L.N. 284 of 2023

PUBLIC ADMINISTRATION ACT
(CAP. 595)

Riżorsi Agrikoli Malta (Establishment as an Agency) Order, 2023

IN EXERCISE of the powers conferred by article 26 of the Public Administration Act, the Prime Minister has made the following order:-

Citation.

1. The title of this order is the Riżorsi Agrikoli Malta (Establishment as an Agency) Order, 2023.

Interpretation.

2. In this order, unless the context otherwise requires:

Cap. 595.

"Act" means the Public Administration Act;

"Agency" means the Riżorsi Agrikoli Malta;

"agreement" means the Agency performance agreement as provided in article 6;

"Minister" means the Minister responsible for agriculture;

"Permanent Secretary" means the Permanent Secretary responsible for agriculture.

Establishment of the Agency.

3. (1) There shall be an Agency, to be known as Riżorsi Agrikoli Malta, which shall regulate, administer and provide services related to agriculture resources.

(2) The Agency shall be a body corporate having separate and distinct legal personality and shall be capable of entering into contracts, of employing personnel, of acquiring, holding and disposing of any kind of property for the purposes of its operations, and of suing and being sued, of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this order. and any other function or operation of Government which may be assigned to it under this law or any other law.

(3) The legal and judicial representation of the Agency shall be vested with the Chief Executive Officer thereof or such other officer of the Agency as the Minister responsible for it may from time to time appoint by notice in the Gazette.

Responsibilities of the Agency.

4. (1) In the execution of its functions, the Agency shall have the following responsibilities:

(a) support the sustainable development of the agricultural sector in Malta through access and protection of agriculture resources;

(b) implement regulations and Government policies on agriculture resources and administer and sustainably manage the resources and assets assigned to it;

(c) ensure responsible governance of tenure of agriculture land through an effective agricultural land management system;

(d) implement projects and administer schemes related to the development and management of agriculture land and water resources;

(e) advise the Minister and support Government policy in the regulation and management of agriculture resources;

(f) update, coordinate and implement the Agricultural Waste Management Plan prevalent at the time and to register and sustainably manage agricultural bioresources in a manner that supports the agricultural sector in Malta; and

(g) exercise any function that may be assigned to it by the responsible Minister.

(2) The Agency shall have the power to:

(a) collaborate with other agencies, corporations, authorities, government and non-government entities and other persons for the carrying out of its functions;

(b) enter into arrangements with public bodies, public authorities, government departments and public corporations in fulfilling its functions;

(c) manage its own finances;

(d) establish fees for the services it provides;

(e) acquire, sell and, or lease agriculture land;

(f) create revenue streams from the services provided; and

(g) with the consent of the Minister, enter into joint ventures or partnerships or other arrangements to fulfil any one of its functions.

Minister responsible for the Agency.

5. (1) The Minister responsible for the Agency shall be the Minister responsible for agriculture or such other Minister as may be designated for such purpose by the Prime Minister.

(2) The Permanent Secretary shall supervise the Agency in accordance with article 29 of the Act:

Provided that the Prime Minister may assign the responsibility of the Agency to another Minister, and its supervision to the Permanent Secretary of that Ministry.

Agency performance agreement.

6. The operations of the Agency shall follow an agreement which is to be entered into between the Permanent Secretary and the Agency.

Financial arrangement. Cap. 601.

7. The Agency shall be regulated by the provisions of the Public Finance Management Act unless otherwise stipulated in the agreement between the Permanent Secretary and the Agency, in which case, the provisions of the agreement shall prevail.

Board of Governors.

8. (1) The Minister may, upon a request of the Permanent Secretary, after consultation with the Prime Minister, appoint a Board of Governors with the following functions:

(a) advise on decisions entrusted to the Agency as the case may be;

(b) assess and provide recommendations on applications and documents;

(c) assess complaints, reports and information related to alleged breaches and to co-ordinate investigations whenever the Agency is of the opinion that a breach should be pursued;

(d) advise on the formulation, implementation and updating of plans and policies relating to the promotion of all agricultural resources and economy, and such other matters as may be necessary, ancillary, incidental or conducive to the better carrying out the functions of the Agency; and

(e) advise on long and short term objectives and strategies for the proper administration of the Agency.

(2) The Board shall be composed of the Chairperson, a Deputy Chairperson and at least five (5) but not more than nine (9) other

voting members.

(3) The Chairperson shall be a person who is in possession of a warrant to exercise the profession of advocate and who has exercised that profession for at least twelve (12) years or a retired Judge or Magistrate.

(4) The Deputy Chairperson and members of the Board shall be appointed by the Minister from among persons who in his opinion are qualified by reason of having had experience of, and demonstrated capacity in, matters relating to agriculture or agricultural development, land and water resources administration, to the practice of the legal profession, economics and agricultural economy, architecture, social policy, management, organisation of workers or employees, industry, trade or administration, and the Minister may also choose one (1) or more members from among public officers:

Provided that at least two (2) members of the Board shall be appointed from organisations representing farmers' interests.

(5) The term of office for the members of the Board shall expire after a period of three (3) years from the appointment, as may be specified in the letter of appointment, and shall be eligible for re-appointment:

Provided that if a member is appointed at any time after the other members have already been appointed, the term of appointment of the said member shall end on the same date as that of the other members.

(6) The remuneration paid to the members of the Board shall be in accordance with the Framework for the Categorisation, Classification and Remuneration Structure for Government Appointed Boards and Committees or any other document superseding the same.

Repeal and saving. S.L. 595.22.

9. The Governance of Agricultural Bioresources Agency (Establishment) Order is hereby repealed without prejudice to anything done or omitted to be done thereunder.

Amends the Fourth Schedule to the Act.

10. The Fourth Schedule to the Act shall be amended as follows:

(a) the item "Governance of Agricultural Bioresources Agency" thereof shall be deleted; and

(b) immediately after the item "Project Green" thereof

there shall be added the following new item:

"Riżorsi Malta	Agrikoli	To regulate, administer and provide services related to agriculture resources".

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.45