SUBSIDIARY LEGISLATION 117.35

AGRICULTURE CONSULTATIVE COUNCIL REGULATIONS*

23rd January, 2015

LEGAL NOTICE 26 of 2015.

Citation.

1. The title of these regulations is the Agriculture Consultative Council Regulations.

Interpretation.

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

"Chairperson" means the Chairperson of the Agriculture Consultative Council and includes, in the circumstances mentioned in regulation 4(6), the Deputy Chairpersons or any other person appointed to act as Chairperson;

"Council" shall mean the Agriculture Consultative Council as established by virtue of regulation 4;

"Crop Farming Committee" shall mean the committee established in terms of regulation 6;

"Livestock Sector Committee" shall mean the committee established in terms of regulation 7;

"Minister" means the Minister responsible for agriculture;

"Paying Agency" is the entity established in the Paying Agency Regulations and European Council Regulation (EC) No. 1290/ 2005. S.L. 146.03

Establishment of the Council

3. The Agriculture Consultative Council is hereby established as an advisory body in order to provide a forum for consultation and dialogue between the representatives of the various sectors of agriculture and the Government, and is entrusted with the task of advising the Government through the Minister on issues relating to:

(*a*) agriculture, horticulture, floriculture, and viticulture; and

(*b*) breeding and rearing of livestock; and

(*c*) keeping of bees; and

(*d*) processing of agricultural products; and

(*e*) formulation and implementation of sustainable agricultural policies.

Composition of the Council.

4. (1) The Council shall be composed of the following members:

(*a*) a Chairperson;

(*b*) six representatives of the Government, nominated and appointed as follows:

*These regulations have been repealed by Legal Notice 248 of 2022.

(i) one person representing the Office of the Permanent Secretary within the Ministry responsible for agriculture; and

(ii) one person representing the Agriculture Directorate within the Ministry responsible for agriculture; and

(iii) one person representing the Plant Health Directorate within the Ministry responsible for agriculture; and

(iv) one person representing the Diversification and Competitiveness Directorate within the Ministry responsible for agriculture; and

(v) one person representing the Veterinary Services Directorate within the Ministry responsible for agriculture; and

(vi) one person representing the Agriculture & Rural Payments Agency within the Ministry responsible for agriculture;

(*c*) seven persons, each with professional qualifications, or technical expertise and, or knowledge and experience in matters related to agriculture, appointed as follows:

(i) one agricultural economist or agri-business expert;

(ii) one agricultural marketing expert;

(iii) two representatives from the agro-industry sector;

(iv) one livestock nutritionist;

(v) one agronomist; and

(vi) one soil scientist;

(*d*) the Chairperson of the Crop Farming Committee *ex officio*; and

(*e*) the Chairperson of the Livestock Sector Committee *ex officio*.

(2) For each of the members nominated in accordance with sub-regulation (1)(*b*) to (*e*), both inclusive, there shall be an equal number of substitute members representing those same representatives of the Government, Ministry, Directorates, experts or committees and who shall have the right to attend meetings in the absence of nominated members.

(3) The term of office of the members shall be of three years and they shall be eligible for re-appointment for further term or terms, provided that a member of the Council appointed in accordance with sub-regulation (1)(*b*) and (*c*) shall not hold office for a period exceeding three consecutive terms.

(4) Members of the Council or committees who are absent for three consecutive meetings without a valid reason and without giving notice in writing of the reasons for such absence to the Chairperson of the Council or committees before or as soon as may

reasonably be after the meeting, shall be declared by the Council or committee to have resigned:

Provided that the Minister, after consultation with the Chairperson or committee, as the case may be, may remove any such member from office on grounds of misconduct, proved infirmity to perform the functions of a member of the Council or committees, or if any member appointed in accordance with sub-regulation (1)(*b*) to (*e*), both inclusive, ceases to hold office at an earlier date.

(5) The Minister may designate one of the members of the Council as Deputy Chairperson and the member so designated shall have all powers and perform all and any of the functions of the Chairperson during his absence, or in the event of inability to act as Chairperson, or during any vacancy in the office of Chairperson.

Notwithstanding the provisions of this regulation, the Minister may, in any of the circumstances mentioned above in this sub-regulation, appoint another person to act as Chairperson.

(6) In the event a member of the Council resigns or if the office of a member of the Council is otherwise vacant or if the member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a temporary member of the Council, and any person so appointed shall, subject to the provisions of this regulation, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the function of his office resumes those functions.

(7) The Council may act and perform its functions notwithstanding any absence or vacancy amongst its members provided that there is a quorum present at the meeting of at least eight members of the Council.

(8) In the exercise of its functions or in its deliberations on specific issues or cases, the Council may request the input of persons engaged in the public sector and, or public entities. The Council may also request appropriate expertise from, or collaboration with, third parties, as it may deem appropriate.

(9) The Council shall be consulted by the Minister when regulations are made under the Act for the regulation of the procedures to be adopted by the Council, including but not limitedly to, the filling of casual vacancies, loss of mandate and substitution of members.

(10) The Council shall appoint a Secretary to keep minutes and a record of the meetings and of its decisions.

(11) The provisions of this regulation shall apply *mutatis mutandis* to committees established under these regulations.

Functions of the Council.

5. (1) The Council shall be a consultative and advisory body with the function to:

(*a*) promote participation, dialogue and consensus amongst all the stakeholders on issues relating to or in connection with sustainable development of

agriculture and the livestock sector;

(*b*) improve and enhance the communication between the stakeholders of the agriculture and the livestock breeding sectors and Government;

(*c*) identify issues that affect stakeholders of the agricultural sector and to propose to the Government strategies that address such;

(*d*) propose for consideration sustainable and feasible projects to implement the objectives of Government policies in the agricultural and livestock breeding sector and recommend measures to facilitate and further the achievement of targets;

(*e*) upon the request by the Government draw up, examine and make recommendations on legislative proposals relating to the objectives of the Council;

(*f*) upon the request of the Minister, make recommendations and submit opinions on any other matter arising in relation to the functions of the Ministry responsible for agriculture;

(*g*) make recommendations to the Government regarding policies relating to the agricultural sector and rural development; and

(*h*) perform any other functions as may be assigned to it by the Minister under the provisions of these regulations or any other law.

(2) Without prejudice to the provisions of sub-regulation (1), in the discharge of its objectives and functions, the Council shall adopt national perspectives and strategies.

Crop Farming Committee.

6. (1) There shall be a Crop Farming Committee which shall be representative of the crop farming sector and which shall discuss current matters and provide proposals to promote improvements pertaining to their sector to the Council and may furthermore be consulted by the Council on matters or issues which the Council, in its discretion, may refer to it.

(2) The members of the Crop Farming Committee shall be appointed by the Minister for a period of three years.

(3) The Crop Farming Committee shall be composed of nine members coming from the respective Co-operatives/Producer Organisations, or individuals actively involved in the following agricultural sectors or activities:

(*a*) dry land agriculture farming; and

(*b*) greenhouse farming; and

(*c*) irrigation farming; and

(*d*) fruit production; and

(*e*) olive production; and

(*f*) viticulture; and

(*g*) floriculture; and

(*h*) organic farming; and

(*i*) a young farmer (under the age of forty years).

(4) The Chairperson of the Crop Farming Committee shall be elected by the members of the Crop Farming Committee from amongst themselves by simple majority, for a period of three years.

(5) The Chairperson of the Council shall convene the first meeting of the Crop Farming Committee no later than one month following its appointment with the election of the Chairperson of the Crop Farming Committee as the sole purpose of such meeting. The Chairperson of the Council shall carry out all preliminary and necessary acts to ensure the orderly election of the Chairperson of the Crop Farming Committee by its members.

(6) The Chairperson of the Crop Farming Committee shall be an *ex officio* member of the Council.

(7) The Crop Farming Committee may act notwithstanding any vacancy amongst its members, provided that there is a quorum present at the meeting.

(8) Subject to the provisions of these regulations, the Crop Farming Committee shall regulate its own proceedings and establish the quorum at meetings thereof.

Livestock Sector Committee.

7. (1) There shall be a Livestock Sector Committee which shall be representative of the livestock sector, and which shall discuss matters and provide proposals to promote improvements pertaining to their sector to the Council and may furthermore be consulted by the Council on matters or issues which the Council, in its discretion, may refer to it.

(2) The members of the Livestock Sector Committee shall be appointed by the Minister for a period of three years.

(3) The Livestock Sector Committee shall be composed of eight members coming from the respective Co-operatives/Producer Organisations, or individuals actively involved in the following livestock breeders sectors or activities:

(*a*) dairy producers; and

(*b*) sheep breeders; and

(*c*) goat breeders; and

(*d*) swine breeders; and

(*e*) poultry breeders; and

(*f*) rabbit breeders; and

(*g*) apiculturists; and

(*h*) a young livestock breeder (under the age of forty years).

(4) The Chairperson of the Livestock Sector Committee shall be elected by the members of the Livestock Sector Committee from amongst themselves by simple majority, for a period of three years.

(5) The Chairperson of the Council shall convene the first meeting of the Livestock Sector Committee no later than one month

following its appointment with the election of the Chairperson of the Livestock Sector Committee as the sole purpose of such meeting. The Chairperson of the Council shall carry out all preliminary and necessary acts to ensure the orderly election of the Chairperson of the Livestock Sector Committee by its members.

(6) The Chairperson of the Livestock Sector Committee shall be an *ex officio* member of the Council.

(7) The Livestock Sector Committee may act notwithstanding any vacancy amongst its members, provided that there is a quorum present at the meeting.

(8) Subject to the provisions of these regulations, the Livestock Sector Committee shall regulate its own proceedings and establish the quorum at meetings thereof.

Secretary.

8. (1) The Minister shall appoint a person from the Public Sector to act as Secretary to the Council and who shall be responsible for the administrative affairs of the Council, the Crop Farming Committee and the Livestock Sector Committee.

(2) The Secretary shall hold office for a period three years, under such terms and conditions as the Council, with the approval of the Minister, may establish.

(3) The Secretary shall be responsible for administrative and secretarial services of the Council, the Crop Farming Committee and Livestock Sector Committee and shall, *inter alia*, be responsible for:

(*a*) the convening of meetings of the Council, the Crop Farming Committee and the Livestock Sector Committee and the keeping of minutes of the meetings thereof;

(*b*) the keeping of records of the members present during the meeting, the members absent and members excused;

(*c*) the provision of administrative and secretarial services required by the Council, the Crop Farming Committee and the Livestock Sector Committee;

(*d*) ensuring that all information that may be required for the Council, the Crop Farming Committee and the Livestock Sector Committee to effectively carry out their functions is made available to the Council and the said committees;

(*e*) the provision of information and carrying out preparatory work for the reports of the Council, the Crop Farming Committee and the Livestock Sector Committee;

(*f*) ensuring that office services are provided for the running of the Council, the Crop Farming Committee and the Livestock Sector Committee; and

(*g*) exercising any other responsibility as may be delegated by the respective Chairpersons on behalf of

the Council, the Crop Farming Committee and the Livestock Sector Committee.

Meetings.

9. (1) The Council shall meet on a regular basis as the Chairperson may deem necessary provided that the Council shall hold not less than one meeting every three months in every calendar year.

(2) The Crop Farming Committee and the Livestock Sector Committee shall meet on a regular basis as the respective Chairpersons may deem necessary, provided that not less than one meeting every three months in every calendar year shall be held.

(3) There shall be a meeting with the Minister of not less than once every three months in every calendar year.

Reporting.

10. By not later than six weeks after the end of each calendar year, or upon a request to the Council lodged by the Minister, the Council shall deliver to the Minister an annual report on all the activities undertaken by the Council, the Crop Farming Committee and the Livestock Sector Committee during the said calendar year. Such report shall include *inter alia* a general report on the proceedings and developments achieved by the Council during the period to which it relates in respect of matters falling within the scope of the Council.

Relations between the Minister, the Council and the Committees.

11. (1) The Minister may from time to time, give to the Council, the Crop Farming Committee and the Livestock Sector Committee such directives in writing as he may deem appropriate, being directives consistent with the provisions of these regulations and any other regulations made under the Act, and the Council and Committees above-mentioned shall, as soon as practically possible, give effect to all such directives and conduct their affairs accordingly.

(2) For the purposes of these regulations the term "any other regulations made under the Act" referred to in sub-regulation (1) shall mean regulations generally so as to give effect to the provisions of these regulations, and for the better carrying out of any of the provisions of these regulations:

Provided that, without prejudice to the generality of this sub-regulation, such regulations may, in particular, provide for the administrative and organisational procedures, quorum and reporting of the Council, the Crop Farming Committee and the Livestock Sector Committee and any other matter for the proper functioning of the Council and such Committees.