



DANGEROUS STRUCTURES APPROVAL

10 SEPTEMBER 2024

In the past few months, there were a number of very serious partial or near collapses that never became public. Periti had reported the situations to us in confidence to seek our assistance and advice, as well moral support for the person predicament they were facing through no fault of their own.

The failings were manifestly bureaucratic ones, with both the Planning Authority and the Building and Construction Authority unable to react and accommodate the urgency and speed that was required. Thankfully, the responsible ministers and the CEOs of both entities were receptive to our insistence that the discretionary powers granted to them in the law should be exercised and that the power vested in the responsible periti through the Code of Police Laws to direct the works unfettered by the said authorities.

Thankfully, in all these cases, the speed and decisiveness shown by all involved ensured that the cases remained unreported by the press, as loss of life was prevented, and further structural failures were averted.

These experiences served also to sensitise those in authority to the need to eliminate unnecessary processes that prevent periti from upholding their main responsibility of safeguarding public safety.

Discussions were held with both the Planning Authority and the Building and Construction Authority in recent months to curtail the unnecessary paperwork, and retain only what is strictly necessary to safeguard the public interest.

Planning Authority process

As a result of these discussion, in July the Planning Authority agreed to recognise that as per S.L.552.05, dangerous structure authorisations are NOT development permits and that therefore, they:

- a. Do not have an expiry date;
- b. Do not require a commencement notice to be filed.

A PA circular confirming the above is expected imminently.

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Building and Construction Authority process

Similarly, the BCA has agreed, pursuant to S.L.623.06 regulation 25, to waive certain documentation from being filed by Periti on behalf of their clients. This was confirmed in a [press release published by the BCA yesterday](#).

Through this streamlined procedure, periti are being empowered to recognise the urgency of repair works and to merely notify the BCA via a dedicated email address through which only the responsibility forms and insurance policy need to be failed. An automatic authorisation will be transmitted immediately to the perit, allowing works to commence **immediately**.

It is recommended that in such emergencies, only contractors in possession of annual CAR are engaged for emergency works, since the local insurance companies are still insisting on method statements to be filed for smaller or less experienced contractors.

Over the subsequent twelve hours, the perit should the authorisation, the responsibility form, and the insurance on eApps. While some may find this frustrating, unfortunately the IT system does not allow BCA's mail servers to communicate directly with PA's eApps. Nevertheless, such uploads should cause negligible inconvenience, particularly considering the significant efficiency improvements the current system is bringing about.

This is of course a small step forward in the greater scheme of things. However, we have witnessed a marked change in the PA and BCA's approach towards periti which augurs well for future reforms that are in the pipeline.



Perit André Pizzuto
President