

L.N. 78 of 2025

**GOVERNMENT LANDS ACT
(CAP. 573)**

**Expired or Expiring Emphyteutical Concessions
(Amendment) Regulations, 2025**

IN EXERCISE of the powers conferred by articles 31(g)(L) and 77 of the Government Lands Act, the Minister responsible for the Lands Authority, has made the following regulations:-

Citation. **1.** The title of these regulations is the Expired or Expiring Emphyteutical Concessions (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with the Expired or Expiring Emphyteutical Concessions Regulations, hereinafter referred to as the "principal regulations".

S.L. 573.15.

Amends regulation 2 of the principal regulations. **2.** Regulation 2 of the principal regulations shall be amended as follows:

(a) the definitions "agricultural land" or "rural land", "expired emphyteutical concession", "expiring emphyteutical concession" and "recognised emphyteuta" shall be deleted;

(b) immediately after the definition "Act" there shall be added the following new definitions:

"agricultural land" means any land which is mainly leased for the cultivation of agricultural produce, flowers, fruit-trees or vines, and for purposes related to agriculture, including the erection of glasshouses, cloches, cold frames or tunnels, but shall not include land intended for grazing animals;

"agricultural purposes" means farms or other buildings intended primarily for the keeping of cattle for breeding and fattening, storage of farm machinery and equipment, storage of agricultural products as well as storage of tools and vehicles used for the purposes of cultivation or irrigation of agricultural land, and shall specifically provide, *inter alia*, that the garaging of vehicles, other than those specifically used in the agricultural sector for agricultural purposes, such as tractors and associated agricultural machinery, shall not be

permitted;";

(c) immediately after the definition "Authority" or "competent authority" there shall be added the following new definition:

" "emphyteutical concession" means a temporary emphyteutical concession or sub-emphyteutical concession of land which was granted by the Government or its predecessors in title and which has expired before the entry into force of these regulations and which land the Government has not taken back possession of, and shall also include any other emphyteutical concession which shall expire by 31st December 2030 or any earlier date;";

(d) immediately before the definition "recognised use" there shall be added the following new definition:

" "recognised person" means a person who was recognised as the emphyteuta or sub-emphyteuta by the Authority upon expiry of the emphyteutical concession, and any other person who may have the right to be recognised in place of the same, if the necessary documentary evidence is provided.".

3. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 3 of the principal regulations.

"Applicability.

3. (1) These regulations shall apply to any emphyteutical concession except for those emphyteutical concessions referred to in sub-regulation (2):

Provided that in the case of a site exceeding the overall footprint of one thousand and five hundred square metres (1,500m²), the concession shall be subject to the provisions of article 31(c) of the Act, save for those concessions of agricultural land.

(2) These regulations shall not apply in respect of:

(a) any emphyteutical concession approved by a special resolution of the House of Representatives;

(b) any emphyteutical concession granted for a kiosk;

(c) any emphyteutical concession granted following a call for tenders, or an auction, and this is with the exception of those concessions which were granted before the coming into force of the Act;

(d) an application made by any other person who is not the recognised person;

(e) any emphyteutical concession granted on agricultural land where the land to which the concession relates is included in its entirety within the development zone boundary in accordance with the local plans approved under the Development Planning Act:

Cap. 552.

Provided that in case the concession includes agricultural land located both within and outside the development zone boundary, these regulations shall only be applicable to that part of the concession located outside the development zone boundary."

Substitutes regulation 4 of the principal regulations.

4. Regulation 4 of the principal regulations shall be substituted by the following new regulation:

"Miscellaneous cases of concessions.

4. (1) An agricultural lease may be granted in cases where the recognised person makes a request on agricultural land on which there was an emphyteutic concession and which may include rooms mainly used for the storage of agricultural products or tools and vehicles used for cultivation or irrigation.

(2) A temporary emphyteutical concession may be granted in cases where the recognised person makes a request on land or a part of land on which there was an emphyteutic concession for agricultural purposes and where farms or other buildings intended primarily for the keeping of cattle for breeding and fattening are built.

(3) A temporary emphyteutical concession may be granted following a request made by the recognised person on any other land not mentioned in sub-regulations (1) and (2)."

Substitutes regulation 5 of the principal regulations.

5. Regulation 5 of the principal regulations shall be

substituted by the following new regulation:

"Request to the Authority.

5. (1) Any request regarding an emphyteutical concession as defined in these regulations shall be made by means of an application, in the form prescribed by the Authority, and shall be submitted by the recognised person:

(a) by not later than five (5) years from the date of the coming into force of these regulations in the cases where the concession is expired; or

(b) before the end of the term of the concession for those concessions which shall expire by the 31st of December 2030.

(2) Any application which is not made within the time-frames indicated in sub-regulation (1) shall not be considered as valid."

6. Regulation 6 of the principal regulations shall be deleted.

Deletes regulation 6 of the principal regulations.

7. Regulation 7 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 7 of the principal regulations.

"Cessation.

7. (1) Where there is more than one (1) recognised person on any emphyteutical concession, any one or more recognised persons may renounce and cede any rights that they may have on the land and transfer such rights to the other recognised persons subject to an application made in accordance with these regulations.

(2) Any renunciation of rights as described in sub-regulation (1) shall be made by means of a public deed in cases where the emphyteutical concession is still running:

Provided that in case the emphyteutical concession has expired, any renunciation of rights shall be made by means of a sworn declaration."

8. Regulation 8 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 8 of the principal regulations.

"Term of emphyteutical concession or agricultural lease.

8. (1) The term of the emphyteutical concession granted by the Authority in accordance with these regulations shall be fifty (50) years commencing from the date of publication of the emphyteutical concession.

(2) The term of the agricultural lease shall be for one (1) year which may be tacitly renewed on a yearly basis on the fifteenth (15) August of every year, subject that the Authority shall have the discretion to exercise any right according to law or in terms of the agricultural lease conditions."

Amends
regulation 9 of
the principal
regulations.

9. Sub-regulation (2) of regulation 9 of the principal regulations shall be substituted by the following new sub-regulation:

"(2) The payment that has to be paid under this regulation shall be calculated on the amount of the ground-rent due on the date of the expiration of the original emphyteutical concession shall be paid in full at the time of the publication of the emphyteutical concession or on the signing of the agricultural lease contract, as the case may be."

Amends
regulation 10 of
the principal
regulations.

10. Sub-regulations (1) and (2) of regulation 10 of the principal regulations shall be substituted by the following new sub-regulations:

"(1) In the case of an agricultural lease granted on agricultural land in accordance with regulation 4(1), the amount of the annual rent shall be in accordance with the rates for agricultural leases as established by the Authority.

(2) In the case of an emphyteutical concession granted on land for agricultural purposes in terms of regulation 4(2), the amount of the annual ground rent due shall be in accordance with the rates for agricultural purposes as established by the Authority."