CHAPTER 146

AGRICULTURE AND FISHING INDUSTRIES (FINANCIAL ASSISTANCE) ACT

To authorise the provision of financial assistance to farmers and fishermen and persons desiring to engage in the agricultural or fishing industry.

28th January, 1956

ACT II of 1956, as amended by Acts XIII of 1956, VI of 1957; Emergency Ordinance XIV of 1958; Ordinances VIII of 1960 and XXV of 1962; Legal Notices 4 of 1963 and 46 of 1965; Act IX of 2002; and Legal Notice 409 of 2007 and Act XXXV of 2023.

Short title.

1. The short title of this Act is the Agricultural and Fishing Industries (Financial Assistance) Act.

Interpretation.

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

"agricultural industry" means the business of growing crops, cultivation of fruit-trees, and of breeding livestock;

"fishing industry" means the business of catching any description of fish or shell-fish by means of fishing boats registered as such in Malta;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"person" includes a body of persons.

Financial assistance for the agricultural and fishing industries. *Amended by: XIII. 1956.2; XIV.1958; VIII. 1960.2; XXV. 1962.2; L.N. 4 of 1963.*

3. (1) Subject to the provisions of this Act, the Minister responsible for the Department of Agriculture and the Department of Fisheries, hereinafter referred to as "the Minister", may, with the approval of the Minister responsible for finance, make arrangements for the provision of financial assistance for persons engaged in the agricultural or fishing industry and persons desiring to engage therein, including in particular persons who have previously been so engaged.

(2) Assistance may be given under this Act to any such persons as aforesaid:

(*a*) in regard to the agricultural industry, in connection with the acquisition of livestock, machinery, tools, implements, equipment, fodder, seeds, fertilizers, insecticides, fungicides or any other thing which in the opinion of the Minister is useful to the agricultural industry, or in connection with the acquisition or improvement of land or the improvement of animal husbandry;

(*b*) in regard to the fishing industry, in connection with the acquisition of boats or equipment for use for the purpose of the said industry, or in connection with the improvement or reconditioning of such boats or equipment;

(*c*) in regard to both the agricultural and the fishing industries, in connection with the repayment of any sum which, before the coming into operation of this Act, may have been borrowed for any of the purposes specified in the two preceding paragraphs of this subarticle or in connection with the payment of any sum which, before that date, was due for or in relation with any of those purposes.

(3) Assistance as aforesaid shall be by way of loan. But, if the Minister is satisfied that the object for which the assistance is sought would effect an appreciable improvement in the industry, he may authorize assistance to be given by way of grant, or partly by way of loan and partly by way of grant, so however that the amount of grant shall not exceed one-half of the price or expense involved.

(4) Any sums required by the Minister for making grants or loans in accordance with arrangements made under this article shall be paid out of moneys appropriated for the purpose.

Payment of principal and interest into Consolidated Fund. *Substituted by: VIII. 1960.3. Amended by: L.N. 46 of 1965.*

4. Any sums received in payment of the interest or in repayment of the principal in respect of any loan made under this Act, and any sums which may be repaid in accordance with the terms of any grant made under this Act, shall be paid into the Consolidated Fund.

Statement to be laid before House of Representatives. *Added by: VIII. 1960.4. Substituted by: XXV. 1962.5. Amended by: L.N. 46 of 1965.*

5. The Minister shall lay on the Table of the House of Representatives, as soon as may be after the close of each financial year, a statement showing the amounts of loans and of grants made under this Act in the course of that year as well as the amounts received in the course of that year as provided in article 4.

Other assistance. *Added by: IX. 2002.20.*

6. The Minister responsible for Agriculture and the Minister responsible for Fisheries may, with the concurrence of the Minister responsible for Finance, establish schemes and guarantee funds for the purpose of providing financial and other forms of guidance or assistance of any nature to the agricultural industry and to the fishing industry.

Power to make regulations. *Added by: IX. 2002.20. Amended by: L.N. 409 of 2007.*

7. The Minister responsible for Agriculture and the Minister responsible for Fisheries may, with the concurrence of the Minister responsible for Finance, make regulations for the purpose of implementing the provisions of this Act and, without prejudice to the generality of the foregoing, to provide:

(*a*) for the establishment of any paying agency with the function of administering any scheme or other measure relating to any financial or other guidance or assistance to be provided under this Act;

(*b*) for the establishment and management of any schemes and guarantee funds for the purpose of providing financial and other forms of guidance or assistance of any nature to the agricultural industry and to the

fishing industry under this Act;

(*c*) for the standards to be observed by persons applying for any financial or other guidance or assistance under this Act;

(*d*) for the measures to be taken to ensure compliance with international and other standards relating to products or equipment used in the agricultural industry or in the fishing industry by persons applying for any financial or other guidance or assistance under this Act;

(*e*) for any matters that may be required for the purpose of complying with any international obligation of Malta relating to the agricultural industry or to the fishing industry and involving schemes of financial assistance, guarantees or guidance to any said industry;

(*f*) for any matter related to the resolution of disputes arising in connection with the operation of this Act including the establishment of an appellate body and the regulation of appeals from decisions taken under this Act;

(*g*) for enabling the Director of Agriculture or the Director of Fisheries, as the case may be, to impose administrative penalties or sanctions upon any person acting in contravention of any of the provisions of this Act or of any regulations made thereunder:

Provided that any administrative penalty provided for by regulations made under this article shall not exceed the sum of two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) for each offence and two hundred and thirty-two euro and ninety-four cents (€232.94) for each day during which failure to observe the provisions of this Act or of any regulations made thereunder persists;

(*h*) for providing that any person who contravenes any provision of any regulations made under this Act shall be guilty of a criminal offence:

Provided that any criminal offences provided for in regulations made under this article shall not, without prejudice to any higher punishment to which the offender may be liable under any other law, provide that upon conviction the offender shall be liable to a fine (*multa*) of more than six thousand and nine hundred eighty-eight euro and twelve cents (€6,988.12) or, in the case of a continuing offence , to a further fine (*multa*) of six hundred and ninety-eight euro and eighty-one cents (€698.81) for each day during which the offence continues.

Power to make regulations with respect to exclusive economic zone area or environment protection area. *Added by: XXXV.2023.19.* Cap. 625.

7A. Without prejudice to any provision of this Act granting the Minister the power to make regulations, the Minister responsible for agriculture and the Minister responsible for fisheries may, with the concurrence of the Minister responsible for finance, subject to the provisions of the Exclusive Economic Zone Act, from time to time, make, amend, substitute or repeal regulations for the purpose of regulating, prescribing or otherwise providing for any matters regulated by or under this Act or by or under any subsidiary legislation made thereunder, in respect of an exclusive economic zone area or an environment protection area as defined in the Exclusive Economic Zone Act or any activities therein including, but not limited, to the applicability or otherwise of this Act and, or of any subsidiary legislation made thereunder.