L.N. 56 of 2011

SUPPLIES AND SERVICES ACT (CAP. 117)

Marketing of Agricultural Produce (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 3 of the Supplies and Services Act, 1947, the Minister of Finance, the Economy and Investment, has made the following regulations:-

Citation.

1. The title of these regulations is the Marketing of Agricultural Produce (Amendment) Regulations, 2011 and they shall be read and construed as one with the Marketing of Agricultural Produce, Regulations, 1952, hereinafter referred to as "the principal regulations".

G.N. 360 of 1952.

Amends regulation 2 of the principal regulations.

2. In regulation 2 of the principal regulations, in the definition "pitkal", the word "wholesale" shall be deleted and immediately after the words "agricultural produce as defined in regulation 4" there shall be inserted the words "at the marketing centres" .

Amends regulation 4 of the principal regulations.

3. In regulation 4 of the principal regulations, for the words "and Fisheries" there shall be substituted the words "or any other Director appointed by the Minister to manage the operation of the marketing centres".

Amends regulation 28 of the principal regulations.

4. Regulation 28 of the principal regulations shall be amended as follows:

(a) for subregulations (1) to (4) there shall be substituted the following:

"(1) Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence and liable:-

(a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding one thousand two hundred euro (€1,200);

(b) on a second or subsequent conviction, to a fine (*multa*) of not less than one thousand two hundred euro (€1,200) but not exceeding two thousand and three hundred and twenty-nine

euro and thirty-seven cents (€2,329.37) or a fine calculated on the profit made by the offender in connection with the transaction in contravention to these regulations, whichever is the higher:

Provided that, when the fine is so calculated, it may not exceed five times the profit made by the offender:

Provided further, the court may, if so requested by the prosecution, in addition to any other punishment, sentence the offender to imprisonment for a term of not less than thirty days and not exceeding two years.

(2) In addition to the punishments laid down in subregulation (1), the court shall on demand of the prosecution, order the forfeiture of any good or things to which the offence relates.

(3) In addition to the punishments laid down in subregulations (1) and (2), the court shall on demand of the prosecution, in the case of a second or subsequent conviction, order the suspension of the offender's licence for a period of not less than one month and not more than six months, or the cancellation of any licence held by the offender and relating to any trade or business to which the offence relates, and shall order that any such cancelled licence may not be re-issued in respect of the convicted offender.";

(b) sub-regulations (5) to (11) shall be re-numbered as sub-regulations (4) to (10) respectively; and

(c) in sub-regulation (9) as renumbered, for the words "sub-regulations (7) and (9" there shall be substituted the words "sub-regulations (6) and (8)".

Adds new regulation 30 to the principal regulations.

5. Immediately after regulation 29 of the principal regulations there shall be added the following new regulation:

"Suspension or revocation of any licence permit or pass.

30. Any licence, permit or pass granted for the purpose of these regulations may be suspended or revoked at any time by the authority or person empowered to grant it.".

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