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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

DIRECTIVE 01/2021

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Default design assumptions in relation to Servitudes

The manner in which property-related servitudes (or easements) are created and extinguished is set out in [Book Second - Part I - Title IV of the Civil Code, Cap 16](#). This section of the Law governs, among other things, the minimum distance of seventy-six centimetres (76cm) from the party wall dividing two tenements in respect of windows [Art. 443 (1)], balconies [Art. 443 (2)] and excavations [Art 439].

When designing new buildings or the extension or alteration of existing buildings, Periti are to assume that the third-party servitudes upon the design site have **not** been waived or otherwise extinguished, unless their client instructs otherwise in writing.

Provided that periti will not be held professionally liable if their client makes a false declaration or issue incorrect instructions in this respect.

Provided further that the term “design” shall include the preparation of architectural drawings, the preparation and submission of planning application drawings, and/or the preparation and issuance of construction drawings and other related documentation.



Perit André Pizzuto
President