

SUBSIDIARY LEGISLATION 199.01

AGRICULTURAL LEASES REGULATIONS

21st June, 1967

LEGAL NOTICE 41 of 1967, as amended by Legal Notices 35 of 1972 and 139 and 200 of 2000.

- 1.** The title of these Regulations is Agricultural Leases Regulations. Title.
- 2.** In these Regulations, unless the context otherwise requires - Interpretation.
- "Act" means the Agricultural Leases (Reletting) Act; Cap. 199.
- "Board" means the Rural Leases Board established under article 5 of the Act;
- "agricultural land" means the land in respect of which an application is made.
- 3.** (1) The Registrar of the Superior Courts or any person acting in his stead and on his behalf in accordance with the provisions of the Code of Organization and Civil Procedure (hereinafter referred to as "the Registrar") shall be the Registrar of the Board in regard to any proceedings which concern land situated in the Island of Malta. Registrar of the Board.
Cap. 12.
- (2) The Registrar of the Court of Magistrates of Gozo or any person acting in his stead and on his behalf in accordance with the said provisions (hereinafter referred to as "the Registrar") shall be the Registrar of the Board in regard to any proceedings which concern land situated in the Island of Gozo or Comino.
- 4.** (1) The application to the Board, besides the indications common to judicial acts, shall contain a brief statement of the facts upon which the Board is to decide as well as the grounds and the object of the application. Application to the Board.
- (2) The Board may, at any time, allow any amendments to be made in the application for the purpose of making it clearer.
- (3) The application may be filed by the applicant or one of the applicants or by the advocate or legal procurator who has signed it.
- 5.** The application shall be filed with as many copies as are required to be served on the parties with whom there is contestation and a copy, with an indication therein of the date and time of the first hearing of the application, shall be served on each such party at least fifteen working days before such date. Service of application.
- 6.** The date and time of the first hearing of an application shall be communicated to the applicant by notice served upon him at least seven working days before such date. Notice to applicant on first hearing of application.

Registry fees.

Amended by:

L.N. 35 of 1972.

Substituted by:

L.N. 139 of 2000.

Advocate's or legal
procurator's fees.

7. The Registry fees to be assessed by the Registrar on the filing of any act shall be in accordance with the fees shown in Tariff A contained in the Schedule.

8. (1) There shall be payable to the advocate or legal procurator assisting or assisting and appearing on behalf of a party in the proceedings before the Board a fee to be computed as follows:

- (a) where the proceedings are in respect of an application made under article 3 of the Act, a fee equal to one year's rent of the agricultural land or three liri, whichever is the lesser amount:

Provided that in no case shall such fee be less than one lira;

- (b) where the proceedings are in respect of an application made under article 4 or article 13 of the Act -
 - (i) a fee equal to six months' rent of the agricultural land or three liri, whichever is the greater amount, in respect of the demand for the resumption of possession of the agricultural land in question, and
 - (ii) a fee assessed by the Registrar in accordance with Tariff B contained in the Schedule;
- (c) where the proceedings are in respect of an application made under article 25 of the Act, a fee assessed by the Registrar in accordance with Tariff B contained in the Schedule.

(2) In addition to the fee due in accordance with sub-regulation (1), there shall also be payable to the advocate or legal procurator for any judicial act, except the application referred to in article 3, 4, 13 or 25 of the Act, filed for the purpose of the proceedings before the Board, (and any reply thereto) and for every attendance at inspections *in faciem loci* ordered by the Board or required by the client the fee chargeable in accordance with Tariff G of Schedule A to the Code of Organization and Civil Procedure.

Cap. 12.

Record of
proceedings.

9. There shall be kept a record of all the proceedings of the Board and all evidence shall be taken in writing.

Service of the acts
of the Board.

10. The service of all warrants, orders or other acts of the Board shall be carried out in accordance with the provisions of the Code of Organization and Civil Procedure and those provisions shall, as far as possible, apply to proceedings before the Board.

Cap. 12.

Other costs and
fees.

11. Except where otherwise provided, the costs of the proceedings before the Board and the registry fees chargeable for acts filed in connection with such proceedings shall be assessed in accordance with the tariffs annexed to the said Code.

Duties and powers
of officials
assigned to the
Board.
Cap. 12.

12. The Registrar shall provide the necessary personnel for the holding of sittings and for the execution of the orders of the Board: the officials so designated shall, in the execution of their duties, enjoy and exercise all such powers as are vested by the Code of Organization and Civil Procedure in officials performing similar

duties.

13. It shall be lawful for the Board to order inspections to be held *in faciem loci* by the whole Board or by one or more of its members. *Inspections in faciem loci.*

14. (1) Any decision of the Board shall be signed by the Chairman and countersigned by the Registrar. *Decisions of the Board.*

(2) The Registrar shall have power to give certified copies of decisions or orders of the Board on payment of the fees prescribed in respect of copies issued by the Registry of the Court.

SCHEDULE

*Added by:
L.N. 35 of 1972.*

TARIFF "A"

*Substituted by:
L.N. 139 of 2000.
Amended by:
L.N. 200 of 2000.*

Registry fees payable in the Rural Leases Control Board

- 1 For the filing of any claim Lm 15
- 2 For the filing of any reply Lm 10
- 3 For the filing of any application of appeal Lm 30
- 4 For the filing of an answer to an application of appeal Lm 20
- 5 The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for notification of the acts of procedure or any fees due to referees or experts appointed by the Board or any fees which the Board may be required to pay to third parties.
- 6 (1) No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.
(2) Any counter-claim contained in any act of procedure shall be treated as if it is a new claim and the fees set out in paragraphs 1 to 4 shall be levied on the counter claim and the reply thereto.
(3) The fees stated in paragraphs 1 to 4 shall also be due on the filing of any application to the Board to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made.

- 7 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee Lm 2.50
 - (ii) fee due to the executive officer effecting the service Lm 0.50

Provided that if service is to be effected outside normal working hours, the fees contained in this paragraph shall be increased by 100%.

(2) Notwithstanding anything contained in this Tariff if the service of any act is to be executed personally by an executive officer of the Board, in cases where the law permits that service be effected otherwise, the following additional fees shall be due, for each notification:

- (i) registry fee Lm 20
- (ii) fee due to the executive officer effecting the service Lm 3

(3) The fees established in sub-paragraph (2) shall not apply when service is to be effected personally by an executive officer of the Board in terms of any law, and in such cases the fees established in sub-paragraph (1) of this paragraph shall apply.

- 8 For any other act of procedure indicated in the Agricultural Leases (Reletting) Act but for which no fee is established in these Tariffs Lm 5

Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs contained in the Code of Organization and Civil Procedure shall be taxed according to those Tariffs.

- 9 For the opening of the registry outside working hours:
- (i) registry fee Lm 50
 - (ii) fee due to attending deputy registrar Lm 20
 - (iii) fee due to each executive officer required to effect service Lm 15

- 10 (1) The Board may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Board deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.

No appeal shall lie from the decision of the Board.

(2) The Board may, when delivering judgement, also refer to the Commission for the Administration of Justice the advocate of the plaintiff or of the defendant if the Board deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.

No appeal shall lie from the decision of the Board.

11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.

(2) The assessment of the Registrar on the amount of fees to be paid shall be final.

(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

12 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to him and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.

(2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up.

TARIFF "B"

Advocate's or Legal Procurator's Fee

1. For each judgment on the amount of compensation claimed or awarded (whichever shall be the higher):

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| (a) in respect of the first Lm200, per Lm100 | Lm5.00,0 |
| (b) in respect of any amount in excess of the first Lm200, and up to a further Lm300, per Lm100 | Lm3.00,0 |
| (c) in respect of any amount in excess of the first Lm500, and up to a further Lm1,000, per Lm100 | Lm2.00,0 |
| (d) in respect of any amount in excess of Lm1,500, per Lm100 | Lm1.00,0 |

2. In cases of judgments of non-suit given on pleas touching the principal merits of the application, the fee under paragraph 1 shall be taxed; in all other cases of judgments of non-suit, one-half of the above fee shall be taxed.

3. In case of discontinuance -

(a) after the application has been filed, there shall be allowed to the advocate or legal procurator of the applicant one-third of the fee under paragraph 1;

(b) after a reply to the application has been drafted, there shall be allowed to the advocate or legal procurator of the respondent one-third of the fee under paragraph 1.

4. In case of compromise or discontinuance at any other stage of the proceedings subsequent to contestation but prior to the hearing of the application, or in case of admission at any stage prior to the commencement of the hearing, there shall be allowed one-half of the fee under paragraph 1.

5. In case of compromise or discontinuance or admission after the commencement of the hearing, there shall be allowed two-thirds of the fee under paragraph 1.

6. In case of compromise or discontinuance or admission after the application has been adjourned for judgment, the whole fee under paragraph 1 shall be allowed.

7. (a) If more than one Advocate or more than one legal procurator or if an advocate and a legal procurator are briefed by the same party in the same proceedings, each of the said advocates and/or legal procurators shall be entitled to the whole fee taxed as in the preceding paragraphs of this Tariff:

Provided that the party in whose favour the head of costs is decided shall not be entitled to claim from the party cast more than one such whole fee.

(b) Where there are two or more applicants or two or more respondents to the same proceedings, each of the applicants or respondents shall be entitled to have his own advocate or legal procurator, and the party ordered to pay the costs shall be bound to pay the proper fees of all the advocates or of all the legal procurators on the prevailing side so long as no one party claims costs in respect of more than one legal practitioner.

8. If an advocate or legal procurator abandons or is abandoned by his client -

(a) after the application or the reply has been filed, he shall be entitled to one-third of the normal fee;

(b) after the above stages but before the proceedings have been adjourned for judgment, he shall be entitled to two-thirds of the normal fee.

9. The fee due to an advocate or to a legal procurator whose services have been engaged after the former advocate or legal procurator has been abandoned by or has abandoned his client before the proceedings are concluded shall be equal to the difference between the full fee and the fee taxed to the former advocate or legal procurator.

10. In every case covered by paragraphs 8 and 9 of this Tariff, the party engaging the services of more than one advocate or legal procurator, one after the other, who happens to be on the prevailing side, cannot claim from the party cast more than one whole fee.

11. The minimum fee due under this Tariff to any advocate or to any legal procurator shall never be less than four liri.
