

MALTA

AN ACT enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of Malta.

I assent.

(L.S.)

TRAFFORD SMITH,
Officer Administering the Government.
[27th July, 1953.]

ACT No. XII of 1953.

AN ACT to provide for regulating the catching, landing and sale of fish, and for purposes connected therewith.

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Malta, as follows:—

Short title.

1. This Act may be cited as the Fish Industry Act, 1953.

Interpretation.

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

“Minister” means the Minister who, for the time being, is responsible for the Fisheries Department;

“Malta” means the Island of Malta and its Dependencies;

“fishing boat” means a vessel of whatever size and design, and in whatever way propelled, registered in Malta which is, for the time being, used for the purpose of fishing;

“foreign fishing boat” means a vessel of whatever size and design and in whatever way propelled, not registered in Malta which is, for the time being, used for the purpose of fishing;

“fishing” means the art of catching every description of fish or

ATT magħmul mill-Wisq Eċċellenti Maestà Tagħha r-Regina bil-parir u kunsens ta' l-Assemblea Legislativa ta' Malta.

Naghti l-kunsens tiegħi.

(L.S.)

TRAFFORD SMITH,
Uffiċjal li qiegħed jamministra l-Gvern.
[Is-27 ta' Lulju 1953.]

ATT Nru. XII ta' l-1953.

ATT li jkseb sabiex jiġi regulat il-qbid, inżul l-art u bejgh tal-ħut, u għal-skopijiet li għandhom x'jaqsmu ma' dan.

Il-Wisq Eċċellenti Maestà Tagħha r-Regina, bil-parir u kunsens ta' l-Assemblea Legislativa ta' Malta, harget b'ligi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' Isem fil-qosor. l-1953 dwar l-Industrija tal-Ħut.

2. F'dan l-Att, kemm il-darba it-Tifsir. test ma jirrikjedix mod jehor:

il-kelma “Ministru” tfisser il-Ministru jlli għal żmien li jkun ikollu taħt ir-responsabbilta tiegħu d-Dipartiment tas-Sajd;

il-kelma “Malta” tfisser il-Gżira ta' Malta u l-Gzejjer li jagħmlu magħha; il-kelmiet “dghajsa tas-sajd” ifissru biċċa tal-baħar ta' kull daqs u għamla u tkun kif tkun immexxija, registrata f'Malta, li tkun, għaż-żmien li jkun, użata għas-sajd;

il-kelmiet “dghajsa tas-sajd bar-ranija” ifissru biċċa tal-baħar ta' kull daqs u għamla u tkun kif tkun immexxija, mhux registrata f'Malta, li tkun, għaż-żmien li jkun, użata għas-sajd;

il-kelma “sajd” tfisser is-sengħa tal-qbid ta' kull xorta ta' ħut jew frott

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shell-fish or corals or plants found in the sea;

“fishing implement” means any nets, lines, floats, lamps or other instruments usually used for the purpose of fishing;

“skipper” includes, in relation to any vessel the person for the time being in command or charge of that vessel;

Power of the Governor in Council to make regulations.

3. (1) It shall be lawful for the Governor-in-Council to make vary or repeal regulations for carrying into effect the provisions of this Act, and without prejudice to the generality of this power to make regulations for all or any of the following purposes, and to establish the penalties not exceeding in any case a fine (multa) of ~~(fifty pounds)~~ to which any offender of any of the Regulations made under this Act shall be liable:—

(a) for the registration of fishing boats and of persons engaged in fishing;

(b) to regulate the use of fishing implements, for preserving order among fishermen and preventing them doing damage to the fishing implements of others;

(c) to regulate the landing and storage of fish, its preservation and its utilization in the manufacture of by-products;

(d) to regulate the sale and distribution of fish and the licensing of persons connected therewith;

(e) to regulate the use of boat-slips, fishing boat moorings and other harbour facilities intended for the use of fishing boats;

(f) for maintaining order, sanitation and cleanliness in the wholesale fishmarket.

(g) for prescribing the requirement of a licence from the Minister in respect of persons acting as ‘skipper’ or ‘second hand’ of any class or description of fishing boats specified in the regulations and the terms and conditions on or subject to which such licences shall be issued;

(2) Regulations made under this Act shall be laid on the Table of the Legislative Assembly as soon as may be after they are made, and if the Legislative Assembly, within a period of twenty days, beginning with the day on which any such regulations are laid before it,

tal-baħar jew qroll jew haxix misjubin fil-baħar;

il-kelmiet “ghodod tas-sajd” ifisru ix-xbiek, lenez, sufri, lampari, jew ghodod oħra wzati għas-sajd;

il-kelma “padrun” tikkomprendi dwar kull biċċa tal-baħar, il-bniedem li għaż-żmien li jkun, ikollu taħt idejh il-kmand jew it-tmexxija ta’ dik il-biċċa tal-baħar;

3. (1) Il-Gvernatur fil-Kunsill ikun jista’ jagħmel, ibiddel u jħassar regolamenti biex jitmexxew id-disposizzjonijiet ta’ dan l-Att, u mingħajr ħsara għal generalità ta’ dan il-poter, biex jagħmel regolamenti għall-iskopijiet kollha hawn taħt imsemmija jew x’uħud minnhom, u biex jiffissa l-pieni li ma jkunux fl-ebda kas iżjed minn £50 (multa) li kull min jkser regolament magħmul bis-saħha ta’ dan l-Att jista’ jeħel:—

(a) dwar ir-registrazzjoni tad-dgħajjes tas-sajd u ta’ kull persuna li taħdem fis-sajd;

(b) biex jiġi regolat l-użu tal-ghodod tas-sajd, biex jinżamm il-bon ordni fost is-sajjeda u ma jithallewx li jagħmlu ħsarat fl-ghodod tas-sajd ta’ haddieħor;

(c) biex jiġi regolat l-inżul fl-art u l-ħażna ta’ ħut, il-preservazzjoni tiegħu u l-użu tiegħu fil-manifattura tal-prodotti mill-ħut;

(d) biex jiġi regolat il-bejgħ u t-tqassim tal-ħut u l-ghoti ta’ liċenzi lin-nies li għandhom x’jaqsmu ma’ dan;

(e) biex jiġi regolat l-użu ta’ l-iskali ta’ l-irmigġ għad-dgħajjes tas-sajd u ta’ faċilitazzjonijiet oħra tal-port intiżi għall-ghajjnuna tad-dgħajjes tas-sajd;

(f) biex fil-pitkalija tal-ħut jinżammu l-bon ordni, u kull ma huwa meħtieġ għas-saħha u għall-indafa.

(g) biex jordna l-bżonn ta’ liċenża mill-Ministru dwar il-persuni li jkunu qed jagħmluha ta’ padrun jew ‘second hand’ ta’ dgħajjes tas-sajd ta’ kull klassi jew xorta msemmija fir-regolamenti u l-pattijiet u l-kondizzjonijiet li taħthom din il-liċenża tinħareġ.

(2) Ir-regolamenti magħmulin bis-saħha ta’ dan l-Att, għandhom jitqegħdu fuq il-mejda ta’ l-Assemblea Legislativa mill-aktar fis minn mita jsiru, u jekk l-Assemblea Legislativa fi żmien għoxrin gurnata li jibdeu jagħddu minn dak inhar li regolamenti bħal dawn ikunu

Poter tal-Gvernatur fil-Kunsill li jgħodgħ regolamenti.

resolves that they be annulled or amended the same shall cease to have effect or shall be so amended but without prejudice to anything previously done thereunder or to the making of any new regulations. In reckoning any period for the purpose of this sub-section no account shall be taken of any time during which the Legislative Assembly is dissolved or prorogued or during which it is adjourned for more than four days.

Restrictions on foreign fishing boats.

4. (1) No person on board a foreign fishing boat shall fish or attempt to fish while the boat is within the territorial waters of Malta.

(2) If a foreign fishing boat,

tressqu quddiemha, tghaddi riżoluzzjoni illi ghandhom jithassru jew jitbiddlu, dawn ir-regolamenti jieqfu milli jkollhom effett jew jigu hekk mibdula, skond il-każ, iżda minghajr preġudizzju ta' kull ma jkun sar qabel bis-saħħa tagħhom u ta' l-għemil ta' regolamenti godda. Fil-għadd ta' kull perijodu għall-iskop ta' dan is-sub-artikolu m'għandux jingħadd ebda żmien li ma' tulu l-Assemblea Legislativa tkun xolta jew prorogata jew li ma' tulu tkun aġġornata għall-iżjed minn erbat ijiem.

4. (1) Ebda persuna li tkun fuq dgħajsa tas-sajd barranija ma għandha fuq dgħajjes tistad jew tipprowa tistad waqt li dik id-dgħajsa tkun fi-ibhra territorjali ta' Malta.

(2) Jekk dgħajsa tas-sajd barra-

(3) In the event of any contravention of this section, beside the punishment imposed by

this Act, the Court shall on conviction, ardue the forfeiture of the boat concerned and the fishing implements and of any fish tha maybe on board such boat at the time of the offence.

Restrictions on the landing of fresh fish from foreign fishing-boats.

5. (1) Fresh fish, other than fish caught by a fishing boat registered in these Islands, may not be landed in Malta without the previous permission, in writing, of the Controller of Fisheries.

(2) A permit issued under this section shall be valid only for the day on which it is issued, unless otherwise stated on the permit, and may contain such provisions as may appear necessary to the Controller of Fisheries. Such permit does not exempt the holder from the provisions of the Customs Ordinance (Chapter 60) and other Statutory laws regarding the landing of goods in these Islands.

(3) The skipper of a vessel from which fish is landed and the consignee of such fish or either of them shall furnish to the Controller of Fisheries all the information that may be required as regards the origin, sale and disposal of any fish landed.

(4) Fresh fish, other than fish caught by a fishing boat registered in these Islands, shall be landed only at the Wholesale Fishmarket, Old Barriera

5. (1) Hut frisk, li ma jkunx maqbud min dgħajjes tas-sajd registrati f'dawn il-Gżejjer, m'għandux jitneżżel l-art f'Malta minghajr il-permess min qabel bil-miktub tal-Kontrollur tas-Sajd.

(2) Permess maħruġ taht dan l-artikolu jkun jiswa għal dik il-gurnata biss li fiha jidher, kemm-il darba ma jingħadx xort'ohra fil-permess, u jista' jkun fi daww id-disposizzjonijiet ta' l-Kontrullur tas-Sajd jidherlu meħtieġa. Dan il-permess ma jehlisx lil min f'ismu ikun haqeg mid-disposizzjonijiet ta' l-Ordinanza tad-Dwana (Kapitolu 60) u Ligijiet oħra Statutarji dwar l-inżul fl-art ta' merkanzija f'dawn il-Gżejjer.

(3) Il-padrin ta' biċċa tal-baħar li minnha jitneżżel il-hut l-art u l-bniedem li jirċievi dak il-hut jew xi wiehed minnhom għandu jagħti lill-Kontrollur tas-Sajd it-tagħrif kollu li jista' jkun mitlub dwar minn fejn ġej il-hut li jitniżżel l-art, il-bejgħ tiegħu u x'sejjer isir minnu.

(4) Hut frisk, li ma jkunx maqbud minn dgħajjes tas-sajd registrati f'dawn il-Gżejjer, għandu jitniżżel l-art fil-Pitkalija tal-Hut biss ix-Xatt tal-Par-

Wharf, Valletta : provided that the Controller of Fisheries may, at his discretion, allow fish to be landed elsewhere in the presence of a Fishery Officer.

(5) Any person who contravenes or fails to comply with any terms or conditions of a permit issued under this section shall be guilty of an offence under this Act and any person who lands fish in contravention of this section, besides being liable to the fines imposed by this Act, shall, on conviction, also suffer the forfeiture of the fish so landed.

(6) A fee of five shillings shall be paid at the Fisheries Department in respect of each permit issued under this section.

Power to prohibit, limit or regulate the importation of frozen, canned or otherwise preserved fish.

6. (1) The Minister may, by an Order published in the Government Gazette, prohibit, limit or regulate the importation or landing in Malta of fish which has been frozen, chilled, canned, salted or which has undergone any process of curing or preservation.

(2) Without prejudice to the generality of the power conferred by this section, an order made under this section may determine for any such period as may be specified in the order :

(a) the description of such fish as aforesaid which may be landed in Malta ;

(b) the quantity of such fish, or of any description thereof, which may be so landed, and under what conditions such fish may be landed ; and the order may contain such provisions as appear to the Minister to be necessary for securing the due operation and enforcement of the scheme of regulation in the order.

(3) Any person who contravenes or fails to comply with any provisions contained in any order made under this section shall be guilty of an offence under this Act.

Power to amend or repeal orders.

7. Where any provision of this Act confers a power to make an order, the power shall be construed as including a power, exercisable in the like manner, to vary or revoke the order by a subsequent order.

Power to revoke licences and other permits.

8. Any licence, permit or permission granted for the purpose of any Regulations made under this Act, may be revoked at any time by the authority or person empowered to grant it.

riera il-Belt Valletta : iżda l-Kontrollur tas-Sajd jista', fid-diskrezzjoni tiegħu, iħalli li jitniżżel il-ħuġ l-art x'imkien ieħor fil-presenza ta' Uffiċċjal tas-Sajd.

(5) Kull min jikser jew jonqos milli josserva xi pattijiet jew kondizzjonijiet magħmulin f'permess maħruġ bis-saħħa ta' dan l-artikolu jkun ħati ta' reat taħt dan l-Att u kull bniedem li jniżżel il-ħuġ l-art bi ksur ta' dan l-artikolu, minbarra li jista' jehel il-multi skond dan l-Att, għandu, meta jinsab ħati, ibagħti wkoll il-konfiska tal-ħuġ hekk imniżżel l-art.

(6) Għandu jithallas dritt ta' hames xelini lid-Dipartiment tas-Sajd għal kull permess maħruġ bis-saħħa ta' dan l-artikolu.

6. (1) Il-Ministru jista', b'ordni pubblikata fil-Gazzetta tal-Gvern, jipprojbixxi, irazzan, jew jirregola l-importazzjoni jew inżul fl-art f'Malta ta' ħuġ tas-silġ, imkessah, fil-laned, immellaħ, jew li b'xi mod ieħor ikun ġie pprofumat jew ippreżervat.

Poter biex l-importazzjoni tal-ħuġ tas-silġ, fil-laned jew ippreżervat xort'ohra tkun projbita, imrażżna jew regolata.

(2) Mingħajr ħsara għal ġeneralità tal-poter mogħti b'dan l-artikolu, ordni magħmula bis-saħħa ta' dan l-artikolu, tista' tirregola għaż-żmien li jista' jkun imsemmi fl-ordni :

(a) ix-xorta ta' ħuġ bħal dak kif imsemmi hawn fuq li jista' jitniżżel l-art f'Malta ;

(b) il-kwantità ta' ħuġ bħal dak jew ta' xi xorta minnu li jista' hekk jitniżżel l-art, u l-kondizzjonijiet li bihom dan il-ħuġ jista' jitniżżel l-art : u fl-ordni jista' jkun hemm dawk id-disposizzjonijiet li lil-Ministru jidhru meħtieġa sabiex ikunu assigurati t-tħaddim u t-twettiq xierqin tar-regola proġettata fl-ordni.

(3) Kull min jikser jew jonqos li josserva xi disposizzjonijiet li jinsabu f'xi ordni magħmula bis-saħħa ta' dan l-artikolu jkun ħati ta' reat taħt dan l-Att.

7. Kull mita xi disposizzjoni ta' dan l-Att tagħti il-poter għal ħruġ ta' ordni, is-setgħa għandha tiftihem bħala fiha s-setgħa, li tiġi eżerċitata bli stess mod għat tibdil jew revokar ta' l-ordni b'ordni li ssir wara.

Poter għat-tibdil Setgħa jew revokar ta' ordnijiet.

8. Kull liċenza, sensja jew permess mogħtijin għal xi skop ta' xi Regolamentj magħmulin bis-saħħa ta' dan l-Att jistgħu jithassru f'kull żmien mill-awtorità jew persuna li għandhom il-poter li johor-ġuhom.

Setgħa għat-tahsir ta' liċenzi u sensji ohra.

Appointment, rights and duties of Fishery Officers.

9. (1) The Governor-in-Council may appoint Fishery Officers to ensure that the provisions of this Act and any Regulations and Orders made thereunder are strictly complied with.

(2) Fishery Officers appointed as aforesaid shall, in the discharge of their powers and duties, have all the rights, powers and duties vested in or imposed on Officers of the Malta Police.

Special powers of Fishery Officers.

10. (1) For the purpose of enforcing the provisions of this Act and any Regulations and Orders made thereunder, a Fishery Officer may, with respect to any foreign fishing boat when within territorial waters, and with respect to a locally registered fishing boat anywhere exercise the following powers:—

(i) go on board;

(ii) require the skipper to produce any certificate of registry and other documents pertaining to the boat;

(iii) seize such documents and order the skipper to take his boat into harbour.

(2) For the purposes of this section any Police officer or any Officer of Customs and Excise shall exercise any of the powers conferred by this section on Fishery Officers.

Offences.

11. If any person obstructs any Fishery Officer in acting under the powers conferred by this Act, or refuses to comply with any directions lawfully made, or to answer any question lawfully asked, by any Fishery Officer in pursuance of this Act, such person shall be guilty of an offence against this Act:

Provided that no person shall be compellable to answer questions which may criminate him.

Responsibility of boats skipper.

12. Where any offence against this Act has been committed by any person on board a fishing boat or on board a foreign fishing boat, the skipper of such boat shall in every case be liable to be deemed guilty of such offence:

Provided that if he proves that he issued proper orders for the observance,

9. (1) Il-Gvernatur fil-Kunsill jista' jagħzel Uffiċjali tas-Sajd biex jassiguraw illi d-disposizzjoni ta' dan l-Att u tar-Regolamenti u Ordnijiet magħmulin bis-sabha tiegħu, ikunu mharsin bir-reqqa.

Hatra, jeddijiet u dmirijiet ta' l-Uffiċjali tas-Sajd.

(2) L-Uffiċjali tas-Sajd magħzulin kif imsemmi hawn qabel, ikollhom, fl'esekuzzjoni tal-poteri u tad-dmirijiet tagħhom, kollha kemm huma id-drittijiet, poteri u dmirijiet mogħtijin lil jew im-qegħdin fuq l-Uffiċjali tal-Pulizija ta' Malta.

10. (1) Sabiex jitwettqu d-disposizzjonijiet ta' dan l-Att u ta' dawk ir-Regolamenti u Ordnijiet li jistgħu jsiru bis-sabha tagħhom, kull Uffiċjal tas-Sajd jista', għal dak li jirrigwarda dghajjes tas-sajd barranin waqt li jinsabu fl-ibhra territorjali, u għal dak li jirrigwarda dghajjes tas-sajd registrati f'Malta kul fejn jinsabu, jeżerċita dawn il-poteri li ġejjin:—

Poteri speċjali ta' l-Uffiċjali tas-Sajd.

(i) jitla abbord;

(ii) iġiġhel lill-padrin li jgħib quddiemu kull ċertifikat tar-registrazzjoni u dokumenti oħra li jkollhom x'jaqsmu mad-dghajja;

(iii) jaqbad taħt idejha dawn id-dokumenti u jordna lill-padrin biex idahhal id-dghajja tiegħu fil-port.

(2) Għall-finijiet ta' dan l-artikolu kull Uffiċjal tal-Pulizija jew kull Uffiċjal tad-Dwana u tas-Sisa jkunu jistgħu jeżerċitaw is-setgħat mogħtija b'dan l-artikolu lil Uffiċjali tas-Sajd.

11. Jekk xi hadd ifixkel lil-Uffiċjal tas-Sajd waqt li jkun qiegħed jaqdi dmiru bil-poteri mogħtijin lilu b'dan l-Att, jew jirrifjuta li jobdi l-ordnijiet mogħtija minnu skond il-liġi, jew li jwieġeb għal xi mistoqsija lilu magħmula skond il-liġi min xi Uffiċjal tas-Sajd fil-h'dma ta' dan l-Att, din il-persuna tkun ha'tja ta' reat kontra dan l-Att:

Reati.

B'dan illi hadd ma jista' jkun imġiegħel jirrispondi għal domandi li jinkriminawh.

12. Kull mita xi reat kontra dan l-Att isir minn persuna abbord ta' dghajja tas-sajd jew ta' dghajja tas-sajd barranija, il-padrin ta' dik id-dghajja jkun f'kull każ sogġett li jitqies hati ta' dan ir-reat:

Responsabbiltà tal-padrin tad-dghajja.

Izda jekk huwa jipprova li ta l-ordnijiet sewwa biex jiġi osservat dan

and used due diligence to enforce the ob- | l-Att u li uza diligenza xierqa biex jin-
servance of this Act, and that the offence | forza din l-osservanza u li l-htija kienet

13. Any person guilty of an offence under this Act shall, on conviction -

(a) in the case of an offence against this Act, be liable -

i) to a fine of £ 4000 in respect a first offence and,

ii) to imprisonment for a term of three months or to a fine of £ 4000 or to both
such fine and imprisonment in respect of a second or subsequent offence.

(b) in the case of any other offence, be beath to a fine of not less than £ 50, but
not exceeding £ 1000, or to imprisonment for a term not exceeding three months
or to both such fine and imprisonment.

(Fisheries 478/51.)