

L.N. 113 of 2010

**SUPPLIES AND SERVICES ACT
(CAP. 117)**

Farm Advisory Services Regulations, 2010

IN exercise of the powers conferred by Article 3 of the Supplies and Services Act, the Ministry for Resources and Rural Affairs has made the following regulations:-

1. (1) The title of these regulations is the Farm Advisory Services Regulations, 2010. Citation and scope.

(2) These regulations shall regulate the setting up and registration of the Farm Advisory Service to assist farmers and livestock breeders by providing professional advice on statutory management requirements, good agricultural and environmental conditions, occupational safety standards and all associated European Community legislation for the improvement of the overall performance of their holding.

2. In these regulations, unless the context otherwise requires – Interpretation.

“the Act” means the Supplies and Services Act;

“the Board” means the Farm Advisory Registration Board set by regulation 5 hereof;

“competent authority” means the Paying Agency within the Ministry responsible for rural affairs.

“entity” includes any company, association, co-operative, trade union, partnership, or any other recognised legal form.

3. The primary objective of the Farm Advisory service shall be to provide advisory services to farmers and livestock breeders for the improvement of the overall performance of their holding. Such minimum advisory service to farmers shall cover: Objectives of farm advisory services.

(a) the statutory management requirements and the good agricultural and environmental conditions provided for

in Articles 5 and 6 and in Annexes III and IV to Regulation EC 73/2009;

(b) occupational safety standards based on Community legislation;

(c) observance, by farmers and livestock breeders, of –

(i) good farming practices,

(ii) code of good agricultural practices,

(iii) health and safety standards,

(iv) awareness and above all compliance with all Directives falling under cross compliance,

(v) developments and obligations on current and future CAP payments and rural developments measures;

(d) aid in the compilation of application forms and, or whole farm management plans of rural development measures.

Aim of advisory services.

4. Advisory services shall be granted in order to help farmers, livestock breeders and forest holders to meet costs arising from the use of recognised services.

Issue of certificates for Farm Advisory Services.

5. There shall be a board, to be known as the Farm Advisory Registration Board, which shall be appointed in accordance with the provisions of these regulations, and which shall, inform the registrar to issue certificates or make any suspensions, cancellations and reinstatements of those certificates in the register, or any other action deemed necessary by the Board.

The Board.

6. (1) Decisions on applications for registration shall be taken by the Board composed of five members being representatives from the Ministry responsible for agriculture. All these members shall be appointed by the Permanent Secretary responsible at the Ministry responsible for agriculture. The chairperson shall be appointed by the members of the Board during their first sitting. The secretary to the Board shall be a representative from the Paying Agency who shall also act as registrar and shall be responsible for the register of the Farm Advisory Services. The Board shall regulate its own procedure

(2) The Board shall assess applications for recognition and for registration and shall prepare a list of all entities which, in the opinion of the Board, meet the requirements for registration and which therefore may be issued with a certificate of registration. The Board shall also provide reasons for its decisions.

(3) The decisions of the Board to accept or to refuse an application for registration in the Register shall be notified in writing by the registrar to the applicant within thirty days from the decision.

(4) Applicants who do not agree with the outcome of the registration process will have the right to appeal from such decision in writing to the Board of Disputes referred to in the Dispute Resolution Board Regulations, 2007 within fifteen days from when the decision is issued; the result of the appeal shall be communicated within thirty days from the lodging of the appeal and the decision of the Dispute Resolution Board shall be final. L.N. 168 of 2007.

7. The registrar shall be responsible for keeping the register and shall issue a certificate of registration in the Register, and shall also note therein all suspensions, cancellations and reinstatements of those certificates. The list of the registered entities shall be made public and will be updated regularly with any changes therein. Registrar's obligations.

8. Entities shall undertake to allow access to members or persons authorised by the Board for the purpose of carrying out an inspection in order to verify the accuracy of any information provided or any declaration made to ensure compliance with these regulations. Board inspections.

9. Applications for registration shall be submitted to the competent authority in terms of a notice to be published in the Gazette. Application for registration.

10. (1) In order to be registered as a farm advisory entity, the entity shall have to demonstrate that it has a core with competent two years experience and qualified technical experts or consultants with an appropriate level of technical and economic-based training, and proven knowledge of CAP policies, cross compliance, as well as good farming practices, CoGAP, health and safety, rural development measures and applications, and agricultural production (livestock and crop husbandry). A single expert or consultant with the same requirements as above can also be considered. The technical support team to any expert and, or Criteria for registration.

consultants, must also be registered. The Farm Advisory Service shall demonstrate that the members forming the technical support team has a diploma and, or long work experience in the field he is working in. Such experts and consultants can also be supported by a team of technical administrative team. Any report issued by the entity selected would have to be signed by such experts and consultants and not by a member of the support team. A *curriculum vitae* together with a transcript of their credits of the core experts is to be presented as evidence of their qualification together with the application by the entity for registration. The experts cannot be part of more than one Farm Advisory Service entity.

(2) The entity must undertake to organize training courses in all technical areas covered by sub-regulation (1) hereof.

(3) The entity shall first pay an administrative fee indicated in the Schedule to these regulations. The Board shall then assess whether the entity should be recognised. Following a communication from the Board that the entity may be recognised, the entity shall pay the recognition fee as established in the Schedule. This recognition fee shall not be refundable.

(4) The entity shall also provide a declaration indicating that there is no conflict of interest with their clients. The entity shall be bound to ensure that the advisory officials who provide client advice shall not have the same evaluating status applications.

Registration by the board.

11. The Board shall register an entity if it is satisfied that it meets the criteria established in regulation 10 hereof.

Obligation of the Entities.

12. (1) Registered farm advisory entities shall be obliged to follow advice and recommendations given by the Ministry responsible for agriculture; moreover, such entities are bound to ensure that correlated work shall not be re-diverted to, or requested from the Ministry responsible for agriculture.

(2) Farm advisory entities shall take full responsibility of all information provided and services rendered to their clients by their personnel, and they shall provide a signed declaration to this effect when submitting the relevant registration documentation.

(3) Client data, records or status changes shall be reported to the Board within ten working days.

(4) Insofar as public access to documents is concerned, private bodies and designated authorities shall not disclose personal or individual information which they obtain in their advisory activity to persons other than the farmer managing the holding concerned, except where any irregularity or infringement is found during their activity. Such irregularity or infringement is to be covered by an obligation to inform a public authority, in particular in the case of criminal offences.

(5) The farm advisory service entity shall, one month prior the termination of validity date issued on the certificate, provide a copy of the status report of each client to the Government entity.

(6) Farm advisory services shall ensure that its experts shall attend a specialized training course approved by the Ministry responsible for agriculture on cross compliance covering the obligations of the Statutory Management Requirements and Good Agricultural and Environmental Conditions.

(7) The Farm Advisory Services shall provide half yearly status reports on the Farm Advisory service to be assessed by the Board. The half yearly report shall be submitted not later than the 1st June and the 1st December of each year.

(8) The competent authority may issue guidelines for the status report and on the setting up of the Farm Advisory Services.

13. (1) The certificate of registration shall contain the following information:

Certificate of registration.

(a) the name of the entity or other means of identification;

(b) the date when the certificate is issued.

(2) Certificates issued to eligible farm advisory entities shall be valid for one year. Certificates may be renewed following an application of the Farm Advisory Service provided that all the criteria for registration as provided in regulation 10 are to the Board's satisfaction.

14. The Board may cancel any certificate granted under the provisions of these regulations when the holder of that certificate:

Cancellation of certificates.

(a) is found guilty by a court of criminal jurisdiction of a crime committed through imprudence, carelessness, unskilfulness in an art or profession, or non-observance of these regulations; or

(b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of the Act, or of any regulations made thereunder; or

(c) has, in the opinion of the Board, submitted substandard or deliberately misleading work in any farm advisory procedure; or

(d) fails to pay the yearly renewal fee; or

(e) upon failure to provide the necessary documentation and, or evidence as requested by the Board within one month from the request.

Information on
certificates.

15. (1) Any entity which, for the purposes of obtaining the certificate for registration in the Register, gives any wrong information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro (€2,329).

(2) The offences and fines mentioned in this regulation shall be without prejudice to any other offences and penalties in terms of the Act or of any other law.

Changes to
commitments.

16. Farm advisory entities shall undertake to comply with or accept any changes to the commitments, undertaken in accordance with these regulations that may be necessary as a result of European Union or national legislation on the European Agricultural Fund for Rural Development.

Publication of rules
and procedures.

17. The rules and procedures as well as the minimum requirements for an entity to be accepted as a registered farm advisory entity shall be published in the Gazette.

Revokes L.N.
41 of 2008

18. The Farm Advisory Services Regulations, 2008 are hereby being revoked.

SCHEDULE

Regulation 10, (3)

**SCHEDULE OF FEES FOR REGISTRATION FOR
FARM ADVISORY SERVICES**

The following shall apply for registration of Farm Advisory Entities:

DESCRIPTION OF FEE	Euro
Administrative Fee	20
Registration Fee	150
Yearly Renewal Fee	30

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