

1.1 Fish Marketing Regulations, 1957 - G.N. 395 of 1957

as amended by:

L.N. 103 of 1969

L.N. 72 of 1978

L.N. 124 of 1979

L.N. 84 of 1980

L.N. 38 of 1986



## GOVERNMENT NOTICE

[No. 395.]

IN exercise of the powers vested in him by section 3 (1) of the Fish Industry Act, 1953 (Act XII of 1953), the Governor-in-Council has been pleased to make the following Regulations:—

### Title

1. These Regulations may be cited as the Fish Marketing Regulations, 1957.

### Interpretation

2. In these Regulations, unless the context otherwise requires:—

<sup>alternative</sup> "director" means the Director of Fisheries or any Official of his department authorised by him to act on his behalf;

"fisherman" means a person actively engaged in the pursuit of fishing;

"imported fish" means fresh fish other than fish caught by a fishing boat registered in these Islands;

"minister" means the Minister who, for the time being, is responsible for the Department of <sup>Agriculture</sup> Fisheries;

"pitkal" means a person who undertakes to sell fish by wholesale on behalf of any other person;

"retailer" means a person who sells fish by retail from a shop, from a stall or by hawking;

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

### Pitkali

3. No person shall act as pitkal, either of local or imported fish, without a licence from the Director.

4. The fee leviable on the issue of a pitkal licence shall be a fee based on the annual rental value of the premises used for the conduct of the business at a rate of 10s for every £10 or fraction thereof.

5. A pitkal licensed to sell local fish may not act as pitkal for the sale of imported fish.

## NOTIFIKAZZJONI TAL-GVERN

[Nru. 395.]

BIS-SAIHA tas-sajd, moghtijin lilu bl-artiklu 3 (1) ta' Att ta' 1-1953 dwar l-Industrija tal-Hut (Att Nru. XII ta' 1-1953), il-Gvernatur u l-Kunsill għoġbu jorjog dawn ir-Regolamenti:—

### Titlu

1. Dawn ir-Regolamenti jistgħu jissejnu r-Regolamenti ta' 1-1957 dwar il-Bejgħ tal-Hut.

### Interpretazzjoni

2. F'dawn ir-Regolamenti, kemm-il darba il-kontest ma jfissirx mod ieħor:—

"direttur" tisser id-Direttur tas-Sajd jew kull Uffiċjal tad-Dipartiment tiegħu awtorizzat quinnu biex jagħxi fisnu;

"sajjed" tisser persuna li tkun okkupata b'mod attiv fis-sergħa tas-sajd;

"hut importat" tisser hut frisk, barra minn hut maqbud minn dgħajsa tas-sajd registrata f'dawn il-Gżejjer;

"ministru" tisser il-Ministru li, iż-żmien, ikun responsabbli għad-Dipartiment tas-Sajd;

"pitkal" tisser persuna li tbigh il-hut bl-ingrossa fisem kull persuna oħra;

"bejgiegħ bl-innut" tisser persuna li tbigh il-hut bl-innut minn hanut minn posta jew fi triq;

"bejgħ" tinkludi kull disponent taht titlu oneru, ikun li jkun, u "tbigh" għandha tiffiehem f'dan is-sens.

### Pitkali

3. Ebda persuna ma għandha tagħmilha ta' pitkal, kemm ta' hut lokali jew importat, mingħajr licenza mid-Direttur.

4. Id-dritt mitlub fuq il-hut ta' licenza ta' pitkal għandu jkun dritt ibbażat fuq il-valur tal-kern ta' kull sena tal-post użat għat-tmexxija tan-negozju b'rata ta' 10s, għal kull £10 jew frazzjoni minnhom.

5. Pitkal li għandu licenza biex tbigh hut lokali ma jistax jagħmilha ta' pitkal għall-bejgħ ta' hut importat.

6. A pitkal shall not, without the permission in writing of the Director, exercise his trade except at the wholesale fishmarket at Old Barriera Wharf, Valletta.

7. A pitkal may not have any interest in the fish trade which is extraneous to his business as pitkal.

#### *Sale of Fish by Pitkali*

8. Pitkali shall not sell local or imported fish except by public auction; in such auction, bidding shall be made "viva voce" and in such manner as to be clearly understood by all persons present.

9. The times at which sales by auction may start shall be as follows:—

From the 1st of September to the 31st October, ~~9-30 a.m.~~ 4.00 a.m.

From the 1st of May to the 31st August, ~~9-30 a.m.~~ 4.00 a.m.

From the 1st to the 30th November, ~~4-30 a.m.~~ 4.30 a.m.

From the 1st December to the 30th April, ~~5-30 a.m.~~ 5.00 a.m. U.D. 21/1/1926

No sales shall be held before such times.

10. All sales are to be effected on a weight basis and only officially recognised weights shall be used.

11. A pitkal may not bid either on his own behalf or on behalf of any other person.

12. A pitkal licensed to sell local fish shall not sell fish on behalf of any person who is not a fisherman.

13. Where fish is sold in containers, the correct weight of the fish contained in such containers shall be clearly marked thereon to the satisfaction of the Director.

14. A pitkal may not refuse to accept for sale any fish consigned to him; provided that if it is proved to the satisfaction of the Director that any fish consigned to a pitkal does not conform to the requirements of these Regulations, the pitkal shall be at liberty to refuse acceptance for sale by him of that particular parcel of fish.

6. Pitkal ma ghandux, minghajr il-permess bil-miktub tad-Direttur, inexxi n-negozju tiegħu lilief fis-suq tal-but lejn isir il-bejgħ bl-ingrossa fix-Xatt tal-Barriera, Il-Belt Valletta.

7. Pitkal ma jistax ikollu xi interess fin-negozju tal-but li ma ghandux x'jaqsam man-negozju tiegħu bhala pitkal.

#### *Bejgħ ta' Hut mill-Pitkali*

8. Il-Pitkali ma ghandhomx ibiegħw hut lokali jew importat lilief b'irkant pubblika; l'irkant bhal dan l-offertj ghandhom isiru "viva voce" u b'mod li jkunu misfuma sewwa minn dawk kollha li jkunu preżenti.

9. Il-ħinijiet li f'ihom jista' jinbeda l-bejgħ bl-irkant ghandhom ikunu kif geġ:—

Mill-1 ta' Settembru sal-31 ta' Ottubru, 3.30 a.m.

Mill-1 ta' Mejju sal-31 ta' Awissu, 3.30 a.m.

Mill-1 sal-30 ta' Novembru, 4 a.m.

Mill-1 ta' Diċembru sal-30 ta' April, 5 a.m.

Ma ghandux isir bejgħ qabel dawn il-ħinijiet.

10. Il-bejgħ kollu għandu jsir fuq bażi ta' użin u għandu jiġi użat bis-użin magħruf uffiċjalment.

11. Pitkal ma jistax jagħmel offerri kemm f'isem kif ukoll f'isem kull persuna oħra.

12. Pitkal li jkollu liċenzja b'lex il-igħ but lokali ma ghandux ibiegħ hut f'isem kull persuna oħra li ma tkunx sajjied.

13. Fejn il-but jinbiegħ f'reċipjenti, l-użin korrett tal-but li jkun hemm fir-reċipjenti għandu jkun immarkat, ċar fuq dawk ir-reċipjenti għas-soddisfazzjon tad-Direttur.

14. Pitkal ma jistax jirrofta li jaċċetta għall-bejgħ kull hut konsenjat lilu; iżda jekk ikun ippruvat b'soddisfazzjon tad-Direttur illi xi hut ikkonsenjat l-il-pitkal ma jkunx skond kif jitolbu dawn ir-Regolamenti, il-pitkal għandu jkun fil-libertà li jirrifjuta li jaċċetta li ibiegħ dik il-partita partikolari tal-but.

15. A pitkal shall record every individual sale on a form of voucher to be furnished by the Director, giving all the details required thereon, and shall consign such voucher to the retailer making the relative purchase.

16. A copy of all such vouchers, duly and correctly filled in, shall be consigned to the Director as soon as every day's sales are concluded.

#### *Payment to Fishermen and Pitkali*

17. The Director shall furnish to every fisherman and to every importer of fish a statement of all sales effected on his behalf by the pitkali. Such statement shall be based on the vouchers consigned to the Director in terms of regulation 16 of these Regulations. The relative payment to the fisherman or importer and to the pitkali shall be made by the Director.

18. (1) When making payments, in terms of the preceding regulation, the Director shall deduct an amount equivalent to 6.3 per cent or 10 per cent from the amounts due to the fisherman and the importer respectively. In both cases the amount to be paid to the pitkal as remuneration for his services shall be 6.3 per cent of the amount of the registered sales.

(2) The Director shall deduct from the amounts due to the pitkal any amount due by any retailer for fish sold to such retailer by such pitkal.

(3) Where the amount due by retailers for fish sold to them by a pitkal is more than the amount due to such pitkal, the Director may notify the pitkal to pay such sum in excess of the amount due to him 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 may suspend the relative licence until such payment is effected, so however that, if the amount is not settled within a period of three months from the date of such notification, the relative licence shall be deemed to have been revoked, saving the Director's right to claim the amount involved.

(4) Where any amount due by a retailer has been deducted from the amount due to a pitkal or has been paid by a pitkal in accordance with this regulation, such pitkal shall notwithstanding the provisions of regulation 25 have a right to claim such amount directly from the retailer.

cept from a licensed pitkal.

23. A retailer may neither purchase fish from nor sell fish to another retailer.

15. Pitkal ghandu jnizzel kull bejgh individwali fuq forma ta' "voucher" li tinghata mid-Direttur, u jaghti d-det-talji kollha mitlub hemmubekk, u ghandu jikkonsenja dan il-"voucher" lid-bej-jeugh bl-innut li jaghmet ix-xirja relativa.

16. Kopja ta' dawn il-"vouchers" kollha, tammijin sewwa u kif ghandu jkuw, ghandha tigi jkkonsenjata lid-Direttur malli jispicca l-bejgh ta' kull gurnata.

#### *Hlas lis-Sajjed u lill-Pitkali*

17. Id-Direttur ghandu jaghti lil kull sajjed u lil kull importatur tal-hut dikjarazzjoni tal-bejgh kollu li jkun sar akkont tieghu mill-pitkali. Din id-dikjarazzjoni ghandha tkun ibbazata fuq il-"vouchers" konsenjati lid-Direttur skond ir-regolament 16 ta' dawn ir-Regolamenti. Il-hlas relativ lis-sajjed jew lill-importatur u lill-pitkali ghandu jsir mid-Direttur

skond ir-regolament ghandu jnaqqas hal 1s. 3d. jew 2s. jkollhom jithallu utatur rispettiva- anunt li ghandu da rimunerazzjoni andu jkun 1s. 3d. tal-bejgh registrat.

tax jthob, jesigi sajjed jew import- w, indirettament, w rimunerazzjoni l xi hut mibjugh

tax jaçetta hlas l-innut ghal kull u.

-Innut

ma tista' tagh- l-innut minghajr

ut ma jistax jixtri nor hut bl-ingrossa blief minghand pitkal bil-liçenza.

23. Bejjiegh bl-innut ma jista' la jixtri hut minghand bejjiegh bl-innut iehor u lanqas ibighlu hut.

24. A retailer may not remove any fish purchased by him from the fish-market before the relative sale-vouchers have been vetted and stamped by the Director.

"24A. (1) There shall be exhibited on any fish or species of fish exposed for sale a white label showing the price per ~~retel~~, at which such fish or species of fish is offered for sale.

(2) The figures on the said label shall be clearly written in ink and shall be at least one-inch high." ~~25 m.m. 25/27~~

27. Any retailer who does not effect payment as required by regulations 25 and 26 hereof shall be precluded from making any further purchases. A list of such defaulters shall be furnished to every pitkal ~~[who shall, thereafter, be held responsible for the payment in respect of any sales made by him in contravention of this regulation]~~ ~~25 25/27~~

28. A retailer shall carry with him the purchase vouchers in respect of any fish he is offering for sale and he shall produce such vouchers on demand to any Fishery Officer or to any member of the Police.

29. Every fish hawkker shall wear conspicuously on his arm a badge indicating the number of the licence issued to him by the Director. Such badge shall be issued by the Director on payment of a fee of 5s and shall be returned to the Director within two days of the day on which the licence is in any way cancelled or suspended.

30. A fish hawkker may sell fish only in the district or area specified in his licence.

31. Except as provided in regulations 21, 29 and 30 hereof, nothing in these Regulations shall prevent a fisherman or a member of his family from selling by retail any fish caught by the said fisherman.

24. Bejjiegħ bl-innut ma jistax igorr mis-suq tal-hut kull hut mixtri minnu qabel ma' l-"vouchers" tal-bejgħ relativ jkunu għew verifikati u ittibrati mid-Direttur.

it mixtri mill-bejgħ u jsir biss lid-Direttur u jsir fi żmien mid-Direttur.

24A. (1) Ma jgħallaxx kif mitlub mir-regolamenti 25 u 26 ta' dawn ir-Regolamenti ma jgħallix jagħmel xirjiet iżjed. Lista ta' persuni hekk hatjin għandha tingħata lil kull pitkal li, wara dan, jinżamm responsabbli għall-ħlas għal kull bejgħ magħmul minnu b'kontravvenzjoni ta' dan ir-regolament

27. Kull bejjiegħ bl-innut li ma jgħallaxx kif mitlub mir-regolamenti 25 u 26 ta' dawn ir-Regolamenti ma jgħallix jagħmel xirjiet iżjed. Lista ta' persuni hekk hatjin għandha tingħata lil kull pitkal li, wara dan, jinżamm responsabbli għall-ħlas għal kull bejgħ magħmul minnu b'kontravvenzjoni ta' dan ir-regolament

28. Bejjiegħ bl-innut għandu jkoll miegħu l-"vouchers" tal-bejgħ ta' kull hut li jkun qed joffri għall-bejgħ u għandu jippreżenta dawn il-"vouchers" meta jigi mitlub li kull Uffiċjal tas-Sajd jew li kull membru tal-Pulizija.

29. Kull bejjiegħ tal-hut fit-toroq għandu jilbes fuq driegħu, b'mod li tidher, midalja li turi n-numru tal-liċenza mahruġa lilu mid-Direttur. Din il-midalja għandha tingħareġ mid-Direttur bi ħlas ta' dritt ta' 5s u għandha tingħata lura lid-Direttur fi żmien jumejn mill-għurnata li fiha l-liċenza tkun b'xi mod imħassra jew sospiża.

30. Bejjiegħ tal-hut fit-toroq jista' jbigħ hut lid-distrett jew area speċifikata fil-liċenza tiegħu biss.

31. Uffiel kif hekkun mahsub fir-regolamenti 21, 29 u 30 ta' dawn ir-Regolamenti, xejn ta' dawn ir-regolamenti ma jipprojbixx sajjied jew membru tal-familja tiegħu milli jbigħ bl-innut kull hut li jkun inqabad mis-sajjied imsemmi.

### *Special Provisions re Imported Fish*

32. Imported fish shall be placed in a cold store licensed by the Commissioner of Police directly it is landed in these Islands, unless the immediate sale thereof is authorised by the Director.

33. Fish placed in cold storage as above shall not be taken out of cold storage or sold without the previous permit in writing from the Director, who may, at his discretion, limit the quantity of fish that may be so taken out or sold.

34. Importers shall, as soon as possible, and, in no case later than twenty-four hours after the completion of each operation, furnish the Director with a return showing the quantity and quality of all fish placed in cold storage as well as of that taken out thereof.

35. The Director shall have the right to enter any cold store or other premises where he has reason to believe that imported fish is being stored and shall be given all facilities for the purpose of checking the correctness of returns furnished to him by importers.

### *Inspection*

36. All fresh fish, whether locally caught or imported, shall, on landing, be subject to inspection by any Fishery Officer. Where a Fishery Officer has reason to believe that any fish is not in a wholesome condition, he may seize the fish and cause it to be examined by the sanitary authorities.

37. The Licence issued in terms of regulations 3 and 21:—

(a) 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; and without prejudice to the grant subsequent to that date of a new Licence; and

### *Disposizzjonijiet Speċjali dwar Hut Importat*

32. Hut importat għandu jittieghed f'cold store liċenzjat mill-Kummissarju tal-Pulizija malli jkun għe zbarakat f'dawn il-Gżejjer, kemm-il darba ma jiġix awtorizzat il-bejgħ tiegħu immedjat mid-Direttur.

33. Hut imtiegħed fil-frizja kif imfisser hawn fuq ma għandux jinħareġ mill-cold store jew jinbiegħ mingħajr permess bil-miktub minn qabel mingħand id-Direttur, li jista' fid-diskrezzjon tiegħu, jillimita l-kwantità ta' hut li tista' hekk jinħareġ jew tinbiegħ.

34. L-importaturi għandhom, malli jkun possibbli u, f'ebda każ aktar tard minn 24 siegħa wara li ttlesta kull operazzjoni, jagħtu lid-Direttur rendikont li juri l-kwantità u l-kwalità tal-hut kollu mtiegħed fil-frizja kif ukoll ta' dak li jittieghed minnha.

35. Id-Direttur għandu jkollu d-dritt li jidher f'kull cold store jew f'kull post ieħor lejn ikollu raġun jahseb li jkun qed jinħażen hut importat u għandu jingħata l-facilitajiet kollha sabiex jverifika l-esattezza ta' kull rendikont mogħti li u mill-importaturi.

### *Spezzjon*

36. Il-hut frisk kollu, kemm jekk ikun lokali u kemm jekk ikun għe im-portat, ma jiġi zbarakat, jkun soġġett għall-ispezzjon minn kull Uffiċjal tas-Sajd. Meta Uffiċjal tas-Sajd iko lu raġun li jahseb illi xi hut ma jkunx f'kundizzjoni tajba, huwa jista' jzomm il-hut u jtiegħel li jiġi eżaminat mill-awtoritajiet sanitarji.

37. Il-liċenzi malreġiu skond ir-regolamenti 3 u 21:—

(a) għandhom ikunu jswew sal-31 ta' Diċembru tas-sena li fiha jinħarġu u wara dik id-data jistgħu jiġġeddu minn sena għal sena; iżda ebda tiġdid bhal dan ma jista' jsir wara l-31 ta' Marzu tas-sena li għaliha jirreferixxi l-tiġdid u mingħajr preġudizzju għall-għoddi ta' l-licenza għida wara dik id-data; u

(b) shall not exempt the holder thereof from the requirement of any licence under any other law that is or may be in force.

### *Penalties*

38. Any person who contravenes or fails to comply with any of these Regulations shall be guilty of an offence against these Regulations.

39. Any person guilty of an offence against regulations 21, 29 and 30 hereof shall, on conviction, be liable to a fine (multa) of not less than 10s but not exceeding £2 for each such offence; and any person guilty of an offence against regulations 13, 22, 24<sup>24A</sup> and 28 hereof shall, on conviction, be liable to a fine (multa) of not less than £5 but not exceeding £10 for each such offence.

40. Any person guilty of an offence against these Regulations, which is not specified in regulation 39 hereof, shall, on conviction, be liable to a fine (multa) of not less than £10 but not exceeding £50 for each such offence.

41. Offences under these Regulations are to be deemed contraventions. The provisions of the Criminal Code relating to Criminal Proceedings shall, subject as hereinafter stated, apply in respect of proceedings for offences under these Regulations:

Provided that proceedings in respect of an offence under these Regulations may be commenced at any time within one year of the commission of the offence.

### *Repeal*

42. The Regulations published by Government Notice No. 58 of the 7th February, 1938, are hereby repealed.

43. These Regulations shall come into force on the 15th July, 1957.

24th June, 1957.  
(Fish: 470/56)

J. J. COLB,  
*Minister of Posts and Agriculture.*

(b) ma teżentax il-pussessur tagħha mill-htieġ li jkollu xi liċenza skond xi liġi oħra li qed jsehh jew li għad tkun qed jsehh.

### *Pieni*

38. Kull persuna li tikser jew ma tinxix skond kull wiehed minn dawn ir-regolamenti tkun hatja ta' reat kontra dawn ir-Regolamenti.

39. Kull persuna hatja ta' reat kontra r-regolamenti 21, 29 u 30 ta' dawn ir-Regolamenti, meta tinstab hatja, tkun soġġetta għal multa ta' mhux anqas minn 10s imma mhux aktar minn £2 għal kull reat bhal dan; u kull persuna hatja ta' reat kontra r-regolamenti 13, 22, 24 u 28 ta' dawn ir-Regolamenti, meta tinstab hatja, tkun soġġetta għal multa ta' mhux anqas minn £5 imma mhux aktar minn £10 għal kull reat bhal dan.

40. Kull persuna hatja ta' reat kontra dawn ir-Regolamenti, li mhux speċifikat fir-regolament 39 ta' dawn ir-Regolamenti, meta tinstab hatja, tkun soġġetta għal multa ta' mhux inqas minn £10 imma mhux aktar minn £50 għal kull reat bhal dan.

41. Reati skond dawn ir-Regolamenti għandhom jitqiesu bhala kontravenzjonijiet. Id-disposizzjonijiet tal-Kodiċi Kriminali dwar il-Proċedimenti Kriminali, skond kif jingħad hawnhekk aktar 'il quddiem, għandhom japplikaw għall-proċedimenti għal reati skond dawn ir-Regolamenti:

Iżda proċedimenti dwar reat skond dawn ir-Regolamenti jistgħu jibdew f'kull żmien fi żmien sena minn meta jkun sar ir-reat.

### *Thassir*

42. Ir-Regolamenti pubblikati bin-Notifikazzjoni tal-Gvern Nru. 58 tas-7 ta' Frar, 1938, huma b'din imħassar.

43. Dawn ir-Regolamenti għandhom jibdew isehhu fil-15 ta' Lulju, 1957.

1-24 ta' Ġunju, 1957.

J. J. COLB,  
*Ministru tal-Posta u Biedja.*