

## Legal Alert: Temporary suspension of instruction on rural land subdivisions



29th November, 2022 | [Bernardita Doren](#) y [María José Morales](#).

Last July, in order to preserve rural land for agricultural purposes and to avoid the effects of real estate development outside of territorial planning, the Minister of Agriculture, the Undersecretary of Agriculture and the National Director of the Agriculture and Livestock Service (SAG), instructed the Regional Directorates of SAG through Ordinary No. 637, dated July 12, 2022, hereinafter the "Ordinary", **to suspend the processing of all requests for certification of rural land subdivision projects in those cases where it is found that the project could involve the subdivision of rural land, to suspend the processing of any request for certification of subdivision projects of rural properties in those cases in which the project could involve a possible change of use of the resulting lots to those not permitted by the regulations, such as housing, or that it could involve a violation of Articles 55 and 56 of the General Law of Urbanism and Construction**, regarding the prohibitions applicable to rural properties to open streets, subdivide to form towns, build constructions, except for those necessary for agricultural exploitation.

On the occasion of the Ordinary issued by the Ministry of Agriculture, on July 18, 2022, the SAG issued Circular No. 475/2022, hereinafter the "Circular", which **instructs on the suspension or rejection of subdivision certification projects of rural properties and complementary review criteria for the suspension or rejection**. The above was described in our legal alert that you can find [here](#).

Subsequently, the gremial association "Chile Rural" filed a claim of Nullity of Public Law regarding the Ordinary and the Circular for considering that these were issued by the referred entities *"without having the faculties and attributions to do so,*

*invading matters reserved to the legislator and the courts of justice, which transgresses Article 7 of the Political Constitution of the Republic".*

On October 25, 2022, the trade association "Chile Rural" filed a request for a precautionary measure of suspension of the effects of the challenged administrative acts, that is, the Ordinary and the Circular, until the trial is not resolved by a final judgment, which was accepted by the 7th Civil Court of Santiago **decreeing the suspension of the effects of the challenged administrative acts, that is, the aforementioned ordinary acts.**



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