fish seized in accordance with this Act or under any other law, or the confiscation in favour of the Government of the proceeds of the fish sold according to the provisions of the article 25 or *mutatis mutandis* it may order the sale thereof according to article 25 with the confiscation of the proceeds in favour of the Government, if the catch of fish or a part thereof is related to the offence:

Provided further that, without prejudice to other provisions of the law and in addition to the fine herein mentioned, the Court may also order the confiscation in favour of the Government, or the destruction thereof, of any fishing implement or other instrument which is in any way related to the offence.

(3) With regards to offences against this article, the provisions of article 30(6) shall only apply if the accused commits another offence against this Act within a period of not more than three years from when he was convicted for the first offence, which offence must involve the same obligation or restriction as provided under sub-article (1).

(4) Without prejudice to the other provisions of this Act, in case the Director believes that there could be an offence against this article he may take the immediate enforcement measures as listed under Article 43(1) of Regulation 1005/2008.

(5) Without prejudice to the other provisions of this Act, the Court may impose the accompanying sanctions as listed under Article 45 of Regulation 1005/2008 together with any other sanction as provided by law for offences against this article.

(6) The Minister may make regulations to provide for administrative sanctions instead of the sanctions under sub-articles (2) to (5), as he may so provide therein.

(7) Without prejudice to the other provisions of this article, the Minister may make regulations for the better carrying out of the provisions of this article."

Addition of new article to the principal Act.

**9.** Immediately after the new article 39A of the principal Act, there shall be added the following new article:

"Applicability of the Freedom of Information Act. Cap. 496.

39B. For the purposes of article 5(3)(b) of the Freedom of Information Act, and without prejudice to any other prohibitions at law, the disclosure of any information gathered through the exercise of the powers of the Director and, or fisheries protection officers under this Act is prohibited."

Addition of new Schedule to the principal Act.

**10.** Immediately after article 40 of the principal Act there shall be added the following new Schedule:

"SCHEDULE

(Article 5)

Fisheries and Aquaculture Consultative Council

1. The Fisheries and Aquaculture Consultative Council, hereinafter in this Schedule referred to as "the Council" shall include the following Committees, which Committees shall assist the Council in the performance of its functions:

- (a) the Fisheries Committee;
- (b) the Aquaculture Committee;
- (c) the Fish Market Committee; and
- (d) the Compliance Coordination Committee.

2. It shall be the function of the Committees to provide opinions on their own initiative in relation to the planning, policy-making, development, administration and conservation of fisheries and aquaculture in Malta:

Provided that the Committees shall discuss the matters which are referred to them by the Council and shall provide their opinions on such matters within such time-frames as may be determined by the Council.

3. The Chairman of the relevant Committee is to provide the

Council with a report on any member who fails to attend three consecutive Committee meetings, which report shall be used as the basis for a recommendation by the Council to the Minister as to the tenure of office of such member.

4. Following consideration of the recommendations of the Council as submitted in terms of paragraph 3, the Minister may terminate the appointment of the member of the Committee, if the Minister deems it appropriate.

5. Save as otherwise provided in this Schedule, the members of the Committees referred to in paragraph 1 shall be appointed by the Minister for a period of three years commencing on the date of their appointment as established through a notice published in the Gazette.

6. Save as otherwise provided in this Schedule, the Chairman of the Council shall convene the first meeting of each Committee not later than one month following the date when it was set up with the sole purpose of holding the election of its Chairman, and for such purpose the Chairman of the Council shall carry out such acts as may be necessary to ensure the proper election of the Chairman of each Committee.

7. Save as otherwise provided in this Schedule, the provisions of paragraph 6 shall apply *mutatis mutandis* in the event that the office of the Chairman of any Committee becomes vacant for whatsoever reason.

8. Save as otherwise provided in this Schedule, the Chairmen of the Committees shall be members of their respective Committees as elected by the members of their Committee from amongst themselves by simple majority:

Provided that such Chairmen shall serve with impartiality to safeguard all interests represented in their Committee:

Provided further that the Chairman shall have a casting vote in case of parity of votes in the Committee which he chairs.

9. The Committees may act notwithstanding any vacancy or absence amongst their members, subject to a quorum of one-third of their members and the Chairman.

10. Subject to the provisions of this Act and this Schedule, the Committees shall regulate their own proceedings.

11. (1) In accordance with the relevant provisions of this Schedule, there shall be a Fisheries Committee which shall, as far as

possible, be representative of the fisheries sector and which shall be empowered to discuss matters that affect the said sector from time to time:

Provided that the Fisheries Committee shall, through its Chairman, report to the Council on its discussions and opinions thereon.

(2) The Fisheries Committee shall be composed as follows:

(a) ten members representing each of the following fishing sectors or activities, which members must hold a valid licence to be involved in such sectors or activities during their tenure of office as committee members:

- (i) the dolphinfish fishery;
- (ii) the tuna fishery;
- (iii) the swordfish fishery;
- (iv) the *lampara* fishery;
- (v) the bottom longline fishery;
- (vi) the *pariti* fishery;
- (vii) the *tartarun* fishery;
- (viii) the trap and pots fishery;
- (ix) the trawling fishery;
- (x) recreational fishing;

(b) four members nominated from amongst members of fishermen's co-operatives registered under the Co-operatives Societies Act or from recognised Fisheries Producer Organisations;

(c) a commercial fisherman representing the category of fishermen under the age of forty; and

(d) one member representing auxiliary fishing vessels.

12. (1) In accordance with the relevant provisions of this Schedule, there shall be an Aquaculture Committee which shall, as far as possible, be representative of the aquaculture sector and which shall be empowered to discuss matters that affect the said sector from

time to time:

Provided that the Aquaculture Committee shall, through its Chairman, report to the Council on its discussions and opinions thereon.

(2) The Aquaculture Committee shall be composed as follows:

(a) two members representing the bluefin tuna farming sector;

(b) two members representing the sector for the rearing of fish, not being bluefin tuna;

(c) two members representing the sector for the cultivation of aquatic organisms excluding fish; and

(d) one member representing recognised Aquaculture Producer Organisations.

13. (1) In accordance with the relevant provisions of this Schedule, there shall be a Fish Market Committee which shall, as far as possible, be representative of commercial operators and which shall be empowered to discuss matters that affect the commercialisation of fish from time to time:

Provided that the Fish Market Committee shall, through its Chairman, report to the Council on its discussions and opinions thereon.

(2) The Fish Market Committee shall be composed as follows:

(a) two members nominated by registered fish auctioneers from amongst themselves;

(b) two members nominated by fish retailers;

(c) two members nominated by registered buyers;

(d) two members nominated by the fishermen's co-operatives registered under the Co-operatives Societies Act or from recognised Producer Organisations;

(e) one member representing the fish processing sector;

(f) one member representing the fish importation sector; and

- (g) one member who shall be a public officer.

14. (1) In accordance with the relevant provisions of this Schedule, there shall be a Compliance Coordination Committee which shall, as far as possible, be representative of persons within the public administration who have a role in the control and enforcement of the Fisheries and the Aquaculture sectors and which shall be empowered to discuss matters that affect the roles and the coordination of efforts necessary to ensure compliance with, the implementation and enforcement of, and the sanctioning of violations of, fisheries law and any other laws pertaining the aforementioned sectors:

Provided that the Compliance Coordination Committee shall, through its Chairman, report to the Council on its discussions and opinions thereon.

(2) The Compliance Coordination Committee shall be composed as follows:

- (a) a public officer at scale 4 or higher to be delegated by the Director and having responsibility over the compliance and control of fisheries law, or any other public officer as delegated by the Director;

- (b) one member representing the Armed Forces of Malta nominated by the Minister responsible for the Armed Forces;

- (c) one member representing the Police Corps nominated by the Minister responsible for the Police;

- (d) one member representing the Environmental Resources Authority nominated by the Minister responsible for the environment;

- (e) one member representing the Environmental Health Directorate nominated by the Minister responsible for the health;

- (f) one member representing the Authority for Transport in Malta nominated by the Minister responsible for the said Authority;

- (g) two members from the Department of Fisheries and Aquaculture nominated by the head of the said Department;

- (h) one member representing veterinary services



nominated by the Minister responsible for veterinary services;  
and

(i) one member representing the Customs Department  
nominated by the Minister responsible for finance.

(3) The Chairman of the Compliance Coordination Committee  
shall be the public officer referred to in sub-paragraph (2)(a).

15. (1) The Minister shall appoint a public officer to act as  
Secretary to the Council.

(2) The Minister may also appoint other public officers to  
assist the Secretary in the performance of his duties.

(3) The Secretary shall be responsible for the administrative  
and secretarial services of the Council and the Committees, and shall,  
*inter alia*, be responsible for -

(a) the convening of meetings of the Council and the  
Committees as well as the keeping of minutes of the meetings  
thereof;

(b) the keeping of records of the members present,  
absent or excused during the meeting;

(c) the provision of administrative and secretarial  
services required by the Council and the Committees;

(d) ensuring that all the information that may be  
required by the Council and the Committees to effectively carry  
out their functions is made available to them;

(e) the provision of information and the carrying out of  
preparatory work for the submission of reports by the Council  
and Committees;

(f) ensuring that office services are provided for the  
running of the Council and the Committees; and

(g) exercising any other responsibility as may be  
directed by the Chairman of the Council.

16. (1) The Council shall meet on a regular basis as the  
Chairman may deem necessary, so however that it shall hold not less  
than one meeting every three months in each calendar year.

(2) The Committees shall meet on a regular basis, so however

that they shall hold not less than one meeting every three months in each calendar year.

(3) There shall be at least one meeting with the Minister every three months during each calendar year.

17. By not later than six weeks following the end of each calendar year, or upon a request to the Council lodged by the Minister, the Council shall deliver to the Minister a report on all the activities undertaken by the Council and the Committees during the said calendar year. Such report shall include *inter alia* a general report on the proceedings and developments of the Council during the period to which it relates in respect of matters falling within the competence of the Council.

18. Without prejudice to the provisions of this Act and the powers thereunder, including the powers of the Council and the Committees, the Minister may, from time to time, give to the Council and the Committees such directives in writing as he may deem appropriate and the Council and the Committees shall, as soon as practically possible, give effect to all such directives and conduct their affairs accordingly.

19. The provisions of article 30 of the Act shall not apply to this Schedule and lack of conformity with what is herein provided does not constitute an offence under the Act."

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### **Objects and Reasons**

The main objects and reasons of this Bill are to provide for the establishment of the Fisheries and Aquaculture Consultative Council, for providing for the composition, duties and functions thereof, and for providing for the establishment of Committees, within the Council, and their respective composition, duties and functions, as well as for the introduction of a number of amendments which are deemed necessary and fit for the purposes of the principal Act.



