VERŻJONI ELETTRONIKA



**L.N. 344 of 2015**

# FISHERIES CONSERVATION AND MANAGEMENT ACT (CAP. 425)

## Fisheries Officers (Remuneration) (Amendment) Regulations, 2015

BY VIRTUE of the powers conferred by article 38 of the Fisheries Conservation and Management Act, the Minister for Sustainable Development, the Environment and Climate Change, in conjunction with the Parliamentary Secretary for Agriculture, Fisheries and Animal Rights, has made the following regulations:-

Citation.

S.L. 425.05

**1.** The title of these regulations is Fisheries Officers (Remuneration) (Amendment) Regulations, 2015, and these regulations shall be read and construed as one with the Fisheries Officers (Remuneration) Regulations, hereinafter referred as the "principal regulations".

Substitutes regulation 1 of the principal regulations.

**2.** Regulation 1 of the principal regulations shall be substituted by the following:

"1. The title of these regulations is the Fisheries and Aquaculture Services Payments Regulations.".

Amends regulation 2 of the principal regulations.

**3.** Regulation 2 of the principal regulation shall be substituted by the following:

"2. In these regulations, unless the context otherwise requires -

Cap. 425.

"Act" means the Fisheries Conservation and Management Act;

"Department" means the Department of Agriculture and Fisheries; and

"Director" means the most senior public officer appointed by the Prime Minister who is not a Permanent Secretary and who has responsibility for the management and conservation of fisheries and aquaculture.".

Substitutes regulation 4 of the principal regulations.

**4.** Regulation 4 of the principal regulations shall be

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substituted by the following:

"Annual fee for each tonne of specified fish.

4. (1) Without prejudice to regulation 3 and the obligations of every operator under the Act, any person who operates an aquaculture establishment, related to the tuna species having the scientific name *Thunnus thynnus*, shall pay a fee for each calendar year which will be of two hundred and thirty euro (€230.00) for each tonne of live fish of the mentioned species which was caged up to the end of August of each calendar year.

(2) Payment of the fee shall be effected by the operators by not later than the 30 September of each year:

Provided that, if the payment of the fee is not effected by the mentioned date, the operator shall not receive the services of the Director and, or fisheries protection officers up to the time in which the payment of the fee is effected.

(3) In case of default in the payment of the fee by the date mentioned in sub-regulation (2), the same payment shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Director following a declaration by the Director through a notice in the Gazette which includes the amount due following a calculation of the fee in accordance with sub-regulation (1), which civil debt shall constitute an executive title for the purposes of article 253 of the Cap.12. Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent Court of civil jurisdiction.".

**5.** Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:

Adds new regulation to the principal regulations.

"Payments to be made to the Director.

7. Any payment referred to in these regulations shall be made to the Director and the same payment shall be in favour of the Director, without prejudice to those contractual arrangements relating to the contracts of service of fisheries protection officers:

Provided that, the Director may delegate the receipt and processing of payments to a public officer as may be indicated by notice in the Gazette.".

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Retroactive effect.

**6.** Subject to the proviso hereof, these regulations shall have retroactive effect as from 4th June, 1991:

Provided that the provisions of regulation 4 shall have retoractive effect as from 1st May, 2015, as regards the fee related to services provided for the caging of tuna species having the scientific name *Thunnus thynnus*.

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