

I assent.

(L.S.)

GEORGE HYZLER
Acting President

9th November, 2001

ACT No. XXIII of 2001

AN ACT to establish and consolidate the requirements in the veterinary field, veterinary medicinal products, feeding stuffs and zootechnical requirements and for the regulation of the veterinary profession.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Preliminary

1. (1) The short title of this Act is the Veterinary Services Act, 2001. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for veterinary services may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

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

"animal" means all living members of the animal kingdom, other than human beings, including free-living larval and, or reproducing larval forms, but excluding foetal or embryonic forms;

"border inspection post" means any inspection post, designated and approved for the carrying out of veterinary inspections on live animals and products arriving from third countries at the border of the territory of Malta or at the border of the territory of any trading partner;

"Council" means the Veterinary Surgeons' Council established by article 39:

"Department" means the Department of Veterinary Services:

"Director" means the Director, Veterinary Services, or a veterinary officer nominated by him:

"feeding stuffs" means products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding:

"immunological veterinary medicinal product" means a veterinary medicinal product administered to animals in order to produce active or passive immunity or to diagnose the state of immunity:

"importation" means importation from third countries, of live animals, products of animal origin and products listed in the First Schedule, into Malta or into the territory of a trading partner:

"Minister" means Minister responsible for veterinary services:

"official veterinarian" means a veterinary surgeon who is authorised to carry out State veterinary activities:

"placing on the market" means holding or displaying for sale, offering for sale, selling, delivering, transferring or any other form of offering for consumption, storage, transport for the purpose of sale and importation for the purpose of sale:

"private veterinary activity" has the meaning assigned to it in article 44:

"State veterinary activities" has the meaning assigned to it in article 45:

"third country" means any country which is not a trading partner:

"trading partner" means such State, or group of States, or organisation or institution, as may be designated by the Minister by notice from time to time, which State, group of States, organisation or institution may have entered into any treaty or agreement, by whatever name called, with the Government of Malta relating to the provisions of this Act:

"veterinary services" means the authority in Malta, or in a trading partner, or in a third country, as the case may be, empowered to carry out veterinary inspections and examinations;

"veterinary medicinal product" means any medicinal product intended for animals;

"withdrawal period" means that period of time, as may be specified by the Director from time to time, with reference to particular animals or species of animals, during which the produce and products of animal origin may not be consumed or sold for human or animal consumption, following the administration or use of veterinary medicines or other chemicals for therapeutic or other reasons.

3. (1) The provisions of this Act apply to - Applicability.
 - (a) the requirements in the veterinary field -
 - (i) in connection with animal health and public health with regard to live animals including the germinal products referred to in paragraph (a) of the First Schedule;
 - (ii) in connection with animal and public health with regard to products of animal origin, including by-products and the plant products referred to in paragraphs (b) and (c) of the First Schedule;
 - (b) the requirements in veterinary medicinal products;
 - (c) the requirements relating to feeding stuffs;
 - (d) the zootechnical requirements in animal breeding.
- (2) The regulation of -
 - (a) the rights and obligations of natural and legal persons in the field of veterinary activities, as well as professional veterinary activities and their execution;
 - (b) the organisation of the persons exercising private veterinary activities; and
 - (c) the organisation, scope of authority and powers of the bodies exercising state veterinary activities.

shall be governed by the provisions of this Act.

PART I

Veterinary requirements

Veterinary
requirements.

4. Within the scope of this Act, the veterinary requirements shall include -

- (a) measures, concerning live animals, relating to -
 - (i) the control of contagious diseases;
 - (ii) the notification of diseases;
 - (iii) animal identification and registration;
 - (iv) health conditions relating to the movement of live animals and germinal products; and
 - (v) importation conditions relating to live animals and germinal products imported into Malta from third countries;
- (b) measures, concerning products of animal origin, relating to -
 - (i) the production and placing on the market of products of animal origin;
 - (ii) animal health measures for the production and placing on the market of products of animal origin; and
 - (iii) importation conditions relating to products of animal origin imported into Malta from third countries;
- (c) measures relating to live animals and products of animal origin concerning -
 - (i) the prohibition on the use of certain substances;
 - (ii) the monitoring of certain substances and residues thereof in live animals and products of animal origin; and
 - (iii) animal waste and pathogens;
- (d) measures concerning veterinary inspections relating to the exchange, with trading partners, of live animals and

products of animal origin:

(e) measures concerning veterinary inspections relating to the importation, from third countries, of live animals and products of animal origin:

(f) certification with regard to veterinary matters; and

(g) the relationship with trading partners in veterinary matters.

5. (1) The Minister may prescribe rules concerning the prevention and control of diseases and, in particular, may by such rules - Control of contagious diseases.

(a) classify diseases as dangerous contagious diseases and prescribe veterinary requirements in relation thereto;

(b) impose obligations on the owners of animals and of products of animal origin, including the obligation to notify the Department, in such circumstances as may be prescribed;

(c) prescribe the procedure for the diagnosis of diseases;

(d) impose restrictive measures in case of suspicion or occurrence of diseases;

(e) establish a National Veterinary Laboratory.

(2) The Minister shall draw up rules concerning contingency plans relating to diseases referred to in subarticle (1).

(3) For the purposes of this article, control of contagious diseases shall include measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications.

6. (1) The Department shall, within twenty-four hours of each such occurrence, notify trading partners about - Notification of diseases.

(a) the primary outbreak, confirmed in Malta, of any of the diseases listed in the Second Schedule; and

(b) the removal, after the eradication of the last case in an outbreak, of restrictions imposed in relation to the outbreak of the disease.

(2) Without prejudice to the provisions of subarticle (1), the Department shall notify directly to the trading partners, at least on the first working day of each week, the secondary outbreaks of any of the diseases listed in the Second Schedule which are confirmed in Malta. The aforesaid notification shall cover the week ending at midnight between the Sunday and Monday prior thereto.

(3) The notifications referred to in subarticles (1) and (2) shall be communicated in such a manner as may be determined by the Director.

Identification and registration of animals.

7. The Minister may prescribe rules establishing systems for the identification and registration of animals.

Movements of live animals and germinal products.

8. The Minister may prescribe rules concerning the health conditions to be observed in relation to the movement of live animals and germinal products.

Import conditions relating to live animals and germinal products.

9. (1) The Minister may prescribe rules concerning the conditions, and particularly health conditions, under which live animals and germinal products may be imported from third countries.

(2) The Director shall publish in the Gazette -

(a) a list of third countries from which live animals and germinal products are authorised to be imported into Malta;

(b) a list of collection centres, approved bodies, institutes or centres, authorised to export live animals and germinal products to Malta;

(c) a model certificate, relating to the different kinds of live animals and germinal products, to be used by the importers.

Placing on the market of products of animal origin.

10. (1) The Minister may prescribe rules concerning the production and, after consultation with the Minister responsible for public health, may prescribe rules concerning the placing on the market of products of animal origin.

(2) The Director shall publish in the Gazette the list of establishments approved for processing and placing on the market products of animal origin.

Animal health measures.

11. The Minister may prescribe rules concerning animal health measures to be taken for the production, processing and placing on the market of products of animal origin.

12. (1) The Minister may, in agreement with the Minister responsible for public health, prescribe rules concerning the conditions, and particularly health and sanitary conditions, under which products of animal origin may be imported from third countries.

Import conditions relating to products of animal origin.

(2) The Director shall publish in the Gazette -

(a) a list of third countries from which products of animal origin are authorised to be imported into Malta;

(b) a list of establishments authorised to export products of animal origin to Malta;

(c) a model certificate relating to the different kinds of products of animal origin, to be produced by the importers.

13. The Minister may, with the concurrence of the Minister responsible for public health, prescribe rules -

Prohibition of use of certain substances

(a) concerning the prohibition of the use, in stock farming, of substances which have a hormonal or thyreostatic action and of beta agonists and bovine somatotrophin, and of other substances which may, in the opinion of the Minister responsible for public health, be injurious to public health; and

(b) concerning the measures to be taken to monitor substances and residues thereof in live animals and products of animal origin.

14. The Minister may, in consultation with the Minister responsible for the environment, prescribe rules concerning the measures to be taken for the disposal and processing of animal waste and pathogens, for their placing on the market, and for the prevention of pathogens in feeding stuffs of animal or fish origin.

Animal waste and pathogens.

15. (1) The Minister may prescribe rules concerning the veterinary inspections to be carried out on live animals, germinal products, animal waste, pathogens and products of animal origin, which are intended for trade and which are subjected to exchange with trading partners.

Veterinary inspections relating to live animals and products of animal origin.

(2) The Minister may prescribe the measures to be taken during an inspection carried out at the place of origin and destination of a consignment or during transportation.

(3) The Minister may prescribe the manner in which costs relating to the measures prescribed in subarticle (2) shall be borne by

the consignor or his representative or by the person responsible for the animals or products of animal origin.

(4) The Minister may prescribe the measures to be taken in the case where the veterinary services in Malta establish the presence of agents responsible for a disease referred to in the Second Schedule, a zoonosis or disease, or any cause likely to constitute a serious hazard to animals or humans.

(5) In the cases referred to in subarticles (2) and (4), the Director may order that immediate emergency measures be taken, and shall establish direct contacts with the persons, organisations or administrations concerned in Malta or abroad.

Importation of
live animals and
products of
animal origin.

16. (1) The Customs Department shall not authorise the release, for free circulation in Malta, of live animals or products of animal origin, including the products listed in the First Schedule, imported into Malta, unless it is satisfied that the requirements laid down in this article have been complied with.

(2) The Minister may, with the concurrence of the Minister responsible for Customs, prescribe rules concerning the organisation and the action to be taken following the inspection of live animals; and the action to be taken following the inspection of products of animal origin.

(3) The Director may order that immediate emergency measures be taken, and shall establish direct contact with the persons, organisations or administrations concerned in Malta or abroad where -

(a) in a third country, any of the diseases listed in the Second Schedule, a zoonosis or other disease, or any other circumstance liable to present a serious threat to animal or public health, manifests itself or spreads; or

(b) any other serious animal health or public health reason so warrants, in the light of findings of the veterinary experts of a trading partner or on the basis of the inspections carried out at a border inspection post of a trading partner; or

(c) any one of the inspections provided for in this article indicates that any consignment of live animals or products of animal origin, including the products listed in the First Schedule, is likely to constitute a danger to animal or human health.

(4) The Minister may by regulations prescribe the manner in

which costs relating to the measures prescribed in subarticle (2) shall be borne by the consignor or his representative or by the person responsible for the animals or products of animal origin.

(5) The Minister may prescribe the frequency of veterinary inspections relating to importations, from third countries, of live animals and products of animal origin, including the products listed in the First Schedule.

(6) The Minister may prescribe regulations for the approval of border inspection posts situated in Malta, and for the suspension, for reasons related to public or animal health, of the said border inspection posts.

17. The Minister may prescribe rules concerning the certification to be established in connection with veterinary inspections and control of live animals and animal products and prescribe rules concerning fees to be paid in connection with the inspectorate activity. Certification.

18. (1) The financial measures which are to be taken for the purpose of the eradication of diseases shall consist of - Financial measures.

(a) financial contributions and compensatory measures within the framework of an emergency, as declared by order of the Minister; and

(b) financial contributions in connection with national schemes for the eradication of particular diseases.

(2) In the event of an outbreak of any of the diseases listed in the Fifth Schedule, the veterinary services shall define protection zones and the owners of animals shall receive such State financial contribution from the veterinary services for the eradication of the disease, as the Minister may from time to time establish, subject to the condition that the measures applied consist of, at least, the isolation of the holding from the time of a suspicion of the presence of the disease and following official confirmation of the disease, and -

(a) the veterinary services demand the slaughter of animals of susceptible species which have been affected or contaminated or suspected of having been affected or contaminated, and their destruction, and, in the case of avian plague, the destruction of the eggs;

(b) the veterinary services demand the destruction of contaminated feeding stuffs and contaminated equipment, in the case where the contaminated items cannot be disinfected in

accordance with paragraph (c): and

(c) the veterinary services demand the cleaning, disinsectisation and disinfection of the holdings and of the equipment on the holdings.

(3) The owners of animals shall be entitled to receive a State financial contribution only if the measures defined by the veterinary services to prevent the risk of the spread of infection are respected, and where the waiting period established by the veterinary services to be observed after the slaughter and before the re-stocking of the holding is complied with.

(4) Without prejudice to any market support measures that may be taken, the State financial contribution may, if appropriate, be divided into tranches: the contribution, which must be adequate and given without delay, may be in the form of -

(a) the reimbursement of the costs incurred by the owners in the slaughter, destruction of animals and, where appropriate, their products, for the cleaning, disinsectisation and disinfection of holdings and equipment, and for the destruction of the contaminated feeding stuffs and contaminated equipment referred to in subarticle (2)(b); or

(b) where the veterinary services have ordered that animals, or certain types or species of animals, are to be vaccinated, the supply of the vaccine and the administration of the vaccination by the veterinary services shall be carried out free of charge.

(5) Subject to the provisions of subarticle (6), the provisions of subarticles (2), (3) and (4) shall apply, notwithstanding the existence of any eradication programme, in accordance with the provisions of article 19, in respect of the disease.

(6) In the event of an outbreak of Newcastle disease in Malta, the provisions of subarticles (2) and (3) shall apply:

Provided that the Minister may authorise, under certain conditions and for a limited period and within a limited area, the recourse to vaccination, but, in such case, no State financial contribution shall be granted for the supply of the vaccine or for the administration of the vaccination.

(7) The Minister may apply the provisions of subarticles (3) and (4), with the exception of the provisions of subarticle (4)(b), to a

zoonosis.

(8) The Minister may by regulations add to the list of diseases listed in the Fifth Schedule any disease which is likely to constitute a danger to public or animal health in Malta.

(9) For the purposes of this article -

"protection zone" means any area as may be officially declared by the Minister, being an area based on a minimum radius of three kilometres and a surveillance zone based on a minimum radius of ten kilometres, taking into account natural boundaries, wherein the presence of a notifiable disease has been diagnosed, and wherein measures shall be taken, in accordance with the provisions of this Act, for the control and the eradication of the disease; and

"market support measures" means such measures as may be permitted, in agreement with trading partners, to be taken to support market prices in the case of the outbreak of any of the diseases listed in the Fifth Schedule.

19. (1) Subject to the provisions of this Act, the Director may set up national schemes for the prevention, control and eradication of diseases listed in the Fourth Schedule.

Financial contribution to a national scheme

(2) The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules to bring into effect the provisions of this article, and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

(a) the diseases which are to be subject to a national scheme of eradication;

(b) the conditions under which the owners of animals shall obtain a State financial contribution from the veterinary services for the eradication of these diseases; and

(c) the State financial contribution and other services provided by the veterinary services within the framework of the scheme.

20. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules concerning the fees to be charged by the Director for veterinary inspections and for the control of live animals and animal products.

Requirements concerning financing of veterinary inspections.

21. The Minister may, with the concurrence of the Minister responsible for Foreign Affairs, prescribe rules regarding the

Relations with trading partners in the veterinary field.

assistance and co-operation which the veterinary services are to provide to trading partners so as to ensure the proper application of veterinary and zootechnical rules, the prevention and detection of infringements of such rules and the detection of any activity which is or may be contrary thereto.

Part II

Requirements with regard to Animal Feeding Stuffs

Requirements
regarding
feeding stuffs.

22. Within the scope of this Act, the veterinary requirements in the field of feeding stuffs shall include -

(a) the organisation of inspections and the conditions for the approval of establishments involved in the animal nutrition sector;

(b) the additives which may be incorporated in feeding stuffs, the use of certain products and the prohibition of undesired substances and products used in animal nutrition;

(c) the methods of sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition;

(d) the circulation of feed materials and the marketing of compound feeding stuffs;

(e) the conditions governing the preparation, the placing on the market and the use of medicated feeding stuffs; and

(f) the fees payable in connection with any service provided by the veterinary services in the animal nutrition sector.

Inspections and
approval of
establishments
in the animal
nutrition sector.

23. The Minister may prescribe rules relating to the organisation, the inspection and the conditions for the approval of establishments in the animal nutrition sector and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

(a) the organisation of official inspections in the field of animal nutrition;

(b) the conditions under which establishments and intermediaries operating in the animal nutrition sector shall be approved and registered; and

(c) the inspections to be carried out on feeding stuffs imported from third countries.

24. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the additives which may be incorporated in feeding stuffs, the use of certain products, the prohibition of undesirable substances and products used in animal nutrition, and the use and marketing of enzymes and micro-organisms, and their preparation in connection with animal nutrition.

Additives.

25. The Minister may prescribe rules regarding the methods of sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition.

Methods and sampling and analysis.

26. The Minister may prescribe rules regarding the circulation of feed materials and the marketing of compound feeding stuffs.

Circulation of feed materials and marketing of compound feeding stuffs.

27. The Minister may prescribe rules regarding the conditions governing the preparation, the placing on the market and the use of medicated feeding stuffs.

Preparation, placing on the market and use of medicated feeding stuffs.

28. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules regarding the fees to be levied -

Fees.

(a) for the examination of the documentation relating to additives; and

(b) in connection with the approval and registration of establishments and intermediaries.

PART III

Requirements with regard to Veterinary Medicinal Products

29. Within the scope of this Act, the requirements in the field of veterinary medicinal products shall include -

Requirements in veterinary medicinal products.

(a) requirements in connection with the marketing of veterinary medicinal products;

(b) the establishment of the analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products;

(c) the procedures to be observed for the authorisation

and supervision of the production, distribution and use of veterinary medicinal products: and

(d) the fees to be levied for the authorisation and supervision of veterinary medicinal products.

Marketing of veterinary medicinal products.

30. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the marketing of veterinary medicinal products.

Standards and protocols in respect of veterinary medicinal products.

31. The Minister may, with the concurrence of the Minister responsible for Public Health, prescribe rules regarding the analytical, the pharmaco-toxicological and the clinical standards, and the protocols in respect of the testing of veterinary medicinal products.

Authorisation for, and supervision of, veterinary medicinal products.

32. The Minister may, after consulting the Head of the National Veterinary Laboratory, prescribe rules regarding the authorisation for, and the supervision of, veterinary medicinal products listed in the Sixth Schedule.

Fees.

33. The Minister may, with the concurrence of the Minister responsible for finance, prescribe rules regarding the fees to be charged for services rendered by the veterinary services under the provisions of this Part of this Act.

PART IV

Zootechnical requirements in connection with Animal Breeding

Zootechnical requirements.

34. The Minister may prescribe rules regarding zootechnical requirements in animal breeding and, without prejudice to the generality of the foregoing, may, in particular, prescribe rules regarding -

- (a) pure-bred breeding animals of the bovine species;
- (b) pure-bred breeding animals of the swine species;
- (c) pure-bred breeding animals of the ovine and caprine species;
- (d) zootechnical and genealogical conditions governing trade in *equidae*;
- (e) trade in *equidae* intended for competition and conditions for participation in such competitions;
- (f) zootechnical and pedigree requirements for the marketing of other pure-bred animals: and

(g) zootechnical and genealogical conditions applicable to the importation, from third countries, of animals, their semen, ova and embryos.

PART V

Obligations of certain persons and other bodies

35. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

Obligations of persons in the field of veterinary activities.

(a) shall declare his activity to the veterinary services, in accordance with the provisions of this Act, as the Director may determine;

(b) shall provide the necessary cooperation and assistance to the officers of the veterinary services, the official veterinarian or his authorised staff, in the performance of any State veterinary activity; without prejudice to the generality of the foregoing, such persons shall -

(i) allow the execution of the veterinary inspections, examinations or inspections of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products;

(ii) restrain and transport animals in accordance with the provisions of this Act relating to identification controls, examination of animals, preventive vaccinations or eradication of diseases;

(iii) collect, transport and show in the best conditions products of animal origin, products listed in the First Schedule, feeding stuffs and veterinary medicinal products in accordance with the provisions of this Act relating to controls or inspections of such products, feeding stuffs and veterinary medicinal products;

(iv) allow access to the veterinary services at any time, as the case may require, to places where live animals, products of animal origin, products referred to in the First Schedule, animal feeding stuffs or veterinary

medicinal products are kept or transported; and

(v) assist the officers of the veterinary services in any treatment which they may deem necessary to be carried out on products of animal origin, products referred to in the First Schedule, animal feeding stuffs or veterinary medicinal products;

(c) shall observe any obligation imposed under this Act relating to contagious diseases, and implement the rules relating thereto; without prejudice to the generality of the foregoing, such persons shall -

(i) co-operate and assist in the control of contagious diseases, and in the declaration and notification to the veterinary services of any suspicion of any of the contagious diseases listed in the Second Schedule;

(ii) observe the obligations imposed by the veterinary services, in the case of a suspected outbreak of any of the diseases listed in the Second Schedule including any obligation concerning the restriction of movement of animals and humans, the slaughtering of animals, the destruction of animal products, feeding stuffs and equipment, and the cleaning and disinfection of premises, material and equipment;

(iii) identify and register animals, and declare the movements of animals for which they are responsible;

(iv) keep individual registers for each holding for which they are responsible;

(v) observe the health conditions in connection with the movements of live animals and germinal products;

(vi) produce, at the request of any officer of the veterinary services, the necessary certificates or documents;

(vii) declare and notify to the veterinary services any suspected outbreak of any contagious diseases listed in the Third Schedule, or any of the diseases listed in the Fourth Schedule which are subject to a national programme of eradication;

(viii) observe the obligations imposed by the veterinary services in the case of a suspected outbreak of

the diseases listed in the Third Schedule, or any of the diseases listed in the Fourth Schedule which are subject to a national programme of eradication, including obligations concerning the restriction of movement of animals, the slaughtering of animals, the destruction of animal products, feeding stuffs and equipment, and the cleaning and disinfection of premises, material and equipment:

(d) shall comply with the conditions relating to the importation of live animals, germinal products and products of animal origin, and provide foreign operators with the appropriate model of certificates, relating to the different kinds of live animals, germinal products and products of animal origin, to be used:

(e) shall produce, at the request of the officers of the veterinary services, the necessary certificates or documents:

(f) shall notify the veterinary services of any suspicion of zoonosis or other disease or any other phenomenon or circumstance liable to present a serious threat to animal or public health:

(g) shall abide by the suspension or the withdrawal, by the officers of the veterinary services, of any authorisations or official approval, following the results of inspections carried out by such officers, or following the use or manufacture of unauthorised substances or products by such person:

(h) shall observe the obligations, imposed by the veterinary services, relating to restriction of trade for products declared unfit for human consumption, or unauthorised substances or products, or relating to the destruction of products of animal origin which present a serious threat to animal or public health:

(i) shall observe the animal health measures for the production and placing on the market of live animals and products of animal origin, and produce, at the request of the officers of the veterinary services, the necessary certificates or documents:

(j) shall observe any withdrawal period, as may be ordered under the provisions of this Act:

(k) shall assist the veterinary services in the monitoring of such substances, and residues thereof, in live animals and

products of animal origin as may be provided by or under this Act:

(l) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed thereunder; and

(m) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, designed to avoid the outbreak of diseases amongst animals or for the control thereof.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

Monitoring of
certain
substances,
animal waste
and pathogens.

36. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

(a) shall assist the veterinary services in the monitoring of such substances, and residues thereof, as may be provided by or under this Act, in live animals and products of animal origin:

(b) shall place on the market only animals to which no unauthorised substances or products have been administered or which have not undergone any illegal treatment contrary to the provisions of this Act:

(c) shall not place in a holding or on the market animals which have been treated with veterinary medicinal products, unless the relevant withdrawal period has been observed before the animals were so placed or slaughtered:

(d) shall not accept, whether by direct delivery or through an intermediary, any animals for which the producer is not able to guarantee that the withdrawal periods have been observed:

(e) shall place under official control, when requested to do so by an officer of the veterinary services, any unauthorised

substances or products, until appropriate measures are taken by the veterinary services:

(f) shall comply with any order for the suspension or withdrawal of any authorisation or approval previously given by the veterinary services:

(g) shall comply with any order restricting or prohibiting trade in products declared unfit for human or animal consumption, or ordering the destruction of products of animal origin which present a serious threat to animal or public health:

(h) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed; and

(i) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, designed to avoid the outbreak of diseases amongst animals or for the control thereof.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

37. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

Obligations
relating to trade
and
importations.

(a) shall place on the market only those animals which have been correctly identified, and which are not subject to any restriction of movement because of the suspicion, outbreak or existence of a disease referred to in the Second Schedule or because of the application of safeguard measures:

(b) shall not place in a holding or on the market, recognised as being free from any of the diseases listed in the Third or Fourth Schedules, any animal which is not covered by the guarantees in accordance with the provisions of this Act:

(c) shall not accept, whether by direct delivery or

through an intermediary, any animals which have not been correctly identified, and for which the producer is not able to guarantee that the animal is not subject to any restriction of movement because of the suspicion, outbreak or existence of a disease referred to in the Second Schedule or because of the application of safeguard measures:

(d) shall not accept in a holding, centre or organisation, or on the market, recognised as being free from any of the diseases listed in the Third or Fourth Schedules, any animal which is not covered by guarantees, required by the provisions of this Act, to show that such animal is free from any of those diseases:

(e) shall ensure that all animals intended for trade or slaughter meet the health requirements specified in this article or in any regulations made thereunder:

(f) shall, before the consignment is divided up or subsequently marketed, check that the identification marks, certificates or documents are present, and notify the veterinary services of any irregularity or anomaly and, in the latter case, isolate the animals in question until the veterinary services have taken a decision regarding the said irregularity or anomaly:

(g) shall report in advance the arrival of animals and germinal products from a trading partner and, in particular, the nature of the consignment and the anticipated arrival date:

(h) shall keep for a period of not less than six months, and not more than five years, as may be specified by the veterinary services, the health certificates or documents referred to in article 17, for presentation to the veterinary services, should the latter so request:

(i) shall ensure that products of animal origin intended for trade have been obtained, checked, marked and labelled in accordance with the provisions of this Act, and are accompanied to the final consignee by a health certificate, animal health certificate or by any other document as may be required:

(j) shall ensure, by constant self-supervision, that products of animal origin intended for trade satisfy the requirements of the provisions of this Act and of any regulations made thereunder:

(k) shall ensure that products of animal origin intended

for trade comply with all the requirements in veterinary matters at all stages of the production, storage, marketing and transport of such products:

(l) shall ensure that uniform tests are carried out on products to which this Act applies, whether the products are intended for a trading partner or for the national market:

(m) shall place under official control, when requested to do so by the veterinary services, any animals or products of animal origin, until appropriate measures are taken by the veterinary services:

(n) shall produce, at the request of the veterinary services, the necessary certificates or documents where veterinary inspections relating to the importation, from third countries, of live animals and products of animal origin, are held:

(o) shall give sufficient prior notice to the veterinary services of the border inspection post, where the animals are to be presented, specifying the number, nature and estimated time of arrival of the animals:

(p) shall convey directly the animals, under official supervision, to the inspection site or, where applicable, to a quarantine centre, as may be directed by the veterinary services:

(q) shall forward advance information to the veterinary services, by duly completing, where applicable, any certificate or document delivered by the inspection service, or by providing a detailed description, in writing or in computerised form, of any consignment of products of animal origin, including the products referred to in the First Schedule:

(r) shall pay the relevant fees for the inspections and controls referred to in this article, or in any regulations as may be prescribed thereunder; and

(s) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, related to trading of animal and animal products, and investigations carried out at border inspection posts.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may

be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

Obligations
relating to
animal feeding
stuffs and
veterinary
medicinal
products.

38. (1) The owner, the keeper, the dealer or the importer, the consignee, the carrier, the retailer or any other person authorised under the provisions of this Act to dispose of live animals, products of animal origin, products listed in the First Schedule, animal feeding stuffs or veterinary medicinal products, or the representative of such persons, or any person in charge of a private veterinary activity subject to the provisions of this Act -

(a) shall obtain all relevant authorisation from the veterinary services prior to the placing on the market of animal feeding stuffs and veterinary medicinal products;

(b) shall provide, at the demand of the veterinary services, any studies, results or information relating to the animal feeding stuffs or veterinary medicinal products;

(c) shall comply with any order for the suspension or withdrawal of any authorisation or approval previously given by the veterinary services;

(d) shall comply with any order restricting or prohibiting trade in feeding stuffs or veterinary medicinal products, or ordering the destruction of feeding stuffs or veterinary medicinal products which present a serious threat to animal or public health;

(e) shall pay the relevant fees for the inspections and controls referred to in this article or in any regulations as may be prescribed thereunder; and

(f) shall generally assist and co-operate with the veterinary services in any activities, ordered by the veterinary services, related to trading of animal and animal products, and investigations carried out at border inspection posts.

(2) The Minister may make rules providing that any person who acts in contravention thereof shall be guilty of an offence against this article and shall, on conviction, be liable to such penalty as may be prescribed by the Minister, being a penalty of not more than imprisonment for six months or of a fine (*multa*) of not more than ten thousand liri, or of both such fine and imprisonment.

PART VI

Professional Veterinary Activities

39. (1) There shall be a Council, to be called the Veterinary Surgeons' Council, hereinafter referred to as "the Council", which shall exercise and perform the functions assigned to it by this Act.

The Veterinary Surgeons' Council.

(2) The Council shall consist of the following members:

(a) a Chairman, to be appointed by the Prime Minister, on the advice of the Minister;

(b) the Director or his representative;

(c) two members to be appointed by the Prime Minister, on the advice of the Minister, one of whom shall be a veterinary officer from the Department; and

(d) four elected members, of whom two shall be veterinary surgeons with experience in the practice on large animals, and two with experience in the practice on small animals, and who shall be elected by secret ballot by the veterinary surgeons ordinarily resident in Malta.

(3) The Director shall, after consultation with the Chairman of the Council, appoint an officer of the Department to act as Registrar of the Council.

40. (1) The Chairman shall hold and vacate his office in accordance with the terms of his appointment, but may at any time resign his office by notice in writing to the Prime Minister.

Terms of appointment and vacancies.

(2) The members appointed or elected, as the case may be, under article 39(2)(c) and (d) shall be so appointed or elected for a term of three years.

(3) The members appointed under article 39(2)(c) shall hold office on such terms and conditions, and may at any time have their appointment terminated, as the Prime Minister, acting on the advice of the Minister, may deem appropriate.

(4) Any member appointed or elected, as the case may be, under article 39(2)(c) and (d) may at any time resign his office by notice in writing to the Chairman of the Council.

(5) When a vacancy occurs in the composition of the Council, a new appointment shall be made or an election held to fill the

vacancy for the remaining term of the member vacating the post, as the case may be, within a period of one month from the date of such vacancy:

Provided that, subject to the provisions of article 41(6), the Council may act notwithstanding any vacancy amongst its members.

Proceedings of
the Council.

41. (1) In the absence of the Chairman from any meeting of the Council, the members present shall elect one of them to preside over the meeting.

(2) The Council shall have the power to appoint sub-committees, and to allow at its meetings the presence of persons who are not members of the Council.

(3) The Council shall meet at least once every three months and, subject to the provisions of subarticle (6), it may act notwithstanding any vacancy amongst its members.

(4) The Council shall hold its meetings at such time and place as shall be stated in the notice calling the meeting.

(5) The decisions of the Council shall be taken by a majority of votes. The Chairman shall have an original vote, and in case of equality of votes, also a second or casting vote.

(6) It shall not be lawful for the Council to transact any business unless there are at least four of its members present:

Provided that, if the Council is convened to consider any matter upon which its advice is certified by the Minister to be urgently required by Government, the Council may take decisions by a majority of members present, notwithstanding that less than four members may be present.

(7) Subject to the provisions of this Act, the Council may regulate its own procedure.

Functions and
duties of the
Council.

42. (1) The Council shall:

(a) advise and make recommendations to the President of Malta concerning the grant of warrants to veterinary surgeons to practice their profession;

(b) keep a Register in respect of such profession and professions and trades supplementary to the veterinary profession;

(c) prescribe and maintain professional and ethical standards for the veterinary profession and professions and trades supplementary to the veterinary profession;

(d) advise the Minister on any matter, including legislation, affecting such profession and professions and trades supplementary to the veterinary profession;

(e) advise the Minister on the issue of licences for the running of veterinary practices, veterinary clinics, veterinary hospitals, veterinary laboratories and other veterinary establishments;

(f) advise and make recommendations to the President of Malta concerning the suspension or withdrawal of warrants to veterinary surgeons who are found to be in breach of the obligations or conditions laid down under this Act;

(g) plan, monitor and organise professional training of veterinary surgeons and professional proficiency tests for veterinary surgeons in private veterinary activities;

(h) carry out expert supervision of private veterinary activities as described in article 44;

(i) co-operate in the preparation of programmes of educational and expert training; and

(j) carry out such other functions as may be assigned to it by or under this Act or any other law.

(2) The Council, with the concurrence of the Minister, shall make regulations governing the conditions and procedures for the grant of veterinary licences.

43. (1) Professional veterinary activities shall comprise both State and private veterinary activities.

Professional
veterinary
activities.

(2) No person shall practice as a veterinary surgeon unless -

(a) he holds a warrant to practice from the President of Malta; and

(b) his name is registered in the Veterinary Surgeons' Register.

(3) Warrants shall be granted to any applicant who produces a certificate issued by the Council showing that the Council is satisfied

that the applicant -

(a) has attained majority:

(b) has graduated in veterinary medicine and surgery, having a degree or formal qualification recognised by the Council, after consultation with the University of Malta, as being equivalent to the degree or formal qualification, in the subject, in Malta, if any, and in trading partners:

(c) produces and submits to the Council a certificate which shows that he has trained in the practice of the profession with a warrant holder for one year after obtaining the academic qualification referred to in paragraph (b):

(d) is of good character:

(e) is in a state of good physical and mental health:

(f) has undergone an interview and, or, a written examination to prove to the Council that he has acquainted himself with the relevant legal provisions applying in Malta:

(g) is a citizen of Malta or is otherwise legally entitled to work in Malta.

(4) Where an applicant intends to provide a specialised veterinary service for a limited period of time in Malta, prior notification concerning the type of service and the duration of the temporary stay in Malta is to be submitted to the Council, and the applicant shall not provide the said service unless the Council grants a temporary registration and licence.

(5) (a) The Council shall keep a register, to be called the Veterinary Surgeons' Register, in which shall be entered the name of every veterinary surgeon to whom a warrant has been granted by the President of Malta under this article.

(b) Every veterinary surgeon shall be entitled to have entered against his name in the Veterinary Surgeons' Register, any degree or diploma which he may hold, provided that such degree, diploma or equivalent formal qualification relates to the profession of veterinary surgeon and is recognised by the Council, after consultation with the University of Malta.

44. The Minister may, after consultation with the Council, prescribe regulations regarding the registration of veterinary surgeons exercising private veterinary activities, the definition of private

veterinary activities, and the execution of private veterinary activities.

45. The Minister may, after consultation with the Council, prescribe regulations regarding the appointment of veterinary surgeons in charge of State veterinary activities, and the execution of State veterinary activities.

46. (1) Where a veterinary surgeon is found to be in breach of any of the obligations or conditions laid down under this Act, and without prejudice to any other liability under any other law, the Council may suspend or cancel the registration of the veterinary surgeon from the Veterinary Surgeons' Register.

(2) The Minister may, in consultation with the Council, prescribe regulations for the implementation of the provisions of this article.

47. The Minister may make regulations prescribing the manner in which the first elections to the Council shall be held, and generally for regulating the conduct of elections to the Council.

PART VII

State Veterinary Organisation

48. (1) All State veterinary activities shall be under the direction and control of the Department of Veterinary Services, which shall be headed by the Director.

(2) The Department shall exercise its powers and functions in the entire territory of Malta, including customs warehouses, free zones or free warehouses.

49. Without prejudice to any other obligation relating to the operation of veterinary activities arising out of the provisions of this Act, the Director shall -

(a) be the chief advisor to the Government on any matter relating to animal or veterinary public health or relating to, or in connection with, the veterinary health services;

(b) submit periodical reports, to the Minister, on the situation concerning State veterinary activities;

(c) report to the Minister any information concerning any new scientific evidence or facts, which may directly or indirectly affect State veterinary activities;

(d) submit to the Minister the documentation or data

required for the making, by the Minister, of rules and, or, regulations in accordance with the provisions of this Act, and advise the Minister on any matter required to be done by the Minister under this Act:

(e) liaise with other departments or bodies on matters falling under his responsibility; and

(f) perform such duties and functions as are assigned to him by or under this Act and, generally, to monitor the running of veterinary activities.

PART VIII

Functions and Duties of the National Veterinary Laboratory

The Head of the
National
Veterinary
Laboratory.

50. (1) There shall be a National Veterinary Laboratory which shall exercise the functions and duties as are assigned to it by this Act, and which shall be headed by the Head of the National Veterinary Laboratory.

(2) Without prejudice to any other obligation relating to the operation of veterinary activities arising out of the provisions of this Act, the National Veterinary Laboratory shall have the following functions -

(a) to make reports to the veterinary services concerning veterinary pharmaceuticals; and

(b) to carry out post mortem examinations, microbiological analysis, laboratory diagnosis and analysis, and residues testing.

Functions in the
veterinary field.

51. The National Veterinary Laboratory shall perform its functions related to post mortem examinations, microbiological analysis, laboratory diagnosis and analysis or related to the identification of residues in accordance with internationally recognised procedures and standards and shall participate in comparative tests at international levels.

Functions
related to
feeding stuffs.

52. The Minister may prescribe regulations to regulate the manner in which the National Veterinary Laboratory shall carry out research on additives, and on undesirable products and substances, which may be incorporated in feeding stuffs and products used in animal nutrition, and the methods to be used in the sampling and analysis of feeding stuffs and the assessment of products and additives used in animal nutrition.

53. (1) The National Veterinary Laboratory -

Functions in the
field of
veterinary
medicinal
products.

(a) shall decide upon any request made by the manufacturer, or by a duly authorized representative, of veterinary medicinal products employed in the care of animal health, for the purpose of obtaining authorisation for the marketing of the products in accordance with the provisions of this Act:

(b) shall, where a request under paragraph (a) has been favourably decided upon, issue the authorisation for the marketing of the veterinary medicinal products in accordance with the provisions of article 30, and include the products in the List of Approved Veterinary Medicinal Products, which shall, from time to time, be published by the Department:

(c) shall draw up and update assessment reports on the results of analytical and pharmaco-toxicological tests, and the clinical trials of veterinary medicinal products:

(d) may test medicinal products, their active principles and, if necessary, intermediate products or other constituent materials, or may submit products for testing by a trading partner laboratory or by a laboratory designated for that purpose, in order to ensure that the testing methods employed by the manufacturer and described in the application are satisfactory:

(e) shall decide on the further use or otherwise of a veterinary medicinal product, in cases where an undesirable effect has been detected:

(f) shall, upon a reference made to it for the purpose, decide whether veterinary medicinal products or other products have been used in a particular substance: and

(g) shall exercise supervision, on behalf of the veterinary services, on the production, introduction, distribution and use of veterinary medicinal products.

(2) The National Veterinary Laboratory may, in its decision given under subarticle (1)(a), specify the method of distribution and the period of validity of its decision.

(3) In cases where the National Veterinary Laboratory deems it necessary to treat an animal whose life is in danger, or for research purposes, the National Veterinary Laboratory may permit the use of a veterinary preparation or a veterinary medicinal product which have

not yet been approved and included in the list referred to in subarticle (1)(b).

(4) The Minister may prescribe regulations for the implementation of the provisions of this article.

PART IX

Enforcement, Offences and Penalties

Assistance.

54. For the purpose of enforcing the provisions of this Act, the Director may request the assistance of the members of the Police Force, the Armed Forces of Malta, or of Civil Protection units, as the case may require and, for this purpose, there shall be a committee composed of representatives from the Police Force, the Armed Forces of Malta and from Civil Protection units, and which shall meet on a regular basis so as to update emergency and contingency plans; without prejudice to the generality of the foregoing, the Director may, in particular, request such assistance -

(a) where official veterinarians are empowered, by the provisions of this Act, to carry out inspections and supervision in connection with the restriction of trading of animals, or the prohibition of the movement of persons or animals in a contaminated area;

(b) in cases of outbreak of major epizootics, for the prevention of the spreading of the disease and the suppression of contagious animal diseases; and

(c) where official veterinarians are, while carrying out their duties and functions under this Act, confronted with physical resistance or otherwise obstructed, or when such resistance or obstruction is reasonably expected.

Veterinary
Surgeons'
Disciplinary
Committee.

55. (1) The Veterinary Surgeons' Council shall set up a subcommittee, to be known as the Disciplinary Committee, which shall be empowered to conduct investigations and give directions of a disciplinary nature, upon any case in which it is alleged that a person is liable to have his name removed from the Veterinary Surgeons' Register, hereinafter referred to as "the Register", or to have his registration cancelled or suspended, or to be awarded a pecuniary penalty (recoverable as a civil debt by the Director) of not more than five hundred liri and admonished, or be liable to any other penalty as may be deemed appropriate in the circumstances of the case, and in accordance with the provisions of this Act.

(2) The provisions of subarticle (1) shall apply where -

(a) a veterinary surgeon, who is registered in the Register, is convicted in Malta or abroad of a criminal offence, which, in the opinion of the Disciplinary Committee, renders him unfit to practice the veterinary profession; or

(b) any such veterinary surgeon is found, by the Disciplinary Committee, to have been guilty of disgraceful conduct in any professional respect; or

(c) the Disciplinary Committee is satisfied that the name of any such person has been fraudulently entered in the Register.

(3) The Disciplinary Committee will report all its findings and the results of its investigations and enquiries, together with its direction, to the Council.

(4) The Disciplinary Committee may, in cases of a grave offence, direct that a veterinary surgeon's name be removed from the Register or, except in a case falling under subarticle (2)(b), that his registration therein shall be suspended for a period to be specified in the direction.

(5) The Registrar of the Council shall cause a notice of any direction of the Disciplinary Committee to be served on the person to whom the direction refers.

(6) Notwithstanding any other provision of this Act, any person whose name has been removed or suspended from the Register shall automatically be deemed to have had his warrant from the President of Malta, to practice his profession, withdrawn or suspended for the period specified in the direction.

(7) A person to whom a direction has been notified under the provisions of this article may, within twenty-eight days from the date of service on him of the notice of the direction, appeal to the Veterinary Surgeons' Council, in accordance with such regulations as may be prescribed by the Minister for the purpose of this article.

(8) A direction given under the foregoing provisions of this article shall take effect:

(a) where no appeal is made under subarticle (7) against the direction within the time specified for such an appeal, on the expiration of that time;

(b) where such an appeal is brought and is subsequently withdrawn or struck out as abandoned, on the withdrawal or

striking out of the appeal:

(c) where such an appeal is brought and not withdrawn or struck out as aforesaid, when the decision on the appeal is given.

(9) Where a person's name has been removed from the Register, in pursuance of a decision as aforesaid, the name of that person shall not be entered again in the Register unless the Disciplinary Committee, on an application made to it on that behalf, otherwise directs.

(10) Where the registration of a person in the Register is suspended in pursuance of a decision as aforesaid, the name of that person shall not be entered in the Register throughout the period of the suspension, unless the Disciplinary Committee, on application made to it in that regard, otherwise directs.

(11) Any application under subarticles (9) and (10) shall not be made to the Disciplinary Committee before the expiration of ten months from the date of the removal or the suspension of the registration or ten months from the date of a previous application thereunder.

(12) The provisions of subarticles (1) to (11) shall, *mutatis mutandis*, also apply to persons registered in the Register for the Professions and Trades Supplementary to the Veterinary Profession.

Obstruction of
official
veterinarian.

56. Any person who -

(a) assaults, resists or wilfully obstructs an official veterinarian in the exercise of his powers under this Act; or

(b) refuses or neglects to comply with any order or direction lawfully made or given under this Act; or

(c) without reasonable cause fails to -

(i) answer any question asked by an official veterinarian; or

(ii) produce anything required to be produced.

in pursuance of this Act; or

(d) fails to allow a search or inspection under this Act;

or

(e) prevents or attempts to prevent another person from complying with such orders or directions or from answering such questions, producing anything or allowing a search or inspection; or

(f) for the purposes of obtaining any licence or permit, or for the purported compliance with any requirement to provide any information under this Act, provides information which he knows to be false in a material particular or recklessly provides information which is false in a material particular.

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than two hundred liri but not exceeding two thousand five hundred liri.

57. (1) Any person who contravenes any provision of this Act for which no penalty is specifically provided shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not more than five thousand liri. Other offences.

(2) Where any person is convicted of an offence against this Act, the Court may, in addition to any other penalty that it may impose, order that any instruments, appliances, products or substances used in the commission of the offence shall be forfeited to the Government and, if so forfeited, shall be disposed of in such a manner as the Court may determine on the advice of the Director.

58. (1) In respect of proceedings for offences charged against this Act, the Court may award in favour of the Government such costs and expenses incurred in relation to those proceedings as it may deem proper. Court proceedings.

(2) Notwithstanding the provisions of article 413(1)(b) of the Criminal Code, the Attorney General shall always have a right of appeal from any judgment given by the Court of Magistrates, sitting as a court of criminal judicature, in respect of proceedings for an offence against this Act. Cap. 9.

59. The Minister may by order make such provisions as he may consider appropriate for the enforcement of any restriction or obligation relating to the carrying out of veterinary activities and to animal health in general contained in a Convention to which Malta is a party and may provide in the order that any contravention of any such restriction or obligation shall constitute an offence against this Act liable to the punishment of a fine (*multa*) as laid down in the order, which fine (*multa*) shall not exceed the sum of twenty-five thousand liri. Any such order may be amended, substituted or revoked by the Minister from time to time. Convention offences.

Forfeiture of
licence or
permit.

60. (1) In the case of a second or subsequent conviction against this Act, the person convicted shall, in addition to any other penalty, forfeit any licence or permit, and any relative entry in any register made under this Act shall be cancelled. The person convicted may, at the discretion of the Court and in addition to any other penalty, also forfeit any fees paid for any licence or permit forfeited as aforesaid or for any entry cancelled as aforesaid, and shall be incapable for a period of three years from the day of the second or subsequent conviction, as the case may be, of holding any such licence or permit or of being so entered in the register under this Act.

(2) Notwithstanding the provisions of subarticle (1), the Minister may, in the circumstances of any particular case and upon application being made to him, direct that the provisions of that subarticle are not to apply to any particular licence, permit or entry in the record of any register under this Act otherwise forfeited.

Administrative
penalties.

61. (1) Where the Director has reasonable cause to believe that -

(a) an offence against this Act has been committed by any person; and

(b) having regard to the previous conduct of the person concerned, it would be appropriate to impose a penalty under this article.

he may cause a notice in writing in accordance with subarticle (2) in the appropriate form to be served on that person.

(2) A notice under subarticle (1) shall specify -

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him);

(c) any other matters (not being previous convictions) that the Director considers relevant to the imposition of a penalty; and

(d) the amount of the penalty due, and where the penalty due depends on a previous conviction, the date of such conviction,

and shall be endorsed on a statement setting out the provisions of this

article.

(3) Any person on whom a notice under subarticle (1) is served may, within thirty days after such service by notice in writing in the appropriate form served on the Director, require that proceedings in respect of the alleged offence shall be dealt with by the Court, in which case the following provisions shall apply:

(a) no further proceedings shall be taken under this article by the Director; and

(b) nothing in this article shall be construed to prevent the institution of any proceedings in respect of the alleged offence or the conviction of the person for the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Any person on whom a notice under subarticle (1) is served who does not wish that proceedings in respect of the alleged offence shall be dealt with by the Court may by notice in writing served on the Director -

(a) admit the offence, and

(b) pay the amount of the penalty to the Director within thirty days after the notice of the penalty is served or after such subsequent period as the Director may determine.

(5) Where under this article a person admits an offence, the Director shall impose a monetary penalty on that person in respect of the offence amounting to one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the Court.

(6) The penalty imposed under subarticle (5) shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Government and the declaration by the person on whom the penalty is imposed that he admits the charge shall constitute an executive title for the purposes of article 253 of the Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent Court of civil jurisdiction. Cap. 12.

(7) Notwithstanding any other provisions of this Act or of any other enactment, where an offence has been admitted under this article no charge may be laid in respect of the offence against any person by whom it has been admitted.

(8) Where a person on whom a notice under subarticle (1) is served does not, within thirty days after the notice is served on him, admit the offence, the Director shall institute proceedings or cause proceedings to be instituted before the Court in respect of the alleged offence.

PART X

Repeal

Repeal.
Cap. 96.

62. (1) The Veterinary Service Ordinance is hereby repealed.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under any of the provisions of the Veterinary Service Ordinance therein mentioned shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

Cap. 31.

(3) In the Medical and Kindred Professions Ordinance, Part III (articles 13 - 17, both inclusive) and any reference to "veterinary surgeon" or "veterinary surgeons" in articles 3, 11, 26, 31, 32 and 105 shall be deleted.

FIRST SCHEDULE

(Articles 3, 16, 35, 36, 37, 38, 44 and 45)

Germinal products, by-products and plant products subject to
veterinary requirements

(a) Germinal products:

Semen, ova and embryos of domestic species and other species according to the requirements of the trading partners in this matter.

(b) By-products:

A detailed list of these products (by-products not listed in Annex II of the Treaty on the European Union), shall be drawn up in regulations prescribed by the Minister, on the advice of the Director, taking into account the requirements of the trading partners in this matter.

(c) Plant products:

A detailed list of plant products which, particularly on account of their subsequent destination, may give rise to the risk of spreading infectious or contagious animal diseases and, for that reason, are to be subjected to veterinary inspections, shall be drawn up in regulations prescribed by the Minister, on the advice of the Director.

SECOND SCHEDULE

(Articles 6, 15, 16, 35 and 37)

Diseases which are the subject of the notification referred to
in article 6

Foot-and-mouth disease

Rinderpest (cattle plague)

Contagious bovine pleuropneumonia

Bluetongue

Swine vesicular disease

Classical swine fever

African swine fever

Porcine enterovirus encephalomyelitis (was Teschen disease)

Avian influenza (was fowl plague)

Newcastle disease

African horse sickness

Vesicular stomatitis

Peste des petits ruminants

Rift Valley Fever

Lumpy skin disease

Sheep and goat pox (Capripox)

Infectious hematopoietic necrosis

Bovine spongiform encephalopathy

THIRD SCHEDULE

(Articles 8, 35 and 37)

Bovine diseases

- Foot-and-mouth disease
- Rabies
- Tuberculosis
- Brucellosis
- Contagious bovine pleuropneumonia
- Enzootic bovine leukosis
- Anthrax

Swine diseases

- Rabies
- Brucellosis
- Classical swine fever
- African swine fever
- Foot-and-mouth disease
- Swine vesicular disease
- Anthrax

Sheep and goats diseases

- Foot-and-mouth disease
- Brucellosis (*B. melitensis*)
- Contagious epididymitis (*B. ovis*)
- Anthrax

- Rabies
- Scrapie

Equidae diseases

- Dourine
- Glanders
- Equine encephalomyelitis (of all types, including VEE)
- Infectious anaemia
- Rabies
- Anthrax
- African horse sickness
- Vesicular stomatitis

Poultry diseases

- Avian influenza
- Newcastle disease

Fish diseases

- Infectious salmon anaemia (ISA)

Atlantic salmon (*Salmo salar*)

- VHS (Viral haemorrhagic septicaemia)

Salmonid species

Grayling (*Thymallus thymallus*)

Whitefish (*Coregonus* spp.)

Pike (*Esox lucius*)

Turbot (*Scophthalmus maximus*)

- Infectious haematopoietic necrosis (IHN)

Salmonid species

Pike fry (*Esox lucius*)

Molluscs diseases

- *Bonamia ostreae*

Flat oyster (*Ostrea edulis*)

- *Marteilla refringens*

Flat oyster (*Ostrea edulis*)

Other species diseases

- Newcastle disease

Birds

- Avian influenza

Birds

- Psittacosis

Psittacidae

- American fowlbrood

Bees

- Foot-and-mouth disease

Ruminants

- Brucellosis (*Brucella* spp.)

suidae

- Tuberculosis

suidae

- Classical swine fever

suidae

- African swine fever

suidae

- Foot-and-mouth disease

suidae

- Rabies

All susceptible species

FOURTH SCHEDULE

(Articles 8, 19, 35 and 37)

Bovine disease

- Infectious bovine rhinotracheitis

Swine diseases

- Aujeszky's disease
- Brucella suis infection
- Transmissible gastro-enteritis

Sheep and goats diseases

- Contagious agalactia
- Paratuberculosis
- Caseous lymphadenitis
- Pulmonary adenomatosis
- Maedi visna
- Caprine viral arthritis. encephalitis

Fish diseases

- Infectious pancreatic necrosis (IPN)
- Spring viraemia of carp (SVC)
- Bacterial kidney disease (BKD) (Renibacterium salmonidarum)

- Furunculosis (*Aeromonas salmonicida*)
- Enteric redmouth disease (ERM) (*Yersinia ruckeri*)
- Gyrodactylus salaris

Crustaceans

Crayfish plague (*Aphanomyces astaci*)

Other species diseases

- Viral enteritis

Mink

- Aleutian disease

Mink

- European foulbrood

Bees

- Varroasis and acariasis

Bees

- Tuberculosis

Apes and felids

- Tuberculosis

Ruminants

- Myxomatosis

Lagomorphs

- Viral haemorrhagic disease

Lagomorphs

- Tularaemia

Lagomorphs

FIFTH SCHEDULE

(Article 18)

Foot-and-mouth disease
Rinderpest (cattle plague)
Contagious bovine pleuropneumonia
Bluetongue
Swine vesicular disease
Classical swine fever
African swine fever
Porcine enterovirus encephalomyelitis (was Teschen disease)
Avian influenza (was fowl plague)
African horse sickness
Vesicular stomatitis
Peste des petits ruminants
Rift Valley Fever
Lumpy skin disease
Sheep and goat pox (Capripox)
Hemorrhagic disease of deer
Venezuelan equine viral encephalomyelitis

SIXTH SCHEDULE

(Article 32)

PART A

Veterinary medicinal products developed by means of one of the following biotechnological processes:

recombinant DNA technology.

controlled expression of genes coding for biologically active proteins in prokaryotes and eukaryotes including transformed mammalian cells.

hybridoma and monoclonal antibody methods

Veterinary medicinal products, including those not derived from biotechnology, intended primarily for use as performance enhancers in order to promote the growth of treated animals or to increase yields from treated animals.

PART B

Veterinary medicinal products developed by other biotechnological processes which, in the opinion of the National Veterinary Laboratory, constitute a significant innovation.

Veterinary medicinal products administered by means of new delivery systems which, in the opinion of the National Veterinary Laboratory, constitute a significant innovation.

Veterinary medicinal products presented for an entirely new indication which, in the opinion of the National Veterinary Laboratory, is of significant therapeutic interest.

Veterinary medicinal products based on radio-isotopes which, in the opinion of the National Veterinary Laboratory, are of significant therapeutic interest.

Veterinary medicinal products the manufacture of which employs processes which, in the opinion of the National Veterinary Laboratory, demonstrate a significant technical advance such as two-dimensional electrophoresis under micro-gravity.

Veterinary medicinal products intended for use in food-producing animals containing a new active substance which, on the date of entry into force of this Act, was not authorized by Malta or any trading partner for use in food-producing animals.

PART C

Genetically modified organism (GMO) means an organism in which the genetic material has been altered in a way that does not occur naturally by mating and, or natural recombination.

Within the terms of this definition genetic modification occurs

at least through the use of the techniques of genetics, which are inter alia:

recombinant DNA techniques using vector systems:

techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation;

cell fusion (including protoplast fusion) or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.

the techniques which are not considered to result in genetic modification, on condition that they do not involve the use of recombinant DNA molecules or GMOs, are:

polyploidy induction,

in vitro fertilization,

conjugation, transduction, transformation or any other natural process.

Passed by the House of Representatives at Sitting No. 634 of the 6th November, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives