VERŻJONI ELETTRONIKA

L.N. 296 of 2014

AGRICULTURE AND FISHING INDUSTRIES (FINANCIAL ASSISTANCE) ACT (CAP 146)

Paying Agency (Amendment) Regulations, 2014

IN exercise of the powers conferred by article 7 of the Agriculture and Fishing Industries (Financial Assistance) Act, the Minister for Sustainable Development, the Environment and Climate Change, with the concurrence of the Minister for Finance, has made the following regulations:-

Citation.

1. The title of these regulations is the Paying Agency (Amendment) Regulations, 2014, and these regulations shall be read and construed as one with the Paying Agency Regulations, hereinafter referred to as "the principal regulations".

S.L. 146.03

Amends the title and regulation 1 of the principal regulations.

2. In the Maltese version of the title and of regulation 1 of the principal regulations, for the words "Aġenzija ta' Pagamenti" there shall be substituted the words "Aġenżija għall-Pagamenti".

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) the definition " "the Agency" or "the Paying Agency" " shall be substituted by the following:

" "Agency " or "Paying Agency" means the Agriculture and Rural Payments Agency within the Ministry for Sustainable Development, the Environment and Climate Change;"; and

(b) the definition "competent authority" shall be substituted by the following:

" "competent authority" means the Directorate for Policy Development and Programme Implementation within the Ministry for European Affairs and Implementation of the Electoral Manifesto;";

(ċ) in the Maltese version of the definition "Manwal ta' Proċedura", for the words "Aġenzija ta' Pagamenti" there shall be substituted the words "Aġenżija għall-Pagamenti"; and

(d) in the Maltese version of the definition "uffiċjal awtorizzat", for the words "Aġenzija ta' Pagamenti" there shall be substituted the words "Aġenżija għall-Pagamenti".

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Amends regulation 3 of the principal regulations.

4. Regulation 3 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof for the words "Council Regulation (EC) No. 1290/2005" there shall be substituted the words "Regulation (EU) No. 1306/2013 of the European Parliament and the Council"; and

(b) in the Maltese versions of sub-regulations (1), (2), (3), (4) and (5)(a), (b) and (c), for the words "Aġenzija ta' Pagamenti" there shall be substituted the words "Aġenżija għall-Pagamenti".

Substitutes regulation 8 of the principal regulations.

5. Regulation 8 of the principal regulations shall be substituted by the following:

"8. The Paying Agency shall implement the schemes in terms of procedures adopted in accordance with the provisions of the EU Council and Commission Regulations under the Common Agricultural Policy and other schemes as established by the Minister responsible for agriculture.".

Substitutes regulation 13 of the principal regulations.

6. Regulation 13 of the principal regulations shall be substituted by the following:

"Settlement of disputes.

13. (1) Any dispute arising from claims made to the Paying Agency shall be settled by arbitration and shall be referred to arbitration as provided in the Fourth Schedule to the Arbitration Act within twenty days from the date when a person has been informed by the Paying Agency of its decision or from the publication of its decision accordingly, and no person may bring any action against the Paying Agency after the expiry of that time.

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(2) Where the dispute concerns the determination of the working farmer portion of agricultural land and, or has the management of a portion of agricultural land, such dispute shall be settled between the farmers themselves and shall be settled by arbitration.

(3) If, in respect of the same portion of land, more than one farmer applies at the Paying Agency for the grant of some kind of assistance, the Paying Agency shall give neither farmer any assistance until the matter has been definitively resolved as stipulated in sub-regulation (2):

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Provided that the provisions of this sub-regulation shall not apply in the event that the parties submit a joint declaration stating who is working the field or is otherwise entitled to the grant under such terms, provisions and, or conditions applicable to:

Provided further that no party may ask to receive previous aids and may take no action for damages against the Paying Agency if the Paying Agency acts under the provisions of this sub-regulation.

(4) In the case of arbitration under sub-regulation (2), the Paying Agency shall be notified of the decision of the arbitrator.

(5) In any dispute which may arise and which, in accordance with this regulation, should be referred to arbitration, the provisions of the Arbitration Act or of any rules made thereunder, relating to mandatory arbitration, shall apply.".

7. Immediately after regulation 13 of the principal regulations, there shall be added the following new regulation:

Adds a new regulation to the principal regulations.

"Transitory provision.

14. These regulations shall apply to arbitrations instituted after the coming into force of these regulations; pending arbitrations shall continue to be governed by the regulations as in effect before the coming into force of these regulations:

Provided that, with regards to pending arbitrations, no party may ask to receive previous aid or take any action for damages against the Paying Agency in cases where the Paying Agency decides not to give assistance to a farmer for the reasons listed in regulation 13(3).".

8. Annex 1 to the principal regulations shall be deleted.

Deletes Annex 1 to the principal regulations.

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