No. 1199

MINISTRY FOR AGRICULTURE, FISHERIES AND ANIMAL RIGHTS

Protection of Agricultural Land Regulations, 2025

Explanatory Notes[1]

1. Introduction

The title of these regulations is the Protection of Agricultural Land Regulations, 2025. The scope of these regulations is to establish measures and processes to safeguard agricultural land to ensure that agricultural land is maintained as suitable for agricultural purposes. These regulations have been drafted by the Ministry of Agriculture, Fisheries and Animal Rights (MAFA)

2. Summary and background

Through the implementation of these regulations, agricultural land shall be safeguarded from damages and agronomic viability is promoted. Minimum agronomic measures are being laid down in order to sustain the local agricultural sector by protecting soil and ensuring minimum agricultural activity on agricultural land. The cultivation of abandoned fields can contribute towards carbon removals through the planting of trees and crops whilst improving the visual aesthetic of the rural landscape enhancing social wellbeing. The provisions of these regulations are also envisaged to ensure that any current abandoned agricultural land is managed in a sustainable manner through government intervention.

3. Overview of the structure of the instrument

These regulations which fall under the Agriculture Act (Chapter 639 of the Laws of Malta) are set out in seventeen (17) regulations:

1. Citation, scope and commencement (regulation 1)
2. Interpretation (regulation 2)
3. Registration of agricultural land (regulation 3)
4. Crop plan (regulation 4)
5. Maintenance of agricultural land (regulation 5)
6. Minimum activity on agricultural land (regulation 6)
7. Additional obligations (regulation 7)
8. Non-Agricultural Activity (regulation 8)
9. Unregistered land (regulation 9)
10. Sale of agricultural land (regulation 10)
11. General Powers of the authorised officers (regulation 11)
12. Measures in case of irregularities and breaches (regulation 12)
13. Warning notice (regulation 13)
14. Exemptions (regulation 14)
15. Judicial review (regulation 15)

[1]This Explanatory Note is in accordance with and for the purpose of article 3(2)(c) of the Small Business Act (Chapter 512 of the Laws of Malta).

16. Proceedings before the Court (regulation 16)
17. Offences and fines (multi) (regulation 17)

4. Commentary

Regulation 3 requires that the Director keeps a register and farmers or valid title holders are to register their agricultural land. Those farmers already engaged in agricultural activity need to register their agricultural land within six (6) months from the entry into force of the regulations. Agricultural land shall be registered and designated as Agricultural Parcels for the scope of these regulations only and shall not grant, recognise or confirm any personal or real rights on such agricultural land which may prejudice third party rights. Upon registration, a crop plan needs to be submitted for one or more agricultural years in line with regulation 4.

Regulation 5 sets out measures to safeguard agricultural land from threats and damages which include measures that protect the soil from activities that deteriorate it or render it unsuitable for agricultural use.

Regulation 6 sets out the minimum activity on agricultural land according to the Common Agricultural Policy (CAP) of the European Union. Agricultural land shall be kept fit for cultivation and tilled at least once a year. In the case where trees are present, these shall be kept in good agricultural condition. Land parcels planted with wild species of plants as part of an agri-environmental commitment financed through National or European Union funds are exempted from this obligation. Regulation 7 allows for additional measures to be prescribed by the Minister for Agriculture in case of emergencies or as required.

Regulation 8 sets out measures for the use of agricultural land for non-agricultural activity. Such activity is allowed provided that it does not interfere with agricultural activities or cause environmental degradation, and it complies with the provisions of these regulations and any other obligations by law.

Regulation 9 sets out measures to ensure that any current abandoned agricultural land is managed in a sustainable manner through government intervention. In cases where agricultural land is not registered, the Director shall affix a notice at the site of the agricultural land and a notice shall also be published in the Gazette for any person to declare interest for that land within three (3) months from that publication. If no interest is declared, the Director will request the Riżorsi Agrikoli Malta (RAM) to register the land on its behalf and acquire effective possession of the agricultural land and have the power to allocate it for agricultural activity. Should a valid title be proven then the land shall be deregistered from RAM at the end of the agricultural year and the title holder will register that land in his favour, provided that any fines or fees or dues are settled by the title holder. The title holder will also be required to compensate RAM for all the expenses incurred for the taking up of the agricultural land and the management thereof including but not limited to notarial, legal and fiscal costs, and the expenses for all improvements made by RAM. If the valid title holder proves that it was impossible for him to register the agricultural land according to these regulations, and that he obliges himself that he will act as the farmer for such agricultural land once it is registered in his name, he shall be entitled to the payment of any amount equivalent to every payment received by RAM from third parties, excluding the expenses previously mentioned, and that amount shall be paid to the farmer or valid title holder by RAM.

Regulation 10 prohibits advertisement that promotes agricultural land for non-agricultural purposes

Regulation 11 sets out that for the purposes of the general powers of authorised officers article 8 of the Agriculture Act (Cap 639) shall apply mutatis mutandis.

The measures to be taken in case of irregularities and the breaches are set out under regulation 12, and failure to implement such measures is deemed an offence. A warning notice shall be issued as per regulation 13 in case the requirements of

regulations 4 to 7 are not satisfied. Regulation 14 provides for exemptions by the Director to register agricultural land in cases where it is proven that such land cannot be registered or minimum agricultural activity cannot be carried out. Regulation 15 provides for judicial review through the submission of a request to the Administrative Review Tribunal to review the Director's decision. Regulation 16 describes proceedings before the Court of Magistrates as a court of criminal judicature and regulation 17 sets out offences and fines.

5. Concluding Section

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.

For further information please contact artagrikola.mafa@gov.mt

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

1st August, 2025

User Guidelines

Protection of Agricultural Land Regulations, 2025

1. The Protection of Agricultural Land Regulations provide a legal framework to ensure that agricultural land is maintained as suitable for agricultural purposes. A number of measures are established to ensure sustainability and viability of the agricultural sector.

2. These user guidelines are intended for farmers and valid title holders of agricultural land to better understand the obligations set out in the Protection of Agricultural Land Regulations which are necessary to safeguard agricultural land.

3. Farmers managing agricultural land and valid title holders of agricultural land that is outside the development zone and that can support an agricultural activity, need to satisfy the obligations set out in these regulations.

4. Famers or valid title holders need to register their agricultural land with the Director of Agriculture and those farmers who are already engaged in agricultural activity need to register their agricultural land within six (6) months from the coming into force of the regulations. Registration provides for designation of agricultural parcels for the scope of these regulations only and hence such registration does not grant any real rights on such agricultural land. Upon registration, a crop plan needs to be submitted providing details of the agricultural activity for one or more agricultural year, that starts on 1st September and ends on 31st August of each calendar year, both dates included.

5. Farmers or valid title holders need to maintain agricultural land in good condition by meeting the obligations set in the regulations. These include measures that protect the soil from being deteriorated becoming unsuitable for use in an agricultural activity.

6. Minimum activity is required on Agricultural land to keep such land fit for cultivation which includes tilling at least once a year. In the case where agricultural land is part of an agri-environment climate commitment which requires it to be cultivated with wild plant species, and which is financed through National or European Union Funds, such land is exempted from this obligation. Additional temporary obligations may be required in extreme or emergency cases.

7. Agricultural land may be used for non-agricultural purposes, provided that such activity does not interfere with agricultural activities or cause environmental degradation, and that it complies with the provisions of these regulations and any other obligations by law.

8. For agricultural Land that has not been registered, the Director will affix a notice at the site of the agricultural land and also issue a notice in the Government Gazette ordering any person having interest in that agricultural land to declare and describe that interest within three (3) months of publication of the said notice. If no declaration is made, the Director shall request the Riżorsi Agrikoli Malta Agency to register the agricultural land on its behalf. If a valid title is proven following the registration on behalf of Riżorsi Agrikoli Malta, the agricultural land will be deregistered from the Agency at the end of the agricultural year and be registered in favour of the title holder, subject to conditions whereby any fines, fees or dues are settled by the title holder, and where the holder compensates the Agency for all the expenses incurred for the taking up of the agricultural land and the management thereof including but not limited to notarial, legal and fiscal costs, and the expenses for all improvements made by Riżorsi Agrikoli Malta.

9. If the holder proves that it was impossible for him to register the agricultural land according to the regulations, and that he obliges himself that he will act as the farmer for such agricultural land once it is registered in his name, he shall be entitled to the payment of any amount equivalent to every payment received by Riżorsi Agrikoli Malta from third parties, excluding the expenses previously mentioned, and that amount shall be paid to the farmer or valid title holder by Riżorsi Agrikoli Malta.

10. The regulations prohibit advertisement that promotes agricultural land for non-agricultural purposes

11. Authorised officers shall have the right to enter and inspect any buildings and structures and agricultural land if there is suspicion of breaches to the regulations.

12. The regulations set out measures for corrective action in case of irregularities and infringements as well as fines for any person found guilty of an offence. If a farmer does not satisfy the obligations, a warning notice is issued describing the irregularity and measures to be taken to be deemed in compliance and the timeframe in which the measures are to be taken. The Court of Magistrates shall be competent for offences to the regulations and any persons found guilty of an offence shall be liable to fines as set out in the regulations.

13. In cases where it was proven that a farmer or valid title holder could not register the agricultural land or carry out minimum agricultural activity, the Director may provide for exemptions.

14. If a person feels aggrieved by the decision of the Director, a request may be submitted for judicial review to the Administrative Review Tribunal to review the Director's decision.

15. The Protection of Agricultural Land 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.

For further information, farmers may contact the Agriculture Directorate by sending an email to artagrikola.mafa@gov.mt or by calling on 23397777

These Explanatory Notes and User Guidelines are substituting the ones published in the Government Gazette No. 21,477 of 28th July, 2025 under Government Notice No. 1182.