L.N. 342 of 2020

FERTILE SOIL (PRESERVATION) ACT (CAP. 236)

Preservation of Fertile Soil Regulations, 2020

IN EXERCISE of the powers conferred by article 8 of the Fertile Soil (Preservation) Act, the Minister for Agriculture, Fisheries and Animal Rights, has made the following regulations:-

Citation.

1. The title of these regulations is Preservation of Fertile Soil Regulations, 2020.

Interpretation. Cap. 236.

2. (1) In these regulations, "the Act" means the Fertile Soil (Preservation) Act.

(2) Words and phrases used in these regulations shall have the same meaning as is assigned to them in the Act.

Application for transportation or other activity concerning fertile soil.

3. (1) An application shall be submitted to the Director when any person intends to:

(a) transport fertile soil to any site in quantities larger than one half (½) cubic meter on every single occasion;

(b) temporarily cover any fertile soil with any layer of concrete, stones, stone slabs or any other similar material;

(c) deposit on fertile soil or leave on fertile soil any structure or structures having an area larger than two (2) square meters for a period longer than thirty (30) days; or

(d) undertake an activity which makes fertile soil unsuitable for agriculture use and for the conduction of an agriculture activity as defined under the Nitrates Action Programme Regulations:

S.L. 549.66.

Provided that, the activities in sub-regulation (1) of regulation 3 shall only be applicable if such activity shall take place in any site listed in the Schedule to the List of Places where Fertile Soil may be deposited Notice or within a registered agricultural land in terms of regulation 13 of the Nitrates Action Programme Regulations.

S.L. 236.01.

S.L. 549.66.

(2) An application made under sub-regulation (1) shall be carried out on the form provided by the Director and shall include and state in his application:

(a) site plans which indicate:

(i) the site from where that fertile soil is intended to be removed;

(ii) the site where fertile soil shall be temporary covered;

(iii) the site where fertile soil is intended to be deposited;

(iv) the site where any temporary activity shall take place, which shall render the fertile soil unsuitable for agriculture use;

(b) the reason for the removal or the temporary covering of fertile soil;

(c) development and, or environmental permits where applicable;

(d) the approximate volume or area of fertile soil which is intended to be removed or affected by the activity;

(e) the name and address of the contractors engaged for the works or transportation of such soil where applicable;

(f) the registration number of the trucks that shall be used for the transportation of such soil where applicable;

(g) the manner in which such soil is intended to be deposited; and

(h) any other information which the Director may, from time to time, require by publication in the Gazette.

Powers of the Director.

4. (1) To be able to implement and enforce regulation 3, it shall be lawful for the Director, to perform inspections and, or laboratory analysis to verify whether the soil is suitable or could be made suitable for purposes of agriculture.

(2) For the purpose of these regulations, soil shall be considered suitable or could be made suitable for purposes of agriculture, based on the suitability of the soil for agriculture purposes and the ability of the soil to sustain plant growth with the potential to sustain a consistent crop yield.

(3) The analysis of the material shall determine:

(a) whether the soil supplies essential plant nutrients and retain water in adequate amounts and proportions to sustain plant growth and reproduction;

(b) the soil pH, salinity and the presence of toxic substances in concentrations which may impair plant growth.

(4) The Director may by notice published in the Gazette issue guidelines and parameters to further define fertile soil.

Director's decision.

5. (1) The Director shall issue a notice in writing within ten (10) working days from when the application in terms of regulation 3 was received, authorising or rejecting the application.

(2) No transportation or any other activity concerning fertile soil as stipulated under regulation 3 may be made unless with the explicit authorisation in writing from the Director.

Penalties.

6. Any person found guilty of an offence against any provision of these regulations shall, on conviction, be liable to penalties established under the Act.

Repeal. S.L. 236.02.

7. The Preservation of Fertile Soil Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

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