

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,477, 28 ta' Lulju, 2025

Taqsimha B

A.L. 150 tal-2025

**ATT DWAR L-AGRIKOLTURA
(KAP. 639)**

Regolamenti tal-2025 dwar il-Protezzjoni tal-Art Agrikola

BIS-SAFHA tas-setgħat mogħtija bl-artikolu 7 tal-Att dwar l-Agricoltura, il-Ministru responsabbli għall-agricoltura u l-affarijiet rurali, għamel dawn ir-regolamenti li ġejjin: -

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2025 dwar il-Protezzjoni tal-Art Agrikola.

Titolu, għan u bidu fis-seħh.

(2) L-għan ta' dawn ir-regolamenti hu li jiġu stabbiliti miżuri u proċessi sabiex l-art agrikola tiġi salvagwardjata mill-ħsara, sabiex tiġi promossa l-vijabilità agronomika u sabiex jiġu stabbiliti l-miżuri agronomiċi minimi meħtieġa sabiex jiġi żgurat li l-art agrikola tiġi sostnuta b'mod adegwat għal skopijiet agrikoli.

(3) Dawn ir-regolamenti għandhom jidhlu fis-seħh fi żmien xahrejn (2) mill-pubblikazzjoni tagħhom fil-Gazzetta:

Iżda r-regolament 9 għandu jidhol fis-seħh fi żmien sena (1) mill-pubblikazzjoni ta' dawn ir-regolamenti fil-Gazzetta.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma teħtieġx xort' oħra:

Tifsir.

"art agrikola" tfisser kwalunkwe art barra l-limiti tal-konfini taż-żona tal-iżvilupp skont il-liġijiet, il-pjanijiet u l-politiki tal-ippjanar tal-iżvilupp, li tista' ssostni attività agrikola inkluż it-tkabbir ta' għelejjel, fjuri, siġar tal-frott jew dwieli għal skopijiet agrikoli relatati, inkluż it-twaqqif ta' serer, cloches jew cold frames;

"Att" tfisser l-Att dwar l-Agricoltura;

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"biċċa raba" tfisser unità ta' art agrikola sħiħa definita b'mod ċar u li ma jkollha l-ebda spazju għaddej minnha, kif identifikata u mqassma skont ir-regolament 3(4);

"Direttur" tfisser id-Direttur responsabbli għall-agricoltura u tinkludi, sal-grad tal-awtorità mogħtija, kwalunkwe uffiċjal awtorizzat minnu bil-miktub, sabiex jaġixxi f'ismu għal kwalunkwe mill-għanijiet ta' dawn ir-regolamenti;

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"Ministru" tfisser il-Ministru responsabbli għall-agrikoltura;

"pjan tal-għelejjel" tfisser pjan tal-għelejjel li għandhom jiġu kkultivati matul sena agrikola, kif sottomess lid-Direttur;

"registru" tfisser registru tal-art agrikola bid-dettalji rilevanti inkluż dettalji tal-bdiewa li jahdmu dik l-art u li għandu jinżamm mid-Direttur;

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"Riżorsi Agrikoli Malta" tfisser l-Aġenzija Riżorsi Agrikoli Malta stabbilita bl-Ordni li jwaqqaf Riżorsi Agrikoli Malta bħala Aġenzija;

"sena agrikola" tfisser il-perjodu bejn l-1 ta' Settembru u l-31 ta' Awwissu ta' kull sena kalendarja, iż-żewġ dati inklużi.

(2) Sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra, il-kliem u l-frazzjiet l-oħra kollha użati f'dawn ir-regolamenti għandu jkollhom l-istess tifsira kif mogħti lilhom fl-Att.

Registrazzjoni ta' art agrikola.

3. (1) Id-Direttur għandu jżomm registru b' informazzjoni li għandha tkun ġestita u pprocessata skont il-liġijiet kollha applikabbli għall-protezzjoni tad-data u l-privatezza.

(2) Il-bdiewa jew detenturi ta' titolu validu għandhom jirreġistraw l-art agrikola skont dawn ir-regolamenti:

Iżda l-bdiewa li jkunu diġà involuti f'attività agrikola għandhom jirreġistraw tali art agrikola fi żmien sitt (6) xhur mid-dhul fis-seħħ ta' dawn ir-regolamenti:

Iżda wkoll mar-registrazzjoni tagħhom il-bdiewa jew detenturi ta' titolu validu għandhom jipprovdu lid-Direttur bl-indirizz postali tagħhom u kwalunkwe rekwizit ta' notifika skont dawn ir-regolamenti għandu jitqies sodisfatt jekk issir notifika f'tali indirizz.

(3) Kwalunkwe haġa magħmula mid-Direttur fil-konsiderazzjoni ta' applikazzjoni għal registrazzjoni skont dawn ir-regolamenti u l-aċċettazzjoni jew r-rifjut ta' applikazzjoni għar-registrazzjoni ta' art agrikola skont dawn ir-regolamenti ma għandhiex tagħti, tirrikonoxxi jew tikkonferma kwalunkwe drittijiet personali jew reali fuq tali art agrikola li tista' tippregudika drittijiet ta' partijiet terzi, u kull dikjarazzjoni f'applikazzjoni jew deċiżjoni tad-Direttur skont dawn ir-regolamenti għandu jkollha effett biss għall-għanijiet ta' dawn ir-regolamenti.

(4) L-art agrikola għandha tiġi registrata u mqassma f'biċċiet ta' raba' mid-Direttur skont l-iskop ta' dawn ir-regolamenti.

4. Mar-registrazzjoni tal-art agrikola l-bdiewa jew detenturi ta' titolu validu għandhom jissottomettu pjan tal-għelejjel lid-Direttur, li jipprovdi dettalji dwar l-attività agrikola tagħhom għal sena (1) agrikola jew aktar: Pjan tal-għelejjel.

Iżda d-Direttur jista' johroġ struzzjonijiet li għandhom jiġu segwiti fis-sottomissjoni ta' pjan tal-għelejjel, jew jipprovdi formoli jew tipi oħra ta' dokumenti fuq is-sit elettroniku tal-Ministeru responsabbli mill-agrikoltura, li għandhom jintużaw għall-finijiet ta' dan ir-regolament.

5. Il-bdiewa jew detenturi ta' titolu validu għandhom jiżguraw li kwalunkwe art agrikola li tiffirma parti mill-azjenda agrikola tagħhom tiġi salvagwardjata minn kwalunkwe theddid u ħsara li jipperikolaw il-potenzjal naturali tal-produzzjoni ta' tali art agrikola, liema potenzjal għandu jiġi sostnut u mtejjeb matul is-snin. Il-bdiewa jew detenturi ta' titolu validu għandhom jiżguraw *inter alia* li: Manteniment ta' art agrikola.

(a) ma ssir l-ebda attività li trendi l-ħamrija mhux adattata għall-użu agrikolu, inkluż iżda mhux limitat għal dawn li ġejjin:

(i) it-taħlit tal-ħamrija mal-ġebel jew ma' kwalunkwe materjal ieħor li jwassal, jew li jista' jwassal għad-deterjorament tal-ħamrija;

(ii) il-kisi tal-ħamrija b'xi saff ta' konkos, ġebel, ċangaturi tal-ġebel jew xi materjal ieħor simili;

(iii) l-iddepożitar fuq il-ħamrija, jew jithallew depożitati fuq il-ħamrija, kwalunkwe oġġett jew oġġetti li jkollhom daqs akbar minn żewġ (2) metri kwadri għal perjodu itwal minn tletin (30) ġurnata;

(iv) l-iddepożitar, jew li tithalla depożitata, kwalunkwe ħamrija b'tali mod li ma tkunx xierqa għall-użu f'attività agrikola; u

(v) il-kostruzzjoni ta' strutturi li mhumiex essenzjali għall-bżonnijiet tal-agrikultura ħlief jekk tali strutturi huma permessi skont il-politiki tal-ippjanar applikabbli;

(b) ma jintużax makkinarju agrikolu u, jew makkinarju tqil meta l-ħamrija tkun mifqugħa bl-ilma;

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(ċ) it-tgħaffiġ bla bżonn tal-ħamrija b'makkinarju tqil jew vetturi jkun ipprojbit;

(d) il-ħaxix maqtuġħ u l-fdalijiet tal-ħaxix ma għandhomx jinħarqu fuq il-ħamrija f'żoni akbar minn għaxar (10) metri kwadri għal kull tomna art, ħlief b'ordni ta' awtorità kompetenti.

Attività minima fuq art agrikola.

6. Il-livell minimu ta' attività agrikola skont il-Politika Agrikola Komuni tal-Unjoni Ewropea għandu jitwettaq fuq kull art agrikola:

Iżda dak il-livell minimu ta' attività agrikola għandu dejjem jinkludi li tali art agrikola tinżamm fi stat tajjeb għall-kultivazzjoni, u li l-art agrikola għandha tinharat almenu darba fis-sena:

Iżda wkoll jekk fl-art agrikola jkun hemm is-siġar, tali siġar għandhom jinżammu f'kundizzjoni agrikola tajba:

Iżda wkoll dan ir-regolament ma għandux japplika jekk art agrikola titħawwel bi speċi selvaġġi ta' pjanti bħala parti minn miżura agroambjentali ffinanzjata permezz ta' fondi nazzjonali jew tal-Unjoni Ewropea.

Obbligi addizzjonali.

7. Bil-għan li tiġi limitata jew evitata d-degradazzjoni tal-art agrikola l-Ministru, b'konsultazzjoni mad-Direttur, jista' jippreskrivi obbligi temporanji addizzjonali, miżuri ta' emerġenza u, jew rekwiżiti kif jistgħu jiġu pubblikati b'avviż fil-Gazzetta.

Attività mhux agrikola.

8. L-użu ta' art agrikola għal attivitajiet mhux agrikoli ma għandux jinterferixxi ma' attivitajiet agrikoli li jistgħu jitwettqu skont ir-regolament 6 jew jikkawżaw xi degradazzjoni ambjentali:

Iżda kull attività mhux agrikola fuq art agrikola għandha tkun konformi mad-dispożizzjonijiet ta' dawn ir-regolamenti u kwalunkwe obbligu ieħor skont il-liġi.

Art mhux reġistrata.

9. (1) F'każijiet li art agrikola ma tkunx reġistrata taħt xi persuna, id-Direttur għandu jwahaħhal avviż fis-sit tal-art agrikola kif ukoll jippubblika avviż tal-Gvern li bih jordna li kwalunkwe persuna li għandha interess f'tali art agrikola għandha tiddikjara u tiddeskrivi dak l-interess lid-Direttur fi żmien tliet (3) xhur mill-imsemmija pubblikazzjoni, u jekk ma ssir l-ebda dikjarazzjoni d-Direttur għandu jitlob lil Riżorsi Agrikoli Malta tirreġistra l-art agrikola f'isimha u bis-saħħa ta' tali reġistrazzjoni Riżorsi Agrikoli Malta għandha takkwista l-pussess effettiv ta' tali art agrikola u għandu jkollha s-setgħa li tallokaha għal attività agrikola:

Iżda jekk jiġi pprovat titolu validu fuq dik l-art agrikola għas-sodisfazzjon tad-Direttur, huwa għandu jikkancelła r-registrazzjoni tal-art minn fuq Riżorsi Agrikoli Malta sal-aħħar tas-sena agrikola li fiha jkun għe stabbilit titolu validu u jirreġistraha favur id-detentur tat-titolu:

Iżda wkoll kwalunkwe registrazzjoni skont il-proviso preċedenti għandha issir biss effettiva jekk kull multa, miżata jew debitu ieħor skont dawn ir-regolamenti jiġu saldati mid-detentur tat-titolu.

(2) Riżorsi Agrikoli Malta għandha tiġġestixxi l-art agrikola registrata favuriha skont is-subregolament (1) bħala *bonus pater familias*:

Iżda jekk tali art agrikola ma tibqax registrata fuq Riżorsi Agrikoli Malta sabiex tiġi registrata favur detentur ta' titolu validu skont is-subregolament (1), tali detentur tat-titolu għandu jikkompensa lil Riżorsi Agrikoli Malta għall-ispejjeż kollha magħmula għat-teħid tal-art agrikola u l-ġestjoni tal-istess, inklużi iżda mhux limitament għall-ispejjeż notarili, legali u fiskali, u l-ispejjeż għall-miljoramenti kollha magħmula minn Riżorsi Agrikoli Malta.

(3) Jekk detentur ta' titolu validu fuq art agrikola jipprova għas-sodisfazzjon tad-Direttur li:

(i) kien impossibbli għalih li jirreġistra l-art agrikola skont dawn ir-regolamenti; u

(ii) jobbliga ruħu li ser ikun qiegħed jaġixxi ta' bidwi jew iqabba bidwi għal tali art agrikola ladarba tkun registrata f'ismu skont dawn ir-regolamenti,

huwa għandu jkollu dritt għall-ħlas ta' kwalunkwe ammont ekwivalenti miġbur minn Riżorsi Agrikoli Malta għal tali art agrikola mingħand terzi, esklużi l-ispejjeż skont is-subregolament (2), u tali ammont ekwivalenti għandu jithallas lill-bidwi jew lid-detentur ta' titolu validu minn Riżorsi Agrikoli Malta.

10. Kwalunkwe riklamar li jippromwovi l-bejgħ ta' art agrikola għal finijiet oħra għajr dawk agrikoli huwa projbit.

Bejgħ ta' art agrikola.

11. L-artikolu 8 tal-Att għandu japplika *mutatis mutandis* għall-finijiet tas-setgħat generali ta' uffiċjali awtorizzati.

Setgħat generali tal-uffiċjali awtorizzati.

12. (1) F'każ li d-Direttur iqis li xi rekwiżit tar-regolament 5 ma jkunx qiegħed jiġi osservat minn bidwi jew detentur ta' titolu

Miżuri f'każ ta' irregolaritajiet u ksur.

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validu, huwa jista' jordna li tittiehed azzjoni korrettiva b'ordni bil-miktub u d-dispożizzjonijiet tar-regolament 12(1) għandhom japplikaw *mutatis mutandis* għan-notifika ta' dak l-ordni.

(2) In-nuqqas ta' implimentazzjoni ta' azzjoni korrettiva skont is-subregolament (1) għandu jitqies bħala reat kontra dan ir-regolament.

Avviż ta'
twissija.

13. (1) Bla ħsara għar-regolament 12, f'każ li d-Direttur iqis li xi rekwiżit stipulat fir-regolamenti 4 sa 7 ma jkunx qiegħed jiġi osservat minn bidwi jew detentur ta' titolu validu, huwa jista' joħroġ avviż ta' twissija kontra tali bidwi jew detentur ta' titolu validu li għandu jintbagħat u jiġi kkonsenjat lil dawn tal-aħħar permezz tal-posta rreġistrata fl-indirizz postali indikat mill-bidwi jew detentur ta' titolu validu skont ir-regolament 3:

Iżda avviż ta' twissija għandu wkoll jitqies li gie kkonsenjat jekk jiġi hekk kkonsenjat fiżikament lill-bidwi jew detentur ta' titolu validu minn uffiċjal awtorizzat:

Iżda wkoll il-proċedura stabbilita fl-artikolu 18 tal-Att għandha tapplika *mutatis mutandis* għan-notifika ta' avviż ta' twissija.

Iżda wkoll alternattivament, id-Direttur jista' jagħzel li joħroġ avviż ta' twissija b'ittra uffiċjali u n-notifika tagħhom għandha ssir skont il-liġi.

(2) L-avviż ta' twissija skont is-subregolament (1) għandu jistabbilixxi l-kondizzjonijiet meħtieġa mid-Direttur sabiex il-bidwi jew detentur ta' titolu validu jitqies konformi ma' dawn ir-regolamenti, u tali avviż ta' twissija għandu fost l-oħrajn jinkludi:

(a) id-data jew il-perjodi meta jkun hemm xi nuqqas mill-bidwi jew detentur ta' titolu validu u l-baži legali għal tali nuqqas;

(b) il-fatti li jimmotivaw il-ħruġ tal-avviż ta' twissija;

(ċ) il-miżuri li l-bidwi jew detentur ta' titolu validu għandu jieħu sabiex jitqies konformi ma' dawn ir-regolamenti; u

(d) jekk applikabbli, il-perjodu ta' żmien li fih il-miżuri msemmija għandhom jiġu implimentati kif id-Direttur jista' jqis raġonevoli fiċ-ċirkostanzi, liema perjodu għandu jibda jiddekorri biss mid-data tan-notifika tal-avviż ta' twissija.

(3) Id-Direttur għandu jordna azzjoni korrettiva skont ir-regolament 12 kontra l-persuna li lilha jkun indirizzat l-avviż ta'

twissija jekk hija ma timplimentax il-miżuri msemmija fil-paragrafu (ċ) tas-subregolament (2) fil-perjodu ta' żmien imsemmi fil-paragrafu (d) tal-istess subregolament.

14. Id-Direttur jista' jeżenta lil kwalunkwe persuna mill-obbligu ta' reġistrazzjoni ta' art agrikola skont dawn ir-regolamenti jekk tali persuna tipprova għas-sodisfazzjon tad-Direttur li hija ma tistax tirreġistra dik l-art agrikola jew ma tistax twettaq fuqha l-livell minimu ta' attività agrikola skont ir-regolament 6.

Eżenzjonijiet.

15. Kull min iħossu aggravat b'deċiżjoni tad-Direttur skont dawn ir-regolamenti, jista' b'rikors jitlob reviżjoni ta' dik id-deċiżjoni lit-Tribunal ta' Reviżjoni Amministrattiva skont l-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva:

Reviżjoni
ġudizzjarja.

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Iżda tali rikors għandu jiġi preżentat fi żmien għoxrin (20) jum min-notifika tad-deċiżjoni tad-Direttur.

16. (1) Il-Qorti tal-Maġistrati bhala Qorti ta' Ġudikatura Kriminali għandha tkun kompetenti li tisma' u tiddetermina r-reati kollha skont dawn ir-regolamenti.

Proċeduri
quddiem il-
Qorti.

(2) Fi kwalunkwe proċeduri kriminali quddiem il-Qorti tal-Maġistrati għal reat skont dawn ir-regolamenti, id-Direttur jew kwalunkwe uffiċjal, avukat jew prokuratur legali delegat mid-Direttur jista', flimkien mal-Pulizija Eżekuttiva, iressaq l-evidenza, jeżamina u jikkontroeżamina x-xhieda u jagħmel sottomissjonijiet dwar il-fatti u d-dritt.

(3) Dikjarazzjoni ġuramentata minn kwalunkwe uffiċjal, avukat jew prokuratur legali li huwa jkun ġie delegat kif provdut fis-subregolament (1) għandha tkun prova konkluziva tal-fatt, jekk prova ta' dan tkun meħtieġa mill-akkużat jew mill-Qorti.

17. (1) Kwalunkwe persuna għandha tkun hatja ta' reat skont dawn ir-regolamenti jekk hija:

Reati u multi.

(a) tonqos milli tħares xi dispożizzjoni ta' dawn ir-regolamenti jew xi ordni legittimu mogħti bis-saħħa ta' dawn ir-regolamenti;

(b) intenzjonalment tfixkel jew tikkawża t-tfixkil ta' xi persuna li taġixxi fl-eżerċizzju xieraq tal-funzjonijiet tagħha skont dawn ir-regolamenti u, jew tonqos milli tippermetti spezzjoni awtorizzata skont dawn ir-regolamenti;

(ċ) mingħajr motivazzjoni raġonevoli, tonqos milli taġti lil xi persuna li taġixxi fl-eżerċizzju tal-funzjonijiet tagħha skont

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dawn ir-regolamenti, kwalunkwe għajnuna jew informazzjoni li hija tista' tkun meħtieġa li tagħti skont dawn ir-regolamenti jew xi liġi oħra, jew tagħti informazzjoni falza jew qarrieqa;

(d) tassoċja ruħha ma', tgħin jew tassisti lil xi persuna oħra bi kwalunkwe mezz, inkluż reklamar, għoti ta' pariri jew akkwist, sabiex tikser id-dispożizzjonijiet ta' dawn ir-regolamenti jew sabiex tonqos milli tikkonforma ma' tali dispożizzjonijiet, inkluż kwalunkwe ordni leġittimu mogħti skont kwalunkwe waħda mid-dispożizzjonijiet ta' dawn ir-regolamenti, jew sabiex tikser xi restrizzjoni, projbizzjoni jew rekwizit impost minn, jew skont l-imsemmija regolamenti;

(e) tibdel, tiffalsifika, twettaq kontrafazzjoni jew teqred kwalunkwe dokument ipprezentat lil, jew maħruġ mid-Direttur skont dawn ir-regolamenti.

(2) Għandu wkoll jkun reat skont dawn ir-regolamenti meta xi uffiċjal awtorizzat jiżvela lil xi persuna xi informazzjoni dwar xi sigriet kummerċjali miksub minnu fil-qadi ta' dmirijietu, kemm-il darba l-iżvelar ma jkunx meħtieġ għall-qadi ta' dmirijietu u l-iżvelar ikun strettament limitat għal persuni jew awtoritajiet raġonevolment meħtieġa li jkunu jafu l-informazzjoni żvelata.

(3) Kwalunkwe persuna li tinstab hatja ta' reat kontra d-dispożizzjonijiet ta' dawn ir-regolamenti għandha meta tinstab hatja, tehel:

(a) mal-ewwel kundanna multa ta' mhux anqas minn ħames mitt euro (€500) iżda mhux aktar minn elfejn u ħames mitt euro (€2,500);

(b) mat-tieni kundanna jew kundanna sussegwenti, multa ta' mhux anqas minn elf u ħames mitt euro (€1,500) iżda mhux aktar minn ħdax-il elf euro (€11,000), jew għal multa kkalkolata fuq il-profitt magħmul mill-ħati bi ksur ta' dawn ir-regolamenti, liema minnhom tkun l-oghla:

Iżda meta l-multa tiġi hekk kalkolata, fl-ebda każ ma tista' teċċedi ħames (5) darbiet il-profitt magħmul mill-ħati bi ksur ta' dawn ir-regolamenti.

L.N. 150 of 2025

**AGRICULTURE ACT
(CAP. 639)**

Protection of Agricultural Land Regulations, 2025

IN EXERCISE of the powers conferred by article 7 of the Agriculture Act, the Minister responsible for agriculture and rural affairs, has made the following regulations:-

1. (1) The title of these regulations is the Protection of Agricultural Land Regulations, 2025. Citation, scope and commencement.

(2) The scope of these regulations is to establish measures and processes to safeguard agricultural land from damages, to promote agronomic viability and to establish the minimum agronomic measures required to ensure that agricultural land is maintained adequately for agricultural purposes.

(3) These regulations shall come into force within two (2) months from their publication in the Gazette:

Provided that regulation 9 shall come into force within one (1) year from the publication of these regulations in the Gazette.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"Act" means the Agriculture Act; Cap. 639.

"agricultural land" means any land outside the limits of a development zone boundary according to development planning laws, plans and policies, that can support an agriculture activity including the growing of crops, flowers, fruit trees or vines for related agricultural purposes, including the erection of glasshouses, cloches or cold frames;

"agricultural parcel" means a unit of agricultural land which is clearly defined as a whole and without it being divided by any space, as designated and divided according to regulation 3(4);

"agricultural year" means the period between the 1st September and the 31st August of each calendar year, both dates inclusive;

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"crop plan" means a plan of the crops to be cultivated during an agricultural year, as submitted to the Director;

"Director" means the Director responsible for agriculture and includes, to the extent of the authority given, any officer authorised by him in writing, to act on his behalf for any of the purposes of these regulations;

"Minister" means the Minister responsible for agriculture;

"register" means a register of agricultural land with relevant details including details of farmers working that land and that shall be kept by the Director;

S.L. 595.48.

"Riżorsi Agrikoli Malta" means the Riżorsi Agrikoli Malta Agency established by Riżorsi Agrikoli Malta (Establishment as an Agency) Order.

(2) Unless the context otherwise requires, all other words and phrases used in these regulations shall have the same meaning as assigned to them in the Act.

Registration of
agricultural
land.

3. (1) The Director shall keep a register with information which shall be managed and processed according to all applicable laws for data protection and privacy.

(2) Farmers or valid title holders shall register agricultural land in accordance with these regulations:

Provided that farmers already engaged in agricultural activity shall register said agricultural land within six (6) months from the coming into force of these regulations:

Provided further that with their registration, farmers or valid title holders shall at all times provide the Director with their postal address and any service requirements according to these regulations shall be deemed satisfied if service is effected at that address.

(3) Anything done by the Director in considering an application for registration according to these regulations, and the acceptance or refusal of an application to register agricultural land according to these regulations shall not grant, recognise or confirm any personal or real rights on such agricultural land which may prejudice third party rights, and any declaration in an application or decision by the Director according to these regulations shall only have effect for the purposes of these regulations.

(4) Agricultural land shall be registered and designated as agricultural parcels by the Director according to the scope of these regulations.

4. Upon registration of an agricultural land farmers or valid title holders shall submit a crop plan to the Director, providing details about their agricultural activity for one (1) agricultural year or more: Crop plan.

Provided that the Director may issue instructions which shall be followed in submitting a crop plan, or provide forms or other types of documents on the website of the Ministry responsible for agriculture to be used for the purposes of this regulation.

5. Farmers or valid title holders shall ensure that any agricultural land forming part of their agricultural holding is safeguarded from any threats and damages which endanger the natural production potential of such agricultural land, which potential is to be maintained and improved along the years. Farmers or valid title holders shall ensure *inter alia* that: Maintenance of agricultural land.

(a) no activity which makes soil unsuitable for agricultural use is undertaken, including but not limited to the following:

(i) mixing soil with stones or with any other material that leads, or may lead to the deterioration of the soil;

(ii) covering soil with any layer of concrete, stones, stone slabs or any other similar material;

(iii) depositing on soil, or leaving deposited on soil, any object or objects having an area larger than two (2) square metres for a period longer than thirty (30) days;

(iv) depositing, or leaving deposited, any soil in such manner as is unsuitable for use in an agricultural activity; and

(v) construction of structures not essential to the needs of agriculture except if such structures are permitted according to applicable planning policies;

(b) agricultural machinery and, or heavy machinery shall not be used when the soil is waterlogged;

(c) unnecessary trampling of the soil with heavy machinery or vehicles shall be prohibited;

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(d) stubble and grass spoil shall not be burnt on the soil on areas greater than ten (10) metres squared for every tumolo of land, except by order of a competent authority.

Minimum level of agricultural activity on agricultural land.

6. The minimum level of agricultural activity according to the Common Agricultural Policy of the European Union shall be conducted on each agricultural land;

Provided that the said minimum level of agricultural activity shall always include that such agricultural land be kept fit for cultivation, and be tilled at least once a year:

Provided further that if there are trees in the agricultural land, the said trees shall be kept in a good agricultural condition:

Provided further that this regulation shall not apply if agricultural land is planted with wild species of plants as part of an agri-environmental measure financed through national or European Union funds.

Additional obligations.

7. For the purpose of limiting or avoiding the degradation of agricultural land the Minister, in consultation with the Director, may prescribe additional temporary obligations, emergency measures and, or requirements as may be published by notice in the Gazette.

Non-agricultural activity.

8. The use of agricultural land for non-agricultural activities shall not interfere with agricultural activities that may be carried out according to regulation 6 or cause environmental degradation:

Provided that all non-agricultural activity on agricultural land shall comply with the provisions of these regulations and any other obligation according to law.

Unregistered land.

9. (1) In cases where the agricultural land is not registered under any person, the Director shall affix a notice at the site of the agricultural land and also publish a Government notice ordering that any person having an interest in such agricultural land shall declare and describe such interest to the Director within three (3) months from the said publication, and if no such declaration is made the Director shall request Riżorsi Agrikoli Malta to register the agricultural land on its behalf and by virtue of such registration Riżorsi Agrikoli Malta shall acquire effective possession of such agricultural land and shall have the power to allocate it for agricultural activity:

Provided that if a valid title on such agricultural land is proven to the satisfaction of the Director, he shall deregister the land from Riżorsi Agrikoli Malta at the end of the agricultural year in which the valid title is established and register it in favour of the title

holder:

Provided further that any registration according to the previous proviso shall only be effective if any fines (*multi*), fees or other dues according to these regulations are settled by the title holder.

(2) Riżorsi Agrikoli Malta shall manage the agricultural land registered in its favour according to sub-regulation (1) as a *bonus pater familias*;

Provided that if such agricultural land is deregistered from Riżorsi Agrikoli Malta so as to be registered on a valid title holder according to sub-regulation (1), such title holder shall compensate Riżorsi Agrikoli Malta for all the expenses incurred for the taking up of the agricultural land and management thereof, including but not limited to notarial, legal and fiscal costs, and the expenses for all improvements made by Riżorsi Agrikoli Malta.

(3) If the holder of a valid title over an agricultural land proves to the satisfaction of the Director that:

(i) it was impossible for him to register the agricultural land according to these regulations; and

(ii) he obliges himself that he shall act as the farmer or to engage a farmer for such agricultural land once it is registered in his name according to these regulations,

he shall be entitled to the payment of any equivalent amount to every payment received by Riżorsi Agrikoli Malta from third parties for such agricultural land, excluding expenses incurred according to sub-regulation (2), and such equivalent amount shall be paid to the farmer or valid title holder by Riżorsi Agrikoli Malta.

10. Any advertisement promoting the sale of agricultural land for purposes other than agriculture is prohibited.

Sale of agriculture land.

11. Article 8 of the Act shall apply *mutatis mutandis* for the purposes of the general powers of authorised officers.

General powers of the authorised officers.

12. (1) In cases in which the Director deems that the requirements of regulation 5 are not being observed by a farmer or valid title holder, he may order corrective action to be taken by an order in writing and the provisions of regulation 12(1) shall apply *mutatis mutandis* for the service of said order.

Measures in case of irregularities and breaches.

(2) Failure to implement corrective action in accordance with sub-regulation (1) shall be deemed to be an offence against this

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regulation.

Warning notice.

13. (1) Without prejudice to regulation 12, in a case in which the Director deems that any requirement stipulated in regulations 4 to 7 is not being observed by a farmer or valid title holder, he may issue a warning notice against such farmer or valid title holder that is to be sent and delivered to the latter by registered mail at the postal address indicated by the farmer or valid title holder in accordance with regulation 3:

Provided that a warning notice shall also be deemed to be delivered if it is physically delivered to the farmer or valid title holder by an authorised officer:

Provided further that the procedure established in article 18 of the Act shall apply *mutatis mutandis* to the notification of a warning notice:

Provided further that alternatively the Director may opt to issue a warning notice by judicial letter and service thereof shall be effected according to law.

(2) The warning notice according to sub-regulation (1) shall establish the conditions required by the Director for the farmer or valid title holder to be deemed in compliance with these regulations, and said warning notice shall amongst others include:

(a) the date or periods when any default took place by the farmer or valid title holder and the legal basis for such default;

(b) the facts motivating the issuing of the warning notice;

(c) the measures that the farmer or valid title holder has to take in order to be deemed in compliance with these regulations; and

(d) if applicable, the time period within which the said measures are to be implemented as the Director may deem reasonable in the circumstances, which period shall only commence to run from the date of service of the warning notice.

(3) The Director shall order corrective action according to regulation 12 against the person to whom the warning notice is addressed if he does not implement the measures referred to in paragraph (c) of sub-regulation (2) within the time period referred to in paragraph (d) of the same sub-regulation.

Exemptions.

14. The Director may exempt any person from the obligation to

register agricultural land according to these regulations if said person proves to the satisfaction of the Director that he cannot register such agricultural land or he cannot conduct on it the minimum level of agricultural activity in accordance with regulation 6.

15. Whosoever feels aggrieved by a decision of the Director in accordance with these regulations, may by application request a review of that decision by the Administrative Review Tribunal in accordance with article 5 of the Administrative Justice Act:

Judicial review.

Cap. 490.

Provided that said application shall be filed within twenty (20) days from the service of the decision of the Director.

16. (1) The Court of Magistrates as a Court of Criminal Judicature shall be competent to hear and determine all offences according to these regulations.

Proceedings
before the
Court.

(2) In any criminal proceedings before the Court of Magistrates for an offence according to these regulations, the Director or any officer, lawyer or legal procurator delegated by the Director may, together with the Executive Police, produce evidence, examine and cross-examine witnesses and make submissions as to fact and law.

(3) The sworn statement of any officer, lawyer or legal procurator to the effect that he has been delegated as provided in sub-regulation (1) shall be conclusive evidence of the fact, should proof thereof be required by the accused or the Court.

17. (1) Any person shall be guilty of an offence according to these regulations if he:

Offences and
fines (*multi*).

(a) fails to comply with any provision of these regulations or any lawful order given by virtue of these regulations;

(b) intentionally obstructs or causes the obstruction of any person acting in the proper exercise of his functions in accordance with these regulations and, or fails to allow an inspection authorised in accordance with these regulations;

(c) without reasonable cause, fails to give to any person acting in the exercise of his functions in accordance with these regulations, any assistance or information which he may be required to give in accordance with these regulations or any other law, or gives false or misleading information;

(d) conspires with, aids or abets any other person by whatever means, including advertising, counselling or

procurement, to breach the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provisions of these regulations, or to breach any restriction, prohibition or requirement imposed by, or in accordance with the said regulations;

(e) alters, forges, counterfeits or destroys any document presented to, or issued by the Director in accordance with these regulations.

(2) It shall also be an offence under these regulations for any authorised officer to disclose to any person any information on any trade secret obtained by him in the course of his duties, unless the disclosure is necessary for the performance of his duties and disclosure is strictly limited to persons or authorities reasonably required to know the information disclosed.

(3) Any person who is found guilty of an offence against the provisions of these regulations shall on conviction, be liable:

(a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding two thousand five hundred euro (€2,500);

(b) on a second conviction or subsequent conviction, to a fine (*multa*) of not less than one thousand five hundred euro (€1,500) but not exceeding eleven thousand euro (€11,000), or to a fine (*multa*) calculated on the profit made by the offender in breach of these regulations, whichever is the higher:

Provided that when the fine (*multa*) is so calculated, it may in no case exceed five (5) times the profit made by the offender in breach of these regulations.