

**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;

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"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.

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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.