



REPEAL OF ORIGINAL SANITARY REGULATIONS

09 JULY 2026

The Kamra tal-Periti wishes to bring to the attention of all periti that the original sanitary regulations forming part of the Code of Police Laws were repealed through Legal Notice 99 of 2026.

The repeal brings to an end the legal uncertainty brought about when S.L.552.22 – *Development Planning (Health and Sanitary) Regulations* – were brought into force on 10th June 2016 without concurrently deleting the provisions in the Code of Police Laws.

The repealed sections of the Code of Police Laws through the aforementioned legal notice concerned (see end of circular for full repealed legal text):

- minimum internal clear heights [Art97.1(d)];
- provision of natural light and ventilation requirement, including passive vents [Art97.1(e)];
- street-width-to-building-height ratios [Art97.1(l)];
- backyard and internal yard dimensions [Art97.1(n)(i) – (n)(iv)];
- requirement to file for permission from the Superintendent of Public Health prior to carrying out works [Art97.1(o)(iv)];
- use of artificial lighting and mechanical ventilation (Art 99);
- use of basements for habitation (Art 107 & 108);
- formation of ventilation shafts in pavements to ventilate cellars (Art 109);
- sanitary licensing requirements for the occupation of apartment blocks (Art 110);
- overcrowding parameters (Art 112);
- restriction on letting overcrowded units (Art 113);
- exemption from observance of sanitary regulations for agricultural or husbandry facilities.

Periti are to note that this change will not bring about any practical changes, other than to provide legal certainty to professionals and their clients on which laws and regulations are applicable in the design of buildings.

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Text Repealed from Cap 10, Art 97(1)

Repealed Paragraph (d); every room shall, from the floor to the beams supporting the roof, or, if the roof be supported by arches, to half the height of each arch, be at least two point seven five metres high, in every part of it;

Repealed Paragraph (e); every part of a house shall be constructed in such a manner as to secure, in the opinion of the sanitary authority, sufficient light and a free circulation of air; and there shall be in every room and in the place of the privy, such ventilators as the sanitary authority may consider necessary for the renewal of the air, even with doors and windows closed;

Repealed Paragraph (l)(i); no external wall of any house adjacent to a new street shall be of a height, measured from the surface of such street, greater than twice the width of the street;

Repealed Paragraph (l) (ii); nor shall any internal wall be raised to a height, measured from the said surface, greater than twice the distance between such wall and the wall existing or which may be erected on the border of the opposite side of the said street;

Repealed Paragraph (l) (iii); the provisions of this paragraph shall also apply to any house adjacent to any other street whether such house is a new building or whether any new storey is erected thereon:

Repealed Paragraph (l) (iv); the provisions of this paragraph shall not apply to any church, or other building constructed and perpetually destined for divine worship, or to any public building, or to any other work constructed and destined for the defence of Malta;

Repealed Paragraph (n)(i); every house shall have at its back a court-yard exclusively belonging to it; and such court-yard shall be of the length of the wall of such house, and of a width not less than three metres, or half the height of the house, if such house be higher than six metres; one privy or more privies, one above the other, may be constructed in any such court-yard; but in any such case the surface of the court-yard shall be enlarged in proportion to the space thus occupied;

Repealed Paragraph (n)(ii); nevertheless, if the yard of a house be at the back of the yard of another house, the minimum width of each of such yards may be reduced to not less than two-thirds of the width as aforesaid, provided the width of the two yards together be not less than six metres, and provided the owners of the yards in question bind themselves by a notarial deed to be registered in the Public Registry by the notary by whom the deed has been received, not to raise the wall separating the yards to a height exceeding three point five metres from the surface of the yards or of the higher yard if the yards are not at the same level; and whosoever shall at any time raise, or keep raised, any such wall to a greater height shall be guilty of a contravention against this Code;

Repealed Paragraph (n)(iii); if the width of the yard corresponds to one or more storeys, in accordance with the foregoing rules, the sanitary authority will permit the construction of new storeys, provided that, on the upper storey already constructed, in contiguity to the yard, there be left an open space with an iron fence towards the yard, of a width not less than one-half the height of the new storey;

Repealed Paragraph (n)(iv); the foregoing provisions of this paragraph shall not apply to such houses as are situate at the corner of two streets or between two streets, provided that, in the latter case, at least one of the two streets be of a width not less than one-half of the height of the building or be adjacent to the seashore;

Repealed Paragraph (o) (iv); all cases it shall not be lawful for any person to commence any work before the approval of the sanitary authority shall have been communicated to him in writing within the aforesaid time, or, during the execution of the work, to depart, without the sanction of the Superintendent of Public Health, from the plan as approved by the sanitary authority;

Articles Repealed from Cap 10

Repealed Article 99;

(1) It shall be lawful for the Minister responsible for public health to permit any part of a building which the Superintendent of Public Health considers may be so constructed to be furnished with suitable means of artificial lighting and a suitable system of mechanical ventilation according to such conditions as shall be imposed in the permit.

(2) The owner of any such building shall cause the said system of mechanical ventilation to be continuously used and operated while the premises are occupied, and if he makes default in this respect or fails at any time to comply with any of the conditions imposed in the permit, he shall be liable for every such offence to a fine (multa) of eleven euro and sixty-five cents (11.65), and in the case of a continuing offence, to a further fine of four euro and sixty-six cents (4.66) for each day the offence continues.

Repealed Article 107;

It shall not be lawful to use or suffer to be used for habitation, separately from the building of which it forms part, any cellar constructed or reconstructed after the first of January eighteen hundred and eighty, or which, in the course of the year previous to that date, was not used for habitation: Provided that it shall not be lawful to use any cellar for sleeping purposes.

Repealed Article 108;

(1) No person shall, except with a licence from the sanitary authority, use or suffer to be used for habitation, separately from the building of which it forms part, any cellar, although constructed before the first of January eighteen hundred and eighty, and used, up to that time, for habitation.

(2) Such licence shall not be granted unless -

(a) the cellar, from the floor to the beams supporting the roof, or, if the roof be supported by arches, to half the height of each arch, is not less than two metres high, with at least one metre above the surface of the adjacent street; and

(b) the cellar has its entrance door or at least a window, of a size not less than one square metre, on the street; and

(c) if the cellar consists of two or more rooms, each room has an entrance door or window, as aforesaid; and

(d) between the street and the external wall of the cellar, along the entire frontage of such wall, from fifteen centimetres below the surface of the ground of the cellar up to the surface of the street, there is an entirely open area, at least thirty centimetres wide and, where necessary in the opinion of the sanitary authority, communicated with the public conduits, in or-

der to avoid any deposit of water in it; - the ground of such area, as well as the external wall of the cellar to the height of at least thirty centimetres from the surface of such ground, are coated with asphalt or any other substance impervious to dampness approved by the General Services Board; - such area, in two or more parts of its length, to be determined by the sanitary authority, and forming together at least one-half of such length, is only covered with gratings which, in the opinion of the said authority, allow the free passage of air; - every other side of the cellar, not being in its entirety a wall between the cellar itself and another room or a court-yard, is, up to not less than ten centimetres above the upper line of the rock or materials of such side, formed of, or covered with, any of the said substances; - in each wall, internal or external, there is a layer of any such substance, the upper surface of which is at least twenty-five millimetres above the surface of the ground of the cellar; and

(e) the ground of the cellar is covered with a layer of asphalt, hydraulic cement-concrete or any other substance approved by the General Services Board, in continuation of the impervious layer in the walls; and

(f) the cellar has such ventilators as the sanitary authority may consider necessary for the renewal of the air, even with closed doors and windows.

Repealed Article 109;

(1) The open area prescribed in sub-article (2)(d) of the last preceding article, may be formed in the street, provided the person applying for permission to the Director of Public Works, gives his consent for the work to be carried out, at his expense, by the Director of Public Works, and makes a deposit with the said Director of a sum corresponding to the estimate, made by three architects, of whom two shall be appointed by the Director of Public Works and the other by such person, of the expense necessary for the formation of such area, for coating it and covering it up as provided in the said paragraph, for the carrying out of any work required for the solidity of the street, and for restoring the surface of the street to the state in which it was before the commencement of the work, without any obligation on the part of such person to pay any supplement should that sum prove insufficient, or any right to reimbursement should it exceed the expense actually incurred.

(2) The Director of Public Works is not bound to grant the said permission for any width exceeding thirty centimetres.

Repealed Article 110;

(1) The owner or part owner of a common tenement-house shall not permit the use for habitation of any room or apartment in such house without having previously obtained a licence from the Superintendent of Public Health.

(2) Such licence shall not be granted unless the Superintendent Conditions. of Public Health is satisfied that such house is in good structural and hygienic condition, with regular drains and a sufficient number of sanitary conveniences, and a proper supply of wholesome water.

(3) It shall be the duty of the owner of any such house at all Duties of owner. times to keep such house and every part thereof in good structural and hygienic condition with regular drains and a sufficient number of sanitary conveniences, and a proper supply of wholesome water, to the satisfaction of the sanitary authority, and if required by such authority, to wall up and provide the mouth of the cistern with a pump with pipes of iron or other substance approved by the General Services Board.

Repealed Article 112;

No room in any common tenement-house or in any apartment therein shall be used for habitation by a number of persons in excess of the following limitations, that is to say –

(a) where the room has at least the height prescribed in article 97(1)(d), there must be a surface of at least three point seven five square metres for each person older than seven years, and of two point seven five square metres for each person of seven years of age or under; or

(b) where the room has a lesser height, there must be a surface of at least four point seven five square metres and three point seven five square metres respectively.

Repealed Article 113;

(1) For the purposes of the provisions contained in articles 106, 107, 108, 110, 111 and 112 the person who under any title whatsoever shall have granted to others the enjoyment of a cellar, room or apartment, shall be deemed to have permitted the use thereof for habitation, or for the habitation of a number of persons greater than that allowed under the last preceding article, unless it is shown that he has expressly prohibited the tenant or other grantee from making such use thereof.

(2) In regard to any common tenement-house, such prohibition shall be deemed to have been made if a notice legibly written containing such prohibition is posted up on the door.

(3) In the case of a second or subsequent conviction of the owner, the court may, besides awarding the punishment established in this Code, order the closing of the cellar, room or apartment for a period of not less than three months, nor more than one year, causing, where it deems it expedient, the doors of such cellar, room or apartment to be barred at his expense.

(4) In regard to a common tenement-house there shall be deemed to be a second or subsequent conviction, whether the previous contravention was or was not committed in respect of the same room or apartment.

Repealed Article 134;

(1) The Superintendent of Public Health may, in the construction of any store intended for the preservation of goods or merchandise or in the construction of any building in any field or garden, intended for the keeping of animals or agricultural implements or produce, dispense with the observance of any of the provisions contained in this Code or of any regulation made under article 102, excepting the provisions of article 97(1)(o), provided such store or building is constructed on the ground level only.

(2) Such store or building shall not, either wholly or in part, be used for habitation or for any other purpose than those above-mentioned.

(3) Any owner or other administrator who shall let such store or building for habitation or for any other purpose than those above mentioned or who shall in any other manner suffer such store or building to be so used, shall be guilty of a contravention against this Code.