DIRECTIVE 02/2019

RE: Marsamxett Balcony Grant Scheme

28th January 2019

Reference is made to the Expression of Interest (EOI) issued by the Planning Authority regarding the Marsamxett Balcony Scheme. Said EOI indicates that only those fees of periti who registered with the Authority will be reimbursed as part of the grant scheme, and this only up to €500.00.

The Kamra tal-Periti was not consulted on this EOI, and has the following observations:

- This call is unprecedented, since it was never a requirement for periti to register directly with the Authority in order to be on some "list". All periti, by virtue of their warrant, are eligible to submit applications on behalf of their clients, and do not require any form of endorsement or registration by the Authority.

- The call guarantees that fees due to the periti who register with the Authority will be reimbursed directly by the Authority, up to the afore-mentioned cap. This means that unless periti are registered with the Authority, reimbursement to the applicant cannot be guaranteed; this cannot be accepted, not least because 80% of the funds come from EU sources. It also means that periti who are not on the list are disadvantaged since their clients cannot claim reimbursement of their fees.

- The Authority has also taken it upon itself to decide what appears to be the appropriate fees for the services required, by establishing a cap on the amount that would be covered by the fund. In most cases, this will barely cover the fees required to undertake a survey of the property.

The Kamra tal-Periti has communicated with the Planning Authority regarding the above, and was informed that the creation of this register was deemed to be required because a number of potential applicants were not able to engage periti to submit applications on their behalf, either because of lack of finance or because the periti they approached were not in a position to undertake the services required. The Authority also informed that the Kamra that the amount of fees covered by the grant was determined by the PPCD (Planning and Priorities Co-ordination Division). Despite the Kamra’s objections to the EOI, the Authority has not withdrawn said EOI, and the list of periti who registered is now available online.

Periti are reminded of their obligation at law to enter into a written agreement with their clients regarding the amount of fees due, clearly outlining the services to be carried out and the terms of payment (refer to the Kamra’s Directive on this matter. Periti are also reminded that they are not obliged to receive payment for their services only after the grant is awarded, but at any time during the provision of the services that they deem fit, and that such dates are to be clearly stipulated in the agreement with the client.

Perit Simone Vella Lenicker
President

The Kamra tal-Periti is affiliated to the International Union of Architects (UIA), the Architects’ Council of Europe (ACE), the Commonwealth Architects’ Association (CAA), Union of Mediterranean Architects (UMAR) and European Forum for Architectural Policies (EFAP).