

**SUBSIDIARY LEGISLATION 117.04****MARKETING OF AGRICULTURAL PRODUCE  
REGULATIONS**

22nd July, 1952

*GOVERNMENT NOTICE 360 of 1952, as amended by Government Notices 553 of 1953, 431 of 1954, 377 of 1955, 84 of 1956, 559 of 1957 and 298 of 1958; and Legal Notices 39 and 85 of 1959, 8 and 68 of 1966, 1 of 1968, 43 of 1970, 64 of 1972, 21 of 1973, 29 and 69 of 1974, 25 of 1975, 129 of 1977, 121 of 1981, 63 of 1982, 25 of 1998, 409 of 2007, 56 of 2010 and 472 of 2014.*

**PART I**

**1.** The title of these regulations is the Marketing of Agricultural Produce Regulations. Title.

**2.** In these regulations, unless the context otherwise requires:

"farmer" means any person who cultivates or grows agricultural produce mainly for purposes of disposal on his own account;

"greengrocer" means a person who sells agricultural produce by retail from a shop or hawking;

"marketing centres" means the agricultural marketing centre established by the Agricultural Marketing Centres Regulations;

"Minister" means the Minister responsible for Agriculture;

"pitkal" means a person who undertakes to sell to third persons, on account of the owners, agricultural produce as defined in regulation 4 at the marketing centres;

"place of business" includes any shop or other premises, any cart, barrow, truck or other vehicle, any basket, crate, bag or other container, and any other place or device in or from which sales of agricultural produce are effected;

"purchase" means the acquisition, by any onerous title, of any agricultural produce as defined in regulation 4;

"sale" includes any disposal under any onerous title whatsoever, and "sell" shall be construed accordingly;

"society" means a co-operative society among farmers, duly registered under the Co-operative Societies Act.

Interpretation.  
Amended by:  
G.N. 559 of 1957;  
G.N. 298 of 1958;  
L.N. 68 of 1966;  
L.N. 43 of 1970;  
L.N. 25 of 1975;  
L.N. 56 of 2011.

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**3.** The Minister responsible for Agriculture may from time to time appoint inspectors whose duties it shall be to see that the provisions of these Regulations or of any orders made thereunder are complied with. For this purpose, such inspectors shall have power at all reasonable times, to enter and inspect any place of business where trade in agricultural produce as defined in Part III is carried on or is reasonably suspected to be carried on, and to inspect any trade books and documents therein kept, and to seize any article, commodity or document connected with or which may

Appointment and duties of inspectors.  
Amended by:  
G.N. 298 of 1958;  
L.N. 68 of 1966.

be used as evidence of the commission of an offence.

## PART II

Meaning of  
agricultural  
produce and  
Director.  
Amended by:  
L.N. 43 of 1970;  
L.N. 56 of 2011.

4. In this Part "agricultural produce" means any produce which is cultivated or grown locally by a farmer or is derived from local animal husbandry, which produce it is the custom to sell through a *pitkal*, and "Director" means the Director of Agriculture or any other Director appointed by the Minister to manage the operation of the marketing centres.

*Pitkali* and  
greengrocers  
licences and fees  
leviable on same.  
Amended by:  
L.N. 25 of 1998;  
L.N. 409 of 2007;  
L.N. 472 of 2014.

5. (1) No person shall act as a *pitkal* or as a greengrocer without a licence from the Director:

Provided that a licence issued by the Director under this regulation shall not exempt the holder thereof from the requirement of a licence under any other law.

(2) The licence shall be valid until the 31st day of December of the year of issue and thereafter may be renewed from year to year:

Provided that no such renewal may be effected after the 31st March of the year to which the renewal refers, provided that a new licence can be granted after that date.

(3) (a) Every *pitkal* who applies for the renewal of a licence after the 31st day of December of 2014 shall provide a bank guarantee, equivalent to 10% of his previous year's turnover from the sales of agricultural produce.

(b) Applicants for the granting of a new licence shall provide a bank guarantee, equivalent to 10% of the previous year's average total annual turnover from sales of agricultural produce by all *pitkali*.

(c) The value of the guarantee shall be reviewed by the Director on a yearly basis; and the said guarantee shall be utilised by the Director in the event that the defaulting *pitkal* does not pay his dues.

(4) The fee leviable on the issue and on every renewal of a *pitkal* licence shall be of forty-six euros and fifty-nine cents (46.59), and the fee leviable for the issue and every renewal of a *pitkal* entry permit shall be six euros and ninety-nine cents (6.99).

(5) The fee leviable on the issue of a greengrocer's licence shall be twenty-nine cents (0.29) and the fee leviable on every renewal shall be twelve cents (0.12), exclusive of the payment in respect of the number plate prescribed in regulation 10(3).

Restrictions on sale  
of agricultural  
produce.  
Amended by:  
L.N. 68 of 1966;  
L.N. 64 of 1972.

6. No person or body of persons other than a *pitkal*, a farmer or a society shall sell or otherwise dispose of agricultural produce to a greengrocer; and no greengrocer shall purchase or otherwise acquire agricultural produce except from a *pitkal*, a farmer or a society.

Deliveries of  
agricultural  
produce.

7. No farmer shall deliver for sale in marketing centres agricultural produce in any container unless the produce exhibited at the top of such container is a fair sample of the entire contents

thereof.

8. No *pitkal* shall -

- (a) act as broker or auctioneer outside the limits of the marketing centres; or
- (b) purchase agricultural produce in order to sell it on his own account; or
- (c) withhold from offering for sale for longer than twenty-four hours any agricultural produce brought to the marketing centre; or
- (d) refuse to accept for sale any agricultural produce:

Restriction of commercial activities of *pitkal*.  
Amended by:  
G.N. 298 of 1958;  
L.N. 25 of 1975;  
L.N. 472 of 2014.

Provided that on a *pitkal* having proved to the satisfaction of the director or his representative that one or more farmers specified by him have deliberately and consistently delivered for sale agricultural produce which is not packed in conformity with the requirements of regulation 7, that *pitkal* shall be at liberty to refuse acceptance for sale by him of the produce of that specified farmer or farmers during a period to be determined by the Director; or

- (e) sell agricultural produce otherwise than by public auction which shall be carried out in accordance with the provisions of regulation 12; or
- (f) demand, require or accept from any farmer, directly or indirectly, any commission or other fee whatsoever in respect of the sale of agricultural produce; or
- (g) (*Deleted by Legal Notice 472 of 2014*)
- (h) without the special permission in writing of the Director, sell or keep for sale within the limits of any marketing centre approved as aforesaid, any imported fruits or vegetables.

9. (1) No person or persons shall purchase or sell agricultural produce from a marketing centre otherwise than at a public auction.

Rules applicable to marketing centres.  
Amended by:  
G.N. 559 of 1957;  
L.N. 121 of 1981.

(2) No person purchasing agricultural produce from a marketing centre shall remove such produce or cause it to be removed from the place at which the auction is held before he has obtained the relative purchase voucher or vouchers and before he has paid for the agricultural produce purchased by him. Such purchase voucher or vouchers shall denote the name of the purchaser, the nature of the agricultural produce, the relative weight or quantity, the purchase price per unit of weight or quantity and the total amount paid.

(3) The Minister may by order in the Gazette specify -

- (a) which standardised containers have been approved for use in marketing centres; and
- (b) which agricultural produce entering or leaving marketing centres is to be carried only in the said standardised containers.

(4) It shall be an offence for any person wilfully to break,

damage or destroy a standardised container specified in sub-regulation (3)(a) or to use any such container for any purpose other than that of containing agricultural produce.

Restriction of commercial activities of greengrocers.  
Amended by:  
L.N. 39 of 1959;  
L.N. 63 of 1982.

- 10.** (1) No greengrocer shall -
- (a) sell to a *pitkal* agricultural produce other than agricultural produce produced by the greengrocer himself; or
  - (b) sell or purchase agricultural produce to or from another greengrocer; or
  - (c) sell agricultural produce otherwise than by retail to *bona fide* consumers; or
  - (d) withhold from offering for sale any agricultural produce in his possession; or
  - (e) purchase agricultural produce unless he is furnished with a purchase voucher showing all the particulars specified in regulation 9(2).

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(2) Every greengrocer shall produce on demand to the Director or to his representative or to any inspector appointed under these Regulations or to any member of the Police force or to any person appointed under article 4 of the Supplies and Services Act, or to any member of a body of persons so appointed, the purchase voucher or vouchers concerning the acquisition by him of the agricultural produce displayed by him for sale.

(3) While carrying on business every itinerant greengrocer shall display in a conspicuous manner on his place of business a number plate which shall be obtained on payment from the Department of Agriculture.

Applicability of these Regulations to local eggs.  
Added by:  
L.N. 29 of 1974.

**11.** The provisions of regulation 10 shall apply to local eggs in the same manner as they apply to agricultural produce.

Rules applicable to sale at auction in marketing centres.

**12.** In sales by public auction in marketing centres the following rules shall be complied with -

- (a) the exact times when sales by auction may be held shall be notified by the Director periodically and may be different in respect of different marketing centres;
- (b) every bid accepted as a price bid by the person conducting an auction on behalf of a society or by a *pitkal* shall be announced *viva-voce* in such a manner as to be clearly understandable by all persons present. Final bids shall not be deemed valid unless they are so announced. Any person disputing the validity of an offer must protest at the time such final bid is announced;
- (c) only officially recognized weights and measures shall be used.

13. (1) Every *pitkal* shall keep a record of all transactions made by him, in a form or book, as directed and approved by the Director. Such records shall show the quantity and nature of the produce received by the *pitkal* from each farmer, when and to whom the produce was sold, and the price realised at the sale. Such record shall be available for inspection on demand by the Director or by any person deputed in writing by him or by any person appointed under article 4 of the Supplies and Services Act, or by any member of a body of persons so appointed, who may also copy therefrom any extracts he deems appropriate.

Records to be kept at *pitkali*.  
Amended by:  
L.N. 8 of 1966;  
L.N. 63 of 1982.

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(2) Every *pitkal* or his representative shall make an entry duly initialled in a notebook obtainable from the Department of Agriculture which is to be kept by the farmer for the purpose of showing the number of containers delivered to and returned by the *pitkal* as well as the balance thereof on the respective dates.

14. The Director may -

- (a) appoint clerks to issue vouchers to both owners and buyers of agricultural produce sold at auction by a *pitkal* and to make and receive the relative payments;
- (b) direct *pitkali* to allow such clerks to enter any premises or place where agricultural produce is sold by *pitkali* and to remain in such premises or place for the purpose of carrying out the work specified in paragraph (a) of this regulation and any other related work;
- (c) direct *pitkali* to record every transaction as soon as it is made, in accordance with the provisions of regulation 13 and to make such record immediately available to any clerk appointed under paragraph (a) of this regulation;
- (d) levy a charge not exceeding six point two five per cent to be deducted from the accounts of the owners of agricultural produce sold by each *pitkal* and to pay the proceeds of such charge by way of a commission to the *pitkal* concerned, less the total amount of any bad debts resulting from the sales effected by that *pitkal*; and he may allow co-operative societies to levy and retain a charge not exceeding four point five eight per cent to be deducted from the accounts of the owners of agricultural produce sold by such co-operative societies, without prejudice to the receipt by them of a commission of three point seven five per cent or of any other percentage that the Government may be paying to them from time to time;
- (e) direct *pitkali* to collect the dues owed by buyers for agricultural produce purchased;
- (f) exercise the powers specified in the preceding paragraphs of this regulation in respect of all classes of agricultural produce or of some class of agricultural produce and not of other classes.

Appointment and duties of clerks with *pitkali*.  
Amended by:  
G.N. 553 of 1953;  
G.N. 431 of 1954;  
L.N. 472 of 2014.

Bad debts.  
 Added by:  
 L.N. 129 of 1977.  
 Substituted by:  
 L.N. 472 of 2014.

**15.** Where the amount of bad debts due by a *pitkal* to the Director is greater than the amount of commission due to the *pitkal*, the Director may notify the *pitkal* to pay such debts within a period fixed by the said Director, such period being not less than fifteen days, and if the *pitkal* does not effect the said payment, the Director shall demand payment of such debts together with interests and administrative fees from the bank guarantee provided in terms of regulation 5(3) and may suspend the relative licence until an amount equal to that of bad debts, interests and fees paid to the Director from the bank guarantee is reinstated in same guarantee, so however that, if the full amount of the guarantee does not become again available within a period of three months from the date of such notification, the relative licence shall be deemed to have been revoked.

List of names of  
 licensed *pitkali*.  
 Amended by:  
 L.N. 25 of 1975.

**16.** The Director shall, not later than the 31st day of January of each year, publish in the Gazette a list of the names of licensed *pitkali*.

### PART III

Interpretation.  
 Amended by:  
 L.N. 1 of 1968;  
 L.N. 43 of 1970.

**17.** In this Part -

"agricultural produce" means any produce which is cultivated or grown locally by a farmer or is derived from local animal husbandry, and includes imported fruit, vegetables and fodder;

"Director" means the Director of Trade;

"trader" means any person who deals or is concerned in, or performs any act of trade relating to the importation, sale, exchange or disposal of agricultural produce, but does not include a farmer or livestock breeder.

Maximum prices in  
 respect of  
 agricultural  
 produce.  
 Amended by:  
 G.N. 464 of 1956;  
 L.N. 69 of 1974;  
 L.N. 63 of 1982.

**18.** (1) The Director may from time to time, by order in the Gazette, fix the maximum price at which any agricultural produce may be sold.

(2) Prices may be so fixed by the Director by using one or more of the following methods: fixing stated maximum prices, fixing maximum margins of profit, fixing maximum percentages of profit.

(3) Any trader shall, if so required by the Director or by any member of the Police or by any person appointed under article 4 of the Supplies and Services Act, or by any member of a body of persons so appointed, produce on demand for examination any book and document in his possession and to furnish him with such information in such form and within such time as may be specified in the request.

(4) The Director may, in respect of any agricultural produce, impose any such condition as he may deem fit with regard to its sale, prohibition of sale or limitation of sale.

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**19.** (1) Every trader shall conspicuously exhibit in his place of business, every kind of agricultural produce held by him:

Provided that he may, in respect of one or more kinds, exhibit only a sample thereof.

(2) The agricultural produce or sample thereof which shall be exhibited shall bear a label showing the price at which that kind of agricultural produce is being offered for sale and the unit of weight or quantity to which the price refers.

(3) Where any kind of agricultural produce is kept in baskets or other containers, the label shall be placed on each such basket or container.

(4) The figure or figures denoting the price on the said labels shall be printed clearly, or boldly written, in black ink on a clear background and shall be at least three point six centimetres high except in the case of the figure 0.00,1 cents which shall be at least three and a half centimetres high.

(5) The Director may, in his discretion, exempt one or more traders or one or more classes of traders generally or in respect of one or more kinds of agricultural produce specified by him, from the obligations imposed by sub-regulations (1) and (2).

**20.** When a maximum selling price has been fixed under regulation 18, the price shown on the label mentioned in regulation 19 shall not exceed the price so fixed.

**21.** A trader in possession of stocks of any agricultural produce which he does not expose for sale in his place of business or does not store therein in sufficient quantities to meet daily demands, shall be deemed to be hoarding or refusing to sell, and shall be guilty of an offence.

**22.** No trader may purchase any agricultural produce from any unknown person.

**23.** No trader selling agricultural produce by wholesale shall, without reasonable cause, refuse to sell in reasonable quantities, to any person trading by retail any agricultural produce required in connection with his business, and no person trading in retail shall without reasonable cause refuse to sell to any consumer any agricultural produce in quantities reasonably required for the normal use and consumption of the consumer or his household or his establishment:

Provided that nothing in this regulation shall prevent any consumer from making direct purchases from a person selling by wholesale.

**24.** No trader shall, in selling or in offering for sale any agricultural produce, impose any conditions in connection with such sale other than the charging of the proper price.

**25.** Any trader closing his place of business without just cause shall be deemed to be refusing to sell and shall be guilty of an offence.

Exhibition of different kinds of agricultural produce for sale and of price thereof.  
*Amended by:*  
*L.N. 409 of 2007.*

Prices marked may not exceed maximum prices fixed.

Hoarding of agricultural produce.

Prohibition of purchasing from unknown person.

Prohibition of refusal to sell without reasonable cause.

Prohibition of conditions additional to price.

Unjustified closing of place of business.

Sale at unreasonable prices.

**26. (1)** No person shall mark, offer for sale or sell or attempt to sell any agricultural produce at an unreasonable price where no maximum price is fixed or above the maximum price fixed in respect of such agricultural produce.

(2) Any profit exceeding the margin or percentage of profit allowed under or for the purposes of these Regulations shall be conclusively deemed to make the price charged excessive.

Suspension of traders' licence.

**27. (1)** Any trader whose licence has been suspended shall be debarred from the exercise of his business either generally or to such extent only as the suspension order specifies.

(2) The name of any trader whose licence has been suspended shall be published in the Gazette and in local newspapers and a notice to the effect that his licence has been suspended shall be affixed to the door of the place or places of business giving the reasons for such suspension.

(3) It shall not be lawful for any person to remove, cover, alter or otherwise deface any notice so affixed by order of the Director.

(4) No person shall, directly or indirectly, supply to any trader whose licence has been suspended, any agricultural produce, except for the personal use of such trader and his family.

#### PART IV

Penalties in respect of offences against these regulations.

*Amended by:*  
*L.N. 43 of 1970;*  
*L.N. 21 of 1973;*  
*L.N. 63 of 1982;*  
*L.N. 409 of 2007;*  
*L.N. 56 of 2011.*

**28. (1)** Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence and liable -

(a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding one thousand two hundred euro (€1,200);

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than one thousand two hundred euro (€1,200) but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) or a fine calculated on the profit made by the offender in connection with the transaction in contravention to these regulations, whichever is the higher:

Provided that, when the fine is so calculated, it may not exceed five times the profit made by the offender:

Provided further, the court may, if so requested by the prosecution, in addition to any other punishment, sentence the offender to imprisonment for a term of not less than thirty days and not exceeding two years.

(2) In addition to the punishments laid down in subregulation (1), the court shall on demand of the prosecution, order the forfeiture of any good or things to which the offence relates.

(3) In addition to the punishments laid down in subregulations (1) and (2), the court shall on demand of the prosecution, in the case of a second or subsequent conviction, order the suspension of the offender's licence for a period of not less than one month and



not more than six months, or the cancellation of any licence held by the offender and relating to any trade or business to which the offence relates, and shall order that any such cancelled licence may not be re-issued in respect of the convicted offender.

(4) All the offences against these regulations shall be considered as contraventions:

Provided that proceedings in respect of any such offence may be commenced at any time within one year of the commission of the offence.

(5) In every case of conviction for an offence the court may order the forfeiture of the articles to which the offence relates and such articles shall be forfeited to the Government.

(6) The suspension of the licence ordered by the court shall have effect as from such date within eight days from the sentence, as the Director may specify in writing to the Registrar of Courts or orally during the proceedings.

(7) The provisions of the Probation Act, shall not be applicable in respect of any offence against the provisions of these regulations. Cap. 446.

(8) The court by which a person is found guilty of an offence consisting in the selling of agricultural produce at unreasonable price or at a price higher than the maximum price of such agricultural produce shall, if it thinks fit, order the offender to refund to the person to whom such agricultural produce was sold such portion of the price charged as the court shall fix or such amount as was in excess of the maximum price fixed by the Director, within such time, not exceeding one month, as the court shall prescribe, on pain of a penalty of not less than four euros and sixty-six cents (€4.66) for each day of default in case of non-compliance with such order within the time fixed, and saving the right of the person to whom the refund is due to recover the amount by civil process before the competent Civil Court, for which purpose the order of the refund made by the court shall constitute an executive title and may be enforced by the creditor after two days of service on the debtor of a demand for payment made by a judicial act.

(9) In sub-regulations (6) and (8) of this regulation, "Director" means the Director of Agriculture in the case of an offence against the provisions of Part II of these regulations, or the Director of Trade in the case of an offence against the provisions of Part III of these regulations.

(10) Where an offence against these regulations is committed by an individual acting in the name, or on behalf or in the interest of a partnership or an association or other body or group of persons, or where action is taken against an individual by virtue of his liability as a director, manager, secretary or other similar officer of such body, association or group as provided in article 13 of the Interpretation Act, or by virtue of any liability under article 10 of the Supplies and Services Act, and it results that an act or omission amounting to an offence against these regulations has occurred, the provisions of this section relating to the suspension or cancellation Cap. 249.  
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of any licence held by the offender or other person as aforesaid shall apply also to any licence held by or in the name, or on behalf or in the interest of the partnership, association or other body or group of persons of which the offender or other person as aforesaid is a director, manager, secretary or other officer or in whose name or interest or on whose behalf such person was acting, and such licence shall equally be suspended or cancelled accordingly.

Trader to be responsible for offences by employees, etc.  
*Added by:*  
*L.N. 63 of 1982.*

**29.** Every trader as defined in Part III of these regulations shall take all such steps as are required to ensure full compliance with all the provisions of these regulations; and even where any contravention of or non-compliance with any provision of these regulations may be attributed to any person in the employment of such trader or in the exercise of any act or function authorised or permitted by the trader, such trader shall also be guilty of that offence unless he proves that he took all reasonable steps to prevent the commission of the offence.

Suspension or revocation of any licence, permit or pass.  
*Added by:*  
*L.N. 56 of 2011.*

**30.** Any licence, permit or pass granted for the purpose of these regulations may be suspended or revoked at any time by the authority or person empowered to grant it.

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