

L.N. 8 of 2007

**SUPPLIES AND SERVICES ACT
(CAP. 117)**

Control of Grain Storage Regulations, 2007

IN exercise of the powers conferred by article 3 of the Supplies and Services Act, the Minister for Competitiveness and Communications has made the following regulations:-

Short title and objectives.

1. (1) These regulations may be cited as the Control of Grain Storage Regulations, 2007.

(2) The objective of these regulations is to regulate the storage of grain in grain storage facilities in Malta and to ensure the availability of grain for consumption or use on the Maltese market.

Definitions.

2. In these regulations:

“Director Plant Health” means the Director responsible for plant health matters at the Ministry responsible for agriculture;

“grain” means barley, wheat, maize, or any other cereal;

“grain storage facility” means any grain storage facility as the Minister may from time to time include in a Schedule to these regulations and includes any place where the storage of grain is provided as a service;

Cap. 94.

“health authority” means the public officer responsible for public health in terms of the Department of Health (Constitution) Ordinance or any law substituting the same;

“the Minister” means the Minister responsible for trade;

“operator” means any person or undertaking at any time operating a grain storage facility;

“traceability” means the ability to trace and follow a consignment, batch or lot of grain through all stages of production, processing and distribution, and the term “traceable” shall have the same meaning unless the context otherwise requires.

3. (1) The operator of a grain storage facility shall ensure that storage facilities equivalent to a capacity as may be determined from time to time by the Minister shall be kept available in the grain storage facility operated by him for the storage of grain destined for consumption or use on the Maltese market.

Duty of operator of grain storage facility.

(2) The operator of a grain storage facility shall ensure that at all times, the storage of grain in such grain storage facility is carried out in conformity with any and all relevant European Union and Maltese legislation as may be from time to time in force, including but not limited to, the Food Safety Act; the Plant Quarantine (Harmful Organisms) Regulations, 2004 and Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Cap. 449.

L.N. 97 of 2004.

4. (1) Without prejudice to any other obligation to keep information or records under any other law, the operator of a grain storage facility shall, separately with respect to each individual consignment of grain for any time stored at the grain storage facility operated by him, keep proper records of:

Records.

- (a) movements of each individual consignment of grain,
- (b) the type of grain forming such consignment, and
- (c) the users of the grain storage facility.

(2) The records referred to in sub-regulation (1) above shall be made available by the operator for inspection by the Minister or by the Director Plant Health or by the health authority or by any officer as may be authorized by any of them for the purpose.

(3) The operator shall also keep such other records consisting of such information as may be required by the Minister or by the Director Plant Health or by the health authority or by any officer as may be authorized by any of them for the purpose of verifying the traceability of grain delivered to, or transited from, a grain storage facility.

5. The operator of a grain storage facility shall allow any officer authorized for the purpose by the Minister or by the Director Plant Health or by the health authority to inspect the grain storage facility for the purpose of verifying whether the provisions of these regulations are complied with.

Inspection.

Directives.

6. (1) The Minister may as he deems necessary regulate the level of the storage tariffs of the grain storage facility determined by the operator with a view to ensuring equitable conditions for the users.

(2) The Minister may give such Directives as he considers necessary to any operator of a grain storage facility for the purpose of ensuring that the provisions of these regulations are complied with. Failure to comply with any directive made in terms of this regulation shall constitute an offence against these regulations.

Offences.

7. Any person who contravenes the provisions of these regulations shall be guilty of an offence against these regulations.

Penalties.

8. Any person guilty of an offence against these regulations shall on conviction by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) sitting as a Court of Criminal Judicature, be liable to a fine (*multa*) of not less than one hundred liri but not exceeding one thousand liri, or to a fine (*multa*) amounting to five times the profit made by the offender as a result of the offence, whichever is the greater, or to imprisonment for a period of not less than one month but not exceeding six months, or to both such fine and such imprisonment.

Cancellation of licence.

9. Without prejudice to the penalties prescribed in regulation 8 hereof, the said Court, may, on the application of the prosecution, order the cancellation or the suspension of any licence issued to any person convicted under these regulations for the exercise of any trade or business connected with the operation of a grain storage facility.