

SUBSIDIARY LEGISLATION 425.02

FISH MARKETING REGULATIONS

15th July, 1957

GOVERNMENT NOTICE 395 of 1957, as amended by Legal Notices 103 of 1969, 72 of 1978, 124 of 1979, 84 of 1980, 38 of 1986, 126 of 1989, 5 of 1992 and 426 of 2007; Act XIII of 2015; and Legal Notice 429 of 2015.

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| <p>1. The title of these regulations is Fish Marketing Regulations.</p> | <p>Title.</p> |
| <p>2. In these regulations, unless the context otherwise requires -</p> <p>"director" means the Director of Agriculture and Fisheries or any official of his department authorised by him to act on his behalf;</p> <p>"fisherman" means a person actively engaged in the pursuit of fishing;</p> <p>"imported fish" means fresh fish, other than fish caught by a fishing boat registered in these Islands;</p> <p>"Minister" means the Minister who, for the time being, is responsible for the Department of Agriculture and Fisheries;</p> <p>"<i>pitkal</i>" means a person who undertakes to sell fish by wholesale on behalf of any other person;</p> <p>"retailer" means a person who sells fish by retail from a shop, from a stall or by hawking;</p> <p>"sale " includes any disposal under any onerous title whatsoever, and "sell" shall be construed accordingly.</p> | <p>Interpretation.
Amended by:
<i>L.N. 103 of 1969.</i></p> |
| <p>3. No person shall act as <i>pitkal</i>, either of local or imported fish, without a licence from the Director.</p> | <p><i>Pitkali.</i></p> |
| <p>4. (<i>Deleted by L.N. 429 of 2015.</i>)</p> | <p>Fees.
Amended by:
<i>L.N. 426 of 2007.</i>
Substituted by:
<i>XIII. 2015.155.</i></p> |
| <p>5. A <i>pitkal</i> licensed to sell local fish may not act as <i>pitkal</i> for the sale of imported fish.</p> | <p>Licensed <i>pitkal</i>.</p> |
| <p>6. A <i>pitkal</i> shall not, without the permission in writing of the Director, exercise his trade except at the wholesale fishmarket at Troubridge Street, Marsa.</p> | <p>Exercise of trade.
Amended by:
<i>L.N. 429 of 2015.</i></p> |
| <p>7. A <i>pitkal</i> may not have any interest in the fish trade which is extraneous to his business as <i>pitkal</i>.</p> | <p>Prohibition to trade.</p> |
| <p>8. <i>Pitkali</i> shall not sell local or imported fish except by public auction; in such auction, bidding shall be made <i>viva voce</i> and in such manner as to be clearly understood by all persons present.</p> | <p>Sale of fish by <i>pitkali</i>.</p> |

Sales by auction. <i>Amended by:</i> <i>L.N. 72 of 1978;</i> <i>L.N. 84 of 1980.</i>	<p>9. The times at which sales by auction may start shall be as follows -</p> <p style="padding-left: 40px;">From the 1st of September to the 31st October, 4.00 a.m.</p> <p style="padding-left: 40px;">From the 1st of May to the 31st August, 4.00 a.m.</p> <p style="padding-left: 40px;">From the 1st to the 30th November, 4.30 a.m.</p> <p style="padding-left: 40px;">From the 1st December to the 30th April, 5.00a.m.</p> <p style="padding-left: 40px;">No sales shall be held before such times.</p>
Sales effected on weight basis.	<p>10. All sales are to be effected on a weight basis and only officially recognized weights shall be used.</p>
Prohibition to bid.	<p>11. A <i>pitkal</i> may not bid either on his own behalf or on behalf of any other person.</p>
Prohibition to sell.	<p>12. A <i>pitkal</i> licensed to sell local fish shall not sell fish on behalf of any person who is not a fisherman.</p>
Containers to be clearly marked.	<p>13. Where fish is sold in containers, the correct weight of the fish contained in such containers shall be clearly marked thereon to the satisfaction of the Director.</p>
Sale of fish consigned to <i>pitkal</i> .	<p>14. A <i>pitkal</i> may not refuse to accept for sale any fish consigned to him:</p> <p style="padding-left: 40px;">Provided that if it is proved to the satisfaction of the Director that any fish consigned to a <i>pitkal</i> does not conform to the requirements of these regulations, the <i>pitkal</i> shall be at liberty to refuse acceptance for sale by him of that particular parcel of fish.</p>
Pitkal to record every individual sale.	<p>15. A <i>pitkal</i> shall record every individual sale on a form of voucher to be furnished by the Director, giving all the details required thereon, and shall consign such voucher to the retailer making the relative purchase.</p>
Vouchers to be consigned to the Director.	<p>16. A copy of all such vouchers, duly and correctly filled in, shall be consigned to the Director as soon as every day's sales are concluded.</p>
Payment to fishermen and <i>pitkali</i> .	<p>17. The Director shall furnish to every fisherman and to every importer of fish a statement of all sales effected on his behalf by the <i>pitkali</i>. Such statement shall be based on the vouchers consigned to the Director in terms of regulation 16. The relative payment to the fisherman or importer and to the <i>pitkali</i> shall be made by the Director.</p>
Deductions. <i>Substituted by:</i> <i>L.N. 38 of 1986.</i> <i>Amended by:</i> <i>L.N. 126 of 1989.</i>	<p>18. (1) When making payment in terms of regulation 17, the Director shall deduct an amount equivalent to six point three per cent or ten per cent from the amounts due to the fisherman or to the importer respectively, and except for the provisions of regulation 21, the amount to be paid to the <i>pitkal</i> as remuneration for his services shall in both cases be six point three per cent on the amount of the registered sales.</p> <p style="padding-left: 40px;">(2) The Director shall deduct from the amounts due to the <i>pitkal</i> any amount due by any retailer for fish sold to such retailer by such <i>pitkal</i>.</p> <p style="padding-left: 40px;">(3) Where the amount due by retailers for fish sold to them by</p>

a *pitkal* is more than the amount due to such *pitkal*, the Director may notify the *pitkal* to pay such sum in excess of the amount due to him within a period fixed by the said Director, such period being not less than fifteen days, and if the *pitkal* does not effect the said payment the Director may suspend the relative licence until such payment is effected, so however that, if the amount is not settled within a period of three months from the date of such notification, the relative licence shall be deemed to have been revoked, saving the Director's right to claim the amount involved.

(4) Where any amount due by a retailer has been deducted from the amount due to a *pitkal* or has been paid by a *pitkal* in accordance with this regulation, such *pitkal* shall notwithstanding the provisions of regulation 27 have a right to claim such amount directly from the retailer.

19. A *pitkal* may not demand, require or accept from any fisherman or importer, directly or indirectly, any commission or other remuneration whatsoever in respect of any fish sold by him.

Prohibition to demand, require or accept any commission.

20. A *pitkal* may not accept payment from retailers in respect of any sale effected by him.

Prohibition to accept payment.

21. A co-operative society registered under the Co-operative Societies Act, shall be paid by the Director a commission of four point four per cent of the value of fish sold, insofar as the society sells its ware from an adequate outlet to the satisfaction of the Director.

Co-operative Societies.
Added by:
L.N. 126 of 1989.
Substituted by:
L.N. 5 of 1992.
Cap. 278.

22. No person may act as retailer without a licence from the Director.

Prohibition to act as retailer.

23. A retailer may not purchase or otherwise acquire fish by wholesale except from a licensed *pitkal*.

Prohibition to purchase or acquire.

24. A retailer may neither purchase fish from nor sell fish to another retailer.

Prohibition to purchase or sell.

25. A retailer may not remove any fish purchased by him from the fishmarket before the relative sale vouchers have been vetted and stamped by the Director.

Prohibition to remove fish purchased by retailer.

26. (1) There shall be exhibited on any fish or species of fish exposed for sale a white label showing the price per kilogram which such fish or species of fish is offered for sale.

Price label.
Added by:
L.N. 103 of 1969.
Amended by:
L.N. 124 of 1979.

(2) The figures on the said label shall be clearly written in ink and shall be at least two point five centimetres high.

27. Payment for fish purchased by retailers shall be made only to the Director; such payment shall be effected within such time as may be specified by the Director.

Payment for purchased fish.

28. The Director, and any *pitkal* in respect of any fish sold by him, may, at his discretion, require payment to be effected before any fish is removed from the fishmarket.

Director may require payment.
Amended by:
L.N. 38 of 1986.

29. Any retailer who does not effect payment as required by regulations 27 and 28 shall be precluded from making any further purchases. A list of such defaulters shall be furnished to every

Failure to effect payment.
Amended by:
L.N. 38 of 1986.

	<i>pitkal.</i>
Retailer to carry with him purchase vouchers.	30. A retailer shall carry with him the purchase vouchers in respect of any fish he is offering for sale and he shall produce such vouchers on demand to any Fishery Officer or to any member of the Police.
Fish hawkers to wear badge.	31. Every fish hawkers shall wear conspicuously on his arm a badge indicating the number of the licence issued to him by the Director. Such badge shall be issued by the Director on payment of a fee of twenty-five cents and shall be returned to the Director within two days of the day on which the licence is in any way cancelled or suspended.
Fish hawkers to sell fish where licence specifies.	32. A fish hawkers may sell fish only in the district or area specified in his licence.
Permission to sell fish by retail.	33. Except as provided in regulations 22, 31 and 32, nothing in these regulations shall prevent a fisherman or a member of his family from selling by retail any fish caught by the said fisherman.
Imported fish.	34. Imported fish shall be placed in a cold store licensed by the Commissioner of Police directly it is landed in these Islands, unless the immediate sale thereof is authorised by the Director.
Prohibition to take out fish placed in cold storage.	35. Fish placed in cold storage as above shall not be taken out of cold storage or sold without the previous permit in writing from the Director, who may, at his discretion, limit the quantity of fish that may be taken out or sold.
Importers to furnish Director with return.	36. Importers shall, as soon as possible, and in no case later than twenty-four hours after the completion of each operation, furnish the Director with a return showing the quantity and quality of all fish placed in cold storage as well as of that taken out thereof.
Director shall have the right to enter cold store.	37. The Director shall have the right to enter any cold store or other premises where he has reason to believe that imported fish is being stored and shall be given all facilities for the purpose of checking the correctness of returns furnished to him by importers.
Transportation of fish in crates. <i>Added by: L.N. 5 of 1992.</i>	38. (1) The Minister may, by order in the Gazette, specify - (a) which fish crates have been approved for use at the fish sales outlets; and (b) which fish that is being taken in or out of the fish sales outlets may only be transported in the mentioned fish crates. (2) Whosoever knowingly breaks, damages or destroys a fish crate referred to in sub-regulation (1)(a) of this regulation, or peruses such fish crate for any other purpose except the transportation of fish, shall be guilty of an offence.
Inspection.	39. All fresh fish, whether locally caught or imported, shall, on landing, be subject to inspection by any Fishery Officer. Where a Fishery Officer has reason to believe that any fish is not in a wholesome condition, he may seize the fish and cause it to be examined by the sanitary authorities.
Issue of licences.	40. The licenses issued in terms of regulations 3 and 22 -

- (a) shall be valid until the 31st day of December of the year of issue and thereafter may be renewed from year to year: provided that no such renewal may be effected after the 31st March of the year to which the renewal refers; and without prejudice to the grant subsequent to that date of a new licence; and
- (b) shall not exempt the holder thereof from the requirement of any licence under any other law that is or may be in force.

41. Any person who contravenes or fails to comply with any of these regulations shall be guilty of an offence against these regulations.

Offences.

42. Any person guilty of an offence against regulations 22, 31 and 32 shall, on conviction, be liable to a fine (*multa*) of not less than one euro and sixteen cents (€1.16) but not exceeding four euro and sixty-six cents (€4.66) for each offence; and any person guilty of an offence against regulations 13, 23, 25, 26 and 30 shall, on conviction, be liable to a fine (*multa*) of not less than eleven euro and sixty-five cents (€11.65) but not exceeding twenty-three euro and twenty-nine cents (€23.29) for each such offence.

Offences against specified regulations.
Amended by:
L.N. 103 of 1969;
L.N. 426 of 2007.

43. Any person guilty of an offence against these regulations, which is not specified in regulation 42, shall on conviction, be liable to fine (*multa*) of not less than twenty-three euro and twenty-nine cents (€23.29) but not exceeding one hundred and sixteen euro and forty-seven cents (€116.47) for each such offence.

Penalties.
Amended by:
L.N. 426 of 2007.

44. Offences under these regulations are to be deemed contraventions. The provisions of the Criminal Code relating to criminal proceedings shall, subject as hereinafter stated, apply in respect of proceedings for offences under these regulations:

Offences to be deemed contraventions.
Cap. 9.

Provided that proceedings in respect of an offence under these regulations may be commenced at any time within one year of the commission of the offence.
