

L.N. 256 of 2023

**FISHERIES CONSERVATION AND MANAGEMENT ACT
(CAP. 425)**

Aquaculture Operations (Amendment) Regulations, 2023

IN EXERCISE of the powers conferred by article 38 of the Fisheries Conservation and Management Act, the Minister responsible for fisheries and aquaculture has made the following regulations:-

1. The title of these regulations is the Aquaculture Operations (Amendment) Regulations, 2023 and these regulations shall be read and construed as one with the Aquaculture Operations Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 425.12.
2. In the principal regulations the words "Environment Promotion and Protection Fund", wherever they occur, shall be substituted by the words "Aquaculture Fund". General amendment to the principal regulations.
3. Immediately after regulation 2 of the principal regulations there shall be added the following new regulation: Adds a new regulation to the principal regulations.

"Aquaculture Fund. 2A. (1) The Director shall set up and administer a fund according to these regulations, hereinafter referred to as the Aquaculture Fund.

(2) The Aquaculture Fund shall be used to finance projects, programmes and schemes related to aquaculture, and to finance costs intended to carry out and manage the promotion and protection of the environment and the environmentally sustainable development of aquaculture, as well as works which may be needed for that purpose or to remedy any harm caused to the environment related to aquaculture:

Provided that proposals for funding shall only be considered, but not necessarily approved, if the said proposals are eligible in accordance with this regulation and sub-regulation (6) in particular:

Provided further that proposals for funding shall only be received and considered following a call for proposals issued by the Director through a Government notice published in the Gazette and only if in compliance with the conditions that the Director may prescribe in the said call for proposals.

(3) In administering the Aquaculture Fund, the Director shall consider the recommendations of an advisory board established according to this sub-regulation and consisting of a Chairperson and four (4) other members appointed by the Permanent Secretary of the Ministry responsible for aquaculture:

Provided that the said board shall be assisted by a secretary who shall not have the right to vote:

Provided further that all appointed board members, except the board secretary, shall have an original right to vote and the Chairperson shall have an additional casting vote in case of parity of votes.

(4) The board secretary referred in sub-regulation (3) shall be appointed by the Permanent Secretary of the Ministry responsible for aquaculture, according to such conditions as the said Permanent Secretary may deem fit.

(5) Without prejudice to sub-regulation (2) and the general public benefit sought by it, financing from the fund may be approved by the Director in favour of a proposal for funding:

Provided that the said approval may be given only after a recommendation by the board referred to in this regulation.

(6) Proposals for funding shall be eligible for consideration only if they satisfy these regulations and the eligibility criteria listed in Schedule II:

Provided that proposals for funding shall be submitted in writing to the Director, or to the board secretary established in accordance with sub-regulation (3):

Provided further that funding shall not be given for the acquisition of any title on immovable property or for any proposal related to built structures or the acquisition of land.

(7) There shall be paid into the Aquaculture Fund:

(a) any sum appropriated by Parliament for that purpose;

(b) sums received by the Director for the purpose of being placed in the Aquaculture Fund;

(c) any sums or monies which are payable to the Aquaculture Fund in accordance with these regulations, unless expressly excluded in accordance with these regulations; and

(d) any sums or monies as due to the Aquaculture Fund in accordance with any other law:

Provided that no payment in accordance with this sub-regulation shall lead to any real or perceived conflict of interest, and all payments shall be published as may be instructed by the Director.

(8) No tax or other fiscal obligation shall be due for any income or payments received by the Aquaculture Fund."

4. Sub-regulation (11) of regulation 5 of the principal regulations shall be substituted by the following new sub-regulation:

Amends regulation 5 of the principal regulations.

"(11) The following payments shall be made by every aquaculture establishment issued with an operational permit in accordance with these regulations:

(a) aquaculture establishments farming the species *Thunnus thynnus* shall be subject to a yearly contribution of ten thousand euro (€10,000) payable to the Aquaculture Fund;

(b) aquaculture establishments exclusively farming species other than *Thunnus thynnus* shall be subject to a yearly contribution of five thousand euro (€5,000) payable to the Aquaculture Fund."

5. In sub-regulation (1) of regulation 9 of the principal regulations, the word "Schedule" shall be substituted by the words "Schedule I".

Amends regulation 9 of the principal regulations.

6. In the Schedule to the principal regulations, the word "Schedule" shall be substituted by the words "Schedule I".

Amends the Schedule to the principal regulations.

7. Immediately after Schedule I to the principal regulations there shall be added the following new Schedule:

Adds a new Schedule to the principal regulations.

**"SCHEDULE II
ELIGIBILITY CRITERIA
(regulation 2A)**

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| Cap. 595. | 1. Eligible applicants shall be organisations being part of the public administration in accordance with the Public Administration Act, voluntary organisations registered in accordance with the Voluntary Organisations Act and students registered with a licensed and accredited further and higher education institution as recognised by the Malta Further and Higher Education Authority as established by article 3 of the Further and Higher Education Act. |
| Cap. 492. | |
| Cap. 607. | |
2. The project proposal shall declare the positive contributions to the aquaculture sector, the environment, scientific research and, or the economy of Malta while it is being implemented and, or once the project is completed, as well as the public benefit to the people of Malta in general.
3. The project proposal shall be supported by a detailed project plan and a feasibility study.
4. Any other eligibility criteria which the Director may prescribe in accordance with regulation 2A(2)."
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