

SUBSIDIARY LEGISLATION 549.66**NITRATES ACTION PROGRAMME REGULATIONS**

5th August, 2011

LEGAL NOTICE 321 of 2011, as amended by Legal Notices 77 of 2013, 94 of 2015 and 104 of 2018.

1. (1) The title of these regulations is the Nitrates Action Programme Regulations. Citation and scope.

(2) The aim of these regulations is the regulation of agricultural activities in Malta with a view to reducing pollution of natural water resources by nitrates in particular through the implementation of the Nitrates Action Programme and to ensure compliance with the Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

2. For the purposes of these regulations and unless the context otherwise requires:

"the Act" means the Environment Protection Act;

"agricultural activity" means the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition;

"agricultural products" means the products listed in Annex I to the Treaty establishing the European Community, with the exception of fishery products, and includes cotton;

"authorised person" means a person duly authorised by the Director to carry out inspections and other functions with a view to the attainment of the objectives of these regulations;

"crop nitrogen requirement" means the amount of nitrogen fertiliser in kilograms (kg/Ha NO₃) which it is reasonable to apply to land in any year having regard to the foreseeable nitrogen requirement of the crop growing or to be grown on the land and the nitrogen supply to the crop from the soil and from other sources, including any nitrogen already present in the soil pool;

"deep litter system" means an animal housing system whereby repeated layers of straw, sawdust or other dry similar materials are spread for the animals to use as bedding and to defecate in. As the litter is soiled, new layers of litter are continuously added by the farmer;

"Department" means the Directorate responsible for agriculture;

"Director" means the Director of Agriculture or any authorised officer duly appointed by him;

"farmer" means a natural or legal person, or a group of natural or legal persons responsible for a holding and who exercises an agricultural activity;

farm structure" means buildings used for the rearing or breeding of

Interpretation.
Amended by:
L.N. 77 of 2013;
L.N. 94 of 2015;
L.N.104 of 2018.
Cap. 549.

animals/livestock for agricultural production and shall exclude fields;

"fertiliser" means any substance containing a nitrogen compound applied on land to enhance growth of vegetation:

Provided that any substance containing a nitrogen compound with a content of Nitrogen of 0.05% or less confirmed by a Nitrogen Test shall not be deemed to be a fertiliser for the purposes of these regulations.

"fertiliser plan" means a plan drawn up in terms of regulation 4;

"holding" means all the production units managed by a farmer;

"inorganic fertiliser" or "chemical fertiliser" means any nitrogenous fertiliser which is manufactured by an industrial process;

"land application" means the addition of materials to land, whether by spreading on the surface of the land, injection into the land, placing below the surface of the land or mixing with the layers of the land;

"livestock" means all animals kept for use or profit;

"livestock manure" means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form;

"livestock unit" means a value quantifying amount of livestock in relation to production of manure;

"organic fertiliser" means fertiliser which is obtained directly from livestock manure or which may be otherwise derived from organic matter with a Nitrogen content above 0.05% as confirmed by a Nitrogen Test;

"Nitrates Action Programme" means the programme published by the Government in terms of regulations 5(b) and 6 of the Protection of Waters against Pollution caused by Nitrates from Agricultural Sources Regulations;

S.L. 549.25

"Nitrogen Test" means a test to determine the nitrogen content present carried out in accordance with the Kjeldahl method EN 13654-1 for Soil Improvers and Growing Media by an accredited body recognised by the Director;

"Nutrient Management Plan" means a plan drawn up in terms of regulation 10;

"slurry" means -

- (a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building; or
- (b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteads or manure heaps, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present, of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling

process and containing a liquid fraction greater than 70% and a solid fraction which is less than 30%;

"soil improver/soil conditioner" means a carbon rich substance containing a nitrogen compound with a content of Nitrogen equal to or less than 0.05% as confirmed by a Nitrogen Test, applied on land to enhance and improve the soil organic matter content;

"year" means any period of twelve months ending with 31st December.

2A. (1) The administration and implementation of these regulations shall be vested in the Department.

Administration and implementation.
Added by:
L.N.104 of 2018.

(2) The Department shall adopt administrative procedures as it deems fit to ensure that the provisions of these regulations are being adhered to.

(3) In cases where the Director has reason to believe that any of these regulations have been breached, he shall have the power to take action against any person whether registered in terms of these regulations or not.

3. (1) These regulations shall apply to all agricultural activities taking place on any holding in Malta.

Application and responsibility.
Amended by:
L.N. 94 of 2015;
L.N. 104 of 2018.

(2) Any action taken by any person to achieve compliance with these regulations shall not preclude such person from his obligations under any other legislation.

(3) Production units of bovines, swine, ovines, caprines and rabbits, (falling under Schedule IIA having Nitrogen content below 1%) managed by a single farmer having an animal population equivalent or lower than the animal populations listed in Schedule IV but in any case less than 3 livestock units shall be exempted from the obligations in regulations 5, 11, and 12:

Provided that these are housed within the farm structure and/or its adjoining enclosure/s which shall consist of a yard.

(4) Production units of layer hens and broilers, (falling under Schedule IIB having Nitrogen content above 1%) managed by a single farmer having an animal population equivalent or lower than the animal populations listed in Schedule IV but in any case equivalent to 1 livestock unit shall be exempted from the obligations in regulations 5, 11, and 12:

Provided that where the Director has reason to believe that in a particular case effective waste management is not guaranteed this shall not apply:

Provided further that these are housed within the farm structure and/or its adjoining enclosure/s which shall consist of a yard.

(5) Farmers having one half (0.5) of a tumolo of agricultural land or less, shall be exempted from the obligations in regulations 4 and 12:

Provided that where the Director has reason to believe that any farmer is using any of his agricultural land and, or holding abusively,

the exemption shall not apply.

S.L. 427.54.

(6) Livestock farmers rearing certified organic animals in terms of the Organic Production and Labelling of Organic Products Regulations shall be exempted from the obligations in regulations 5, 7, 8 and 11 and may keep such livestock in fields which have been certified by the competent authority in terms of the said regulations, as organic:

Provided that the number of livestock that may be kept must not exceed the number of animals indicated in Annex IV to Commission Regulation (EC) 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control and any subsequent amendments thereto.

(7) Organic fertilisers not included in Schedules IIA and IIB are to have their Nitrogen content analysed and established by means of a Nitrogen Test and such results shall be incorporated in the fertiliser plan.

Fertiliser plan.
Amended by:
L.N. 94 of 2015.

4. (1) Any farmer responsible for agricultural activities taking place on a holding shall prepare a fertilizer plan, in respect of such holding for that particular year, which satisfies the following conditions:

- (a) a fertilizer plan is valid if the crop plan is not altered for a maximum period of three (3) years, alterations to the crop must be considered and fertilizer plan updated accordingly throughout the three years;
- (b) a soil test which is to be used as the basis for the calculation of the fertilizer plan must be performed every three (3) years;
- (c) a fertiliser plan shall be compiled by a qualified technical advisor as may be approved by the Director who will also retain a public register of such persons which shall be published on an annual basis. Such approved qualified technical advisor shall:
 - (i) notify the Director by the end of each calendar year his intention to provide such service the following year; and
 - (ii) submit a copy of any fertiliser plans prepared on behalf of farmers to the Director as may be directed from time to time;
- (d) the fertiliser plan shall be kept at the holding and should be presented for inspection as necessary together with the relevant soil test and crop plan.

(2) The fertiliser plan required in terms of subregulation (1) shall determine the crop fertilisation requirement for each crop type on each production unit of the holding for that year and shall establish safe methods of land application of fertiliser.

(3) The fertiliser plan shall:

- (a) indicate the area intended to be planted;

- (b) indicate the type of crops to be planted and the month when such crop will be planted;
- (c) calculate the optimum amount of nitrogen fertiliser required in relation to each crop on each production unit of the holding for that year, taking into account the crop's nutrient requirements and the amount of nitrogen available from soil and water based on adequate soil and water analysis; and
- (d) include a Schedule of Fertilisation indicating fertiliser types and quantities to be used.

(4) No fertiliser shall be applied to any crop in that year prior to the preparation of a complete fertiliser plan as required in terms of this regulation.

(5) Crop plan must be compiled irrespective if person applied fertilizer or not.

5. (1) The storage facilities for livestock manure for each holding shall be of sufficient capacity to provide for the storage of all the livestock manure produced on that holding between the 15th October of a particular year and the 15th March of the following year.

Storage facilities
for livestock
manure.
Amended by:
L.N. 94 of 2015;
L.N. 104 of 2018.

(2) The livestock manure storage capacity of a holding, shall be calculated by taking into account the following farming practices:

- (a) the number, type and age of animals present on the holding;
- (b) the quantity of livestock manure produced;
- (c) waste solids removed from slurry other than pig slurry by means of a slurry separator;
- (d) any additional storage available off the holding including by means of an agreement with another holding;
- (e) any valid contract the holding possesses with a manure processing facility.

(3) Livestock manure shall be stored in a leak-proof, covered storage clamp which is connected to a cesspit.

(4) Cesspits shall be leak-proof, covered and shall be of sufficient capacity to collect all urine and washings for at least fifteen days.

(5) Cesspits and manure clamps shall be certified leakproof by a warranted architect every five years, or following any structural works within the holding or in its immediate vicinity.

(6) Deep litter systems may be used for ovines and caprines subject to approval by the Veterinary Services.

(7) The Director may, where he deems fit, approve the establishment of communal clamps for horse stables.

Manner of storage and location of manure.
Amended by:
L.N. 94 of 2015.

6. (1) Livestock manure may be stored in the field where land application will take place subject to a maximum limit of one hundred and twenty days between 16th of March to 14th of October if the dry matter content is at least 30%.

(2) When stored in a field, livestock manure shall not be stored in the same location of the field in consecutive years, it shall be stored in a compact heap and such heaps shall not be placed within:

- (a) 20m of water courses; or
- (b) 30m of a borehole, spring or well; or
- (c) 100m of a borehole used for a public water supply; or
- (d) 100m of the coast.

(3) Livestock manure must be solid enough to be carried by a pitch fork or a spade, and retain shape when applied on a flat surface.

Period when land application of fertiliser is prohibited.
Amended by:
L.N. 94 of 2015.

7. (1) The land application of organic fertiliser to any holding shall not be permitted between 15 October of a particular year and 15 March of the following year.

(2) The land application of inorganic fertiliser to any holding shall not be permitted between 15 October of a particular year and 15 March of the following year:

Provided that the land application of inorganic fertiliser may be permitted by the Director in the event of demonstrable crop nitrogen requirement between those dates being notified by the farmer to the Director, and accompanied by relevant proof:

Provided further that the Director may, where deemed reasonable owing to justified circumstances, permit the application of inorganic fertiliser during such period, and shall notify such decision in the Gazette:

Provided that the application of inorganic and organic fertiliser shall be permitted in closed systems with a concrete platform if the location in question conforms to the distance requirements in regulation 8(3).

Requirements as to the manner of land application of fertiliser.
Amended by:
L.N. 77 of 2013;
L.N. 94 of 2015.

8. (1) The land application of organic and inorganic fertiliser shall not be permitted when:

- (a) the surface of the field sloping to a degree of 7% or greater, taking into account factors such as proximity to watercourses, soil condition, ground cover and rainfall, or if there is a significant risk of causing water pollution;
- (b) the land is located or is in a manner which would make it likely that the nitrogen fertiliser will directly enter a watercourse or any underground water body; or
- (c) the land is water saturated or flooded and such prohibition shall remain in force until such land remains saturated or flooded.

(2) The land application of slurry shall be prohibited.

(3) Without prejudice to the provisions of subregulation (1),

organic and inorganic fertilisers shall not be applied:

- (a) to any type of natural water courses;
- (b) within a minimum distance of 5m of natural water courses;
- (c) within 5m of springs, galleries, gallery shafts, boreholes and karst features;
- (d) within 30m of any borehole used for public water supply; or
- (e) within 100m of the coast.

(4) The farmer shall ensure that all types of inorganic and organic fertilisers are distributed uniformly on the field and incorporated into the soil as soon as possible.

9. (1) The application of inorganic and organic fertilisers shall be effected in accordance with the fertilisation plan taking into consideration the balance between the foreseeable nitrogen requirements of the crops and the nitrogen supply to the crops from the soil and from fertilisation as specified in Schedule I.

Limits on the land application of fertilisers.
Amended by:
L.N. 94 of 2015.

(2) The amount of "total nitrogen" applied from manure, including excreta by the animals themselves, shall not exceed 170 kg N/ha per year as specified in Schedules IIA and IIB.

(3) Inorganic and organic fertilisers shall only be applied close to sowing and in a manner which permits of splitting of fertiliser application whenever possible.

9A. (1) Holdings producing soil improver/soil conditioner shall apply to the Director for approval prior to each movement from the holding of such soil improver/soil conditioner.

Soil improver/soil conditioner.
Added by:
L.N.104 of 2018.

(2) Applicants who apply in terms of sub-regulation (1) shall for each movement:

- (a) carry out Nitrogen Tests to confirm the nitrogen content and submit the results thereof to the Director:

Provided that the expenses related to such tests shall be borne by the holding.

- (b) submit to the Director for his approval a contingency plan which clearly indicates the alternative disposal solutions in the event that the soil improver/soil conditioner no longer meets the ≤ 0.05 % Nitrogen threshold.

(3) The Director may carry out an inspection on the holding where samples may be taken for testing prior to giving a decision in terms of sub-regulation (1).

(4) Holdings producing soil improver/soil conditioner shall be exempted from regulations 4, 5, 6, 7, 8 and 9 of these regulations.

Nutrient Management Plan. <i>Substituted by: L.N. 94 of 2015.</i>	<p>10. Holdings with a continuous area greater than one (1) hectare under irrigated cultivation shall have a Nutrient Management Plan drawn up in terms of the provisions of Schedule III.</p>
Farm management practices.	<p>11. All animal holdings and animal passageways shall be suitably covered at all times.</p>
Farm management records.	<p>12. (1) Farmers shall keep adequate and updated farm management records, and shall make them readily available for inspection to the Department upon request.</p> <p>(2) Farm management records shall include the following information, as applicable:</p> <ul style="list-style-type: none"> (a) the farmer for the calendar year in question; (b) the total agricultural area including the size and location of each field; (c) the cropping regimes and their individual areas; (d) the number of livestock kept on the holding, their species and type, and the length of time for which they were kept on the holding; (e) the capacity of livestock manure storage, and where applicable the details of rented storage, livestock manure production, manure separation, the details of any rental or contractual agreement; (f) the quantity of each type of fertiliser moved on or off the holding, the amount of each type of fertiliser applied, the nutrient content of the inorganic fertiliser, the location used; (g) the date of movement of organic fertiliser, the name and address of the consignee, the consignor and any third party transporter of the manure. <p>(3) Farm management records for a particular year shall be completed by the 30th October of the following year and shall be retained on the holding for a minimum period of five years.</p>
Registration <i>Substituted by: L.N.104 of 2018.</i>	<p>13. (1) Any person responsible for agricultural land and/or holdings shall register as such with the Department.</p> <p>(2) In cases where a person applies to register in terms of sub-regulation (1) on an agricultural land and/or holdings which is/are already registered on another person, the Director shall refrain from registering the second person until the matter is definitely resolved:</p> <p style="padding-left: 40px;">Provided that in such cases the Director shall request from the persons claiming to be responsible for the land and/or holdings to indicate by means of a declaration made by a notary public, the title under which they are holding the land, with a view to resolving the matter:</p> <p style="padding-left: 40px;">Provided further that if the matter is not resolved, the dispute regarding who is responsible for the agricultural land and/or</p>

holdings shall be settled by the persons themselves by arbitration.

(3) In cases of agricultural land and/or holdings that remain unregistered, the Director may avail of any available information from other relevant authorities in an effort to identify the person responsible for such agricultural land and/or holdings.

13A.(1) Any person who wishes to make use of organic or inorganic fertilisers may be required by the Department to attend a training course on land application of fertiliser.

Training of
fertiliser users.
Added by:
L.N.104 of 2018.

(2) The Department shall keep a register of persons and respective agricultural land and/or holdings making use of fertilisers and shall only permit the use of fertilisers to such registered users.

14. (1) All importers, distributors and resellers of fertilisers shall be registered with the Department.

Control of sales
and movement of
fertilisers.
Amended by:
L.N. 94 of 2015.

(2) The sale or movement of livestock manure to and from holdings shall be adequately recorded and such records retained as part of the Farm Management Records detailed in regulation 12(2); such records shall be made available for inspection as necessary.

(3) The sales and purchase of organic and inorganic fertiliser shall be adequately recorded and such records retained as part of the Farm Management Records detailed in regulation 12(2); such records shall be made available for inspection as necessary.

15. (1) The Department shall be responsible for the full implementation of the Nitrates Action Programme forming the substance of these regulations.

Responsibilities of
the Department.
Amended by:
L.N. 94 of 2015.

(2) The Department shall draw up guidelines and relevant manuals of procedure to ensure *inter alia* compliance with these regulations.

(3) Cases of breach identified that do not pertain to agricultural land holdings will be referred to the Public Health and Environmental Directorates.

16. The Department shall conduct the necessary administrative checks, collection of data, verification of records and on-the-spot checks on the holding to ensure compliance with these regulations.

Verification and
compliance.

17. (1) The farmer shall permit any authorised person/s, at all reasonable times, for the purpose of monitoring the implementation of these regulations or of assessing their effectiveness in reducing water pollution caused or induced by nitrates from agricultural sources and preventing further pollution:

Inspections.

- (a) to enter upon land;
- (b) to take samples;
- (c) to install and maintain equipment;
- (d) to examine all records kept under these regulations.

(2) The farmer shall provide all reasonable assistance to any authorised person acting in terms sub-regulation (1) and in particular shall:

- (a) produce for inspection such document or record as may be reasonably required by such authorised person; and
- (b) at the reasonable request of such authorised person, accompany that person in making any inspection of any land.

National Nitrates Database.
Substituted by:
L.N. 104 of 2018.

18. The Department shall draw up and maintain a National Nitrates Database containing the following information:

- (a) registered persons responsible for agricultural land and/or holdings;
- (b) registered persons making use of fertilisers;
- (c) information concerning the holdings and agricultural land;
- (d) information concerning livestock buildings and storage facilities on a holding, including a link with the National Livestock Database;
- (e) information concerning land management practices;
- (f) information concerning the landscape, including the presence of any karstic features and natural topography, soil types, water sources and water courses;
- (g) information on checks conducted by other authorities;
- (h) findings of monitoring and controls by the Department;
- (i) list of advisors and technical experts;
- (j) list of manure transporters.

Enforcement notice.
Amended by:
L.N. 104 of 2018.

19. (1) Where the Department believes that the farmer has contravened any of these regulations, the Director may serve an enforcement notice on such farmer in accordance with subregulation (2).

(2) An enforcement notice served upon a farmer in terms of sub-regulation (1) shall:

- (a) require the farmer upon whom it is served to carry out such works or to take such steps as the Director may determine in order to remedy, or to prevent the continuation or repetition of, any contravention to which the enforcement notice relates;

- (b) state the period within which any such requirement is to be complied with.

(3) The period stated in the enforcement notice for compliance with any such requirement shall be such period as is reasonable in the circumstances and shall not in any case be a period of fewer than twenty-eight days.

(4) The Department may at any time:

- (a) withdraw the enforcement notice;
- (b) extend the period for compliance with any requirement of the enforcement notice; or
- (c) modify the requirements of the enforcement notice.

20. Any decision of the Department or the Director shall be subject to review by the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

Review of decisions.

Cap. 490.

20A. (1) Where the Director has reasonable cause to believe that -

Administrative penalties.
Added by:
L.N. 77 of 2013.

- (a) an offence against these regulations has been committed by any person; and
- (b) having regard to the previous conduct of the person concerned, it would be appropriate to impose a penalty under this regulation,

he may cause a notice in writing, in accordance with sub-regulation (2), in the appropriate form to be served on that person.

(2) A notice under subregulation (1) shall specify -

- (a) the date and nature of the offence;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him);
- (c) any other matter (not being previous convictions) that the Director considers relevant to the imposition of a penalty; and
- (d) the amount of the penalty due and, where the penalty due depends on a previous conviction, the date of such conviction, and this shall be endorsed on a statement setting out the provisions of this regulation.

(3) Any person on whom a notice under sub-regulation (1) is served may, within thirty days after such service, by notice in writing in the appropriate form served on the Director, require that proceedings in respect of the alleged offence shall be dealt with by the Court, in which case the following provisions shall apply:

- (a) no further proceedings shall be taken under this regulation by the Director; and
- (b) nothing in this regulation shall be construed as preventing the institution of any proceedings in respect of the alleged offence or the conviction of the person

for the offence by the Court or the imposition of any penalty or forfeiture under this regulation upon such conviction.

(4) Any person on whom a notice under sub-regulation (1) is served who does not wish that proceedings in respect of the alleged offence be dealt with by the Court may by notice in writing served on the Director -

- (a) admit the offence, and
- (b) pay the amount of the penalty to the Director within thirty days after the notice of the penalty is served or after such subsequent period as the Director may determine.

(5) Where under this regulation a person admits an offence, the Director shall impose a monetary penalty on that person in respect of the offence amounting to one-third of the maximum penalty to which the person would be liable if he were convicted of the offence by the Court under these regulations.

(6) The penalty imposed under sub-regulation (5) shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Government and the declaration by the person on whom the penalty is imposed that he admits the charge shall constitute an executive title for the purposes of article 253 of the Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent Court of civil jurisdiction.

Cap. 12.

(7) Notwithstanding any other provision of these regulations or of any other enactment, where an offence has been admitted under this regulation, no charge may be laid in respect of the offence against any person by whom it has been admitted.

(8) Where a person on whom a notice under sub-regulation (1) is served does not, within thirty days after the notice is served upon him, admit the offence, the Director shall institute proceedings or cause proceedings to be instituted before the Court in respect of the alleged offence.

Responsibility for adhering to these Regulations in certain cases.
Added by:
L.N.104 of 2018.

20B. (1) In the cases mentioned in regulation 13(2) of these regulations, the person responsible to ensure that a particular piece of agricultural land and/or holdings is/are in line with these regulations, shall be the person registered with the Department and any breaches shall be attributed to the person registered with the Department at the time of the breach.

(2) In case of agricultural land and/or holdings which have not been registered in terms of regulation 13, on which the Director has reason to believe that an offence against these regulations has been committed, the Department shall publish an enforcement notice in terms of regulation 19 in the Government Gazette and may implement the required intervention indicated in the said notice at its own expense after thirty (30) days from the publication date of the notice:

Provided that for instances which in the opinion of the

Department admit of no delay, the Department shall implement the required intervention immediately:

Provided further that the Department shall have the right to recover any expenses incurred once the person responsible for that agricultural land and/or holdings is identified.

21. (1) Any person who - Offences and penalties.
- (a) fails to comply with any provision of these regulations or of any lawful order given by virtue of these regulations;
 - (b) fails to comply with an enforcement notice duly served in terms of regulation 19;
 - (c) contravenes any restrictions, prohibition, or requirement imposed by or under these regulations;
 - (d) acts in contravention of any of the provisions of these regulations; or
 - (e) conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provision, including any order lawfully given in terms of any of the provisions of these regulations, or to contravene any restriction, prohibition, or requirement imposed by or under the said regulations,

shall be guilty of an offence against these regulations.

(2) Any person found guilty of an offence against these regulations shall, on conviction, be liable:

- (a) in the case of a first conviction to a fine (*multa*) of not less than eight hundred euro (€800) but not exceeding one thousand and seven hundred euro (€1,700) for each individual offence;
- (b) in the case of a second or subsequent convictions, to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) but not exceeding ten thousand euro (€10,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the Court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and, or other persons acting on their behalf involved in the implementation of these regulations and restitution of the environment as a result of the said offence, the revocation of any permit or licence and the confiscation of the *corpus delicti*.

(3) The Court shall order the offender to remove the causes of the offence and to undo anything which was done without a permit within a time sufficient for the purpose, but in any case not exceeding three months from the date of judgement, to be fixed by the Court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*multa*) of not less than fifty-eight euro and twenty-three cents (€58.23) and not more than one hundred and sixteen euro and forty-seven cents (€116.47), as the Court may fix, for every day that the default continues after the expiration of the said time.

Applicability of the
Criminal Code.
Cap. 9.

22. (1) The provisions of articles 23 and 30(1) of the Criminal Code shall, *mutatis mutandis*, apply to proceedings, in respect of offences against these regulations, so however that the disqualification from holding or obtain a licence, permit or authority shall in no case be for less than one year.

Cap. 9.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

SCHEDULE I
Regulation 9(1)

*Amended by:
L.N. 94 of 2015.*

PLANT NUTRIENT REQUIREMENTS

Crop Type	Yield (t/ha)	Nitrogen Kg N/ha	Phosphorus kg P ₂ O ₅ /ha	Potassium Kg K ₂ O/ha
Carrot	30	90	80	160
Fennel	50	140	80	160
Wheat	5	150	100	100
Barley	5	100	80	80
Oats	4	60	80	60
Maize	10	250	100	120
Sorghum	30	250	100	150
Rape seed	3	100	100	100
Chickpea	2	30	80	80
Broad bean	3	20	80	80
Bean	3	20	80	80
Pea	15	30	80	160
Grass	30	70	100	100
Sulla	15	50	120	120
Potatoes	30	150	120	240
Basil	30	90	50	150
Brussels sprouts	10	110	80	160
Cabbage	30	110	70	160
Chicory	40	130	60	180
Endive	25	90	50	150
Lettuce	30	130	60	180
Leek	30	150	60	180
Parsley	30	80	60	120
Celery	20	160	90	180
Spinach	25	120	50	150
Asparagus	6	90	80	150
Artichoke	30	170	60	180
Broccoli	20	140	90	180
Cauliflower	30	100	70	160
Dill	1	110	80	80
Cucumber	50	180	120	240
Watermelon	50	160	90	180
French bean	30	40	50	100
Eggplant	35	170	80	240
Melon	40	150	100	200
Pepper	40	200	100	300

Crop Type	Yield (t/ha)	Nitrogen Kg N/ha	Phosphorus kg P ₂ O ₅ /ha	Potassium Kg K ₂ O/ha
Tomato	50	130	100	200
Pumpkin	30	130	80	160
Courgettes	26	130	100	200
Garlic	12	150	80	160
Onion	30	120	80	160
Beet	60	160	70	210
Radish	30	40	100	100
Turnip	30	90	80	160
Table grapes	20	180	90	210
Wine grapes	15	110	60	180
Quince	12	90	60	120
Apple	30	130	60	140
Pear	25	160	80	160
Apricot	20	170	70	210
Cherry	20	110	80	80
Almond	10	100	80	80
Peach / Nectarine	30	170	70	210
Plum	20	150	60	180
Orange	25	210	90	210
Lemon	25	200	80	200
Tangerine	25	180	80	180
Grapefruit	30	170	70	160
Olive	3	130	80	160
Fig	10	90	60	120
Pomegranate	10	90	60	120
Strawberry	30	190	100	300
Mulberry	12	120	60	180

PLANT NUTRIENT REQUIREMENTS
FOR FLOWERING PLANTS

Crop Type	Number of flowers	Nitrogen Kg N/ha	Phosphorus kg P ₂ O ₅ /ha	Potassium Kg K ₂ O/ha
Chrysanthemum	400,000	536	1,960	676
Gerbera	60,000	225	55.80	375
Carnations	200,000	264	108	390
Fresia	200,000	520	320	660
Tulips	200,000	1,000	800	1,300
Gladiolus	150,000	99	94.50	375
Lillium	200,000	20	80	10

Crop Type	Number of flowers	Nitrogen Kg N/ha	Phosphorus kg P ₂ O ₅ /ha	Potassium Kg K ₂ O/ha
Rose	60,000	380.57	488.33	540.94

SCHEDULE IIA
Regulation 9(2)

*Substituted by:
L.N. 94 of 2015.*

PRODUCTION OF MANURE
With Nitrogen Content below 1%

Manure Type	Nitrogen content in manure	Maximum rate of manure to be applied (tons/ha)
Cattle	0.56%	30
Pig	0.81%	21
Rabbit	0.83%	20
Sheep	0.90%	19

SCHEDULE IIB
[Regulation 9(2)]
PRODUCTION OF MANURE
With Nitrogen Content equal or above 1%

Manure Type	Nitrogen content in manure	Maximum rate of manure to be applied (tons/ha)
Layer	1.52%	11
Broiler	2.62%	6
Horse	4.8%	3.54
Spent mushroom	2.1%	8.09

SCHEDULE III
Regulation 10

NUTRIENT MANAGEMENT PLAN

Part A: Property Details

This section identifies the property and the people responsible for the Nutrient Management Plan and shall include:

- A compilation of all relevant contact details;
- A statement regarding the holding areas - total, effective (i.e. in production or fallow in preparation for production; exclude non-productive areas such as pathways, buildings) and irrigated (if any);
- A statement on the irrigation type(s);

- A description on the enterprise types (Horticulture, Arable, Viticulture, Dairy, Swine, etc.);
- A statement of purpose of the plan.

Part B: Plan objectives, land management units and environmental risk

The Objectives of the Nutrient Management Plan shall include to:

- Comply with all legal requirements related to nutrient management activities.
- Take all practicable steps to maintain or enhance the quality of the property's water resources.
- Take all practicable steps to ensure that there is an adequate supply of soil nutrients to meet plant needs.
- To take all practicable steps to contain nutrients within the property boundaries.
- Take all practicable steps to minimise the risk of nutrient contamination of any areas of significant vegetation and, or wildlife habitat.
- Undertake a nutrient budget.

If one chooses to reject or omit any of these, a justification shall be attached (e.g. a farm map showing that there are no areas of significant vegetation or wildlife habitat).

Property Management Objectives

The section on Property Management Objectives shall:

- Indicate any further objectives the farmer or land manager may choose to establish - e.g. objectives about achieving particular nutrient level targets or objectives about farm practices such as soil testing.
- Identify the 'Land Management Units' (LMU's) for the holding, i.e. areas of the holding that are under similar management and that will respond to management in similar ways. One should consider such elements as soil types, slope, management activities (e.g. dryland or irrigated, significantly different crop types, areas receiving slurry) and differences in historical management.

If all of the farm is managed similarly and responds to that management in similar ways, only one LMU is needed.

- Contain a brief note distinguishing each LMU in the table and note the area it covers.
- Indicate such LMUs on a farm map attached to the NMP.
- Contain a list of farm nutrient management activities and their possible environmental consequences – e.g. nitrogen fertiliser use might lead to contamination of surface or ground water. For each of these, there shall be estimated the likelihood of adverse environmental effects and the consequences of such events.
- Consider the inherent risk caused by an activity, without discounting risks on the basis that good management will overcome it.
- Note any activities that have medium or higher likelihood of adverse environmental effects and/or medium or higher consequences in the table of environmental risks, and identify the LMU's on which these will occur.

- Include comments about the risks identified (e.g. regional concerns about farm activities).
- Identify the main nutrient management activities that will be addressed in the planning.
 - o N Fertiliser Use
 - o P Fertiliser Use
 - o Effluent disposal
 - o Others

One may add further objectives, however management practices should then also reflect these objectives and set out steps to achieve them.

Part C: Management guides

- Describe the management planning for nitrogen fertiliser use, phosphate fertiliser use and dairy effluent application.
- Note the types of applicable fertiliser, application rates and locations where they will be spread (LMU's).
- List any possible specific requirements pertaining to one's holding or enterprise on nutrient use or activity.
- List any possible specific requirements by Local Council on nutrient use or activity. These may include conditions that must be met for the activity to be a 'permitted activity' or conditions imposed as part of any resource consent held by the farm for this nutrient management activity.
- List the 'Best Management Practices' (BMPs) the holding shall implement to reduce environmental risks from this activity.

It is not necessary to adopt all the possible BMPs for a particular risk or activity but the practices chosen need to be suitable for managing the inherent risks identified for the property.

- For each BMP included, note how the farmer or land manager will check that they are implemented (e.g. runoff control noted on a farm map).

Performing self-assessment

The farmer or the property manager shall complete a self-assessment on a yearly basis, verifying that the management practices have achieved their objectives for that year. This should entail:

- Verifying the achievement of nutrient management activity requirements.
- Verifying the implementation of each management practice listed at the planning stage.
- Assessing the effects of the nutrient management activity overall.
- Verifying that the code specific and property objectives were achieved.
- Assessing the achievement of the objectives, whether met and/or were barely achieved, or where the farmer or land manager was not satisfied with performance.
- If the objective is not achieved or partially achieved, amendments to the management practice is required. Note the new management practice that will be used, the person responsible for ensuring these are implemented and a deadline for completion or introduction.

- Establish a completion date whenever each new management practice is adopted.
- The person responsible for the NMP (farmer or land manager) shall sign and date the self-assessment.

Farm map

The person responsible for the NMP should ensure that there is at least one map attached indicating the entire holding(s), showing the land management units or other distinctions between management areas.

Extra maps may be added (e.g. to show areas receiving particular fertiliser types, to show location of water courses or natural water sources etc).

Nutrient budgets and soil test results

The NMP shall establish nutrient budgets and contain soil test results. The NMP shall:

- ensure that there is at least one nutrient budget attached for each land management unit. This is particularly relevant where significant environmental risks have been identified from nutrient management activities.
- The nutrient budget should use the planned nutrient inputs and the expected production outputs from the area. If several fertiliser options were considered then the nutrient budget should support the final choice.
- Soil test results are important for establishing initial soil nutrient levels for nutrient budgeting.
- Further soil tests are useful checks on trends in soil fertility over time to compare actual changes with those expected and planned.

*Added by:
L.N. 94 of 2015;
Amended by:
L.N.104 of 2018.*

SCHEDULE IV Regulation 3(3) and Regulation 3(4)

NUMBER OF ANIMALS THAT CAN BE KEPT UP TO THE ESTABLISHED THRESHOLD

Livestock	Age	Equivalence to Livestock Unit (LSU)	Permissible number of heads as per regulation 3(3)	Equivalent number of LSU
Bovines [males and/or castrates only]	Up to 2 years	1.0	Up to 3	3
Swine	Sow with litter to finish [slaughter]	1.1	Up to 2	2.2
Ovines / Caprines	From 1 month and over	0.15	Up to 20	0.75
Layer hens		0.01	Up to 100	1

Broilers		0.005	Up to 100	0.5
Rabbits	producing does	0.01	Up to 25	0.25
