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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 12/2019**

3<sup>rd</sup> August 2019

### **RE: Legal Notice 136 of 2019 and Legal Notice 180 of 2019**

[Legal Notice 136 of 2019](#) regarding Avoidance of Damage to Third Party Property Regulations, 2019, came into force on the 25<sup>th</sup> June 2019. This was later amended through [Legal Notice 180 of 2019](#), which came into force on the 29<sup>th</sup> July 2019.

In the period between the publication of both Legal Notices, the Council of the *Kamra tal-Periti* worked incessantly to ensure that the interests of the profession are safeguarded, and that public safety is placed at the forefront.

Although the Legal Notice still does not reflect all the changes requested by the *Kamra*, significant progress has been made, as outlined in detail in [Circular 11/19](#). The Council is of the opinion that all the progress outlined in said Circular, and particularly Government's recorded commitment to deliver on all the outstanding points through the Letter of Commitment attached to this Directive, address many of the concerns raised by the profession.

The above is considered sufficient for the Council to issue the following Directives:

1. *Periti* are to immediately inform their clients of the coming into force of Legal Notice 136 of 2019 if they have not already done so, and to advise their clients also of the coming into force of Legal Notice 180 of 2019, and to advise them to bring themselves and the works in line before any works can continue.
2. If *periti* become aware that works are ongoing without the provisions of the Legal Notice being in place, they are to immediately notify in writing the Building Regulation Office ([bro@gov.mt](mailto:bro@gov.mt)) and the Commissioner of Police ([pulizija@gov.mt](mailto:pulizija@gov.mt)), keeping the Kamra tal-Periti in copy ([buildingregs@kamrataperiti.org](mailto:buildingregs@kamrataperiti.org)).
3. The Building Regulation Office (BRO) will be publishing a list of competent persons as per Schedule 3 as amended (see LN 180 of 2019) who register their interest to provide the service of STO. The register is intended to provide the general public with a list of periti and others who are authorised to provide this service. Further details will be announced shortly.
4. *Periti* are advised that the forms required to be submitted to the BRO through the PA eApps portal are in the process of being amended, in consultation with the *Kamra*, in order to bring them in line with the amendments enacted through Legal Notice 180 of 2019, and with other considerations made by the *Kamra*. *Periti* are advised to await further direction before proceeding to upload any forms.

5. *Periti* engaged under Design and Build Contracts should seek legal advice regarding the potential implications of the Legal Notices on their responsibilities and indemnity. The *Kamra* will be seeking additional legal advice on the position of such *periti* in the coming weeks.
6. *Periti* in full or part time employment with Contractors or Developers are advised to seek legal advice on their position. Their position directly within the Contractor's setup places additional responsibilities on them in terms of the Legal Notice, and these need to be clarified. The *Kamra tal-Periti* will be addressing this situation separately, as already discussed with a number of such *periti*.
7. *Periti* employed in the Public Service should seek guidance from the *Union Periti u Inġiniera fis-Servizz Pubbliku*. The *Kamra tal-Periti* has already met with the Union prior to the issuance of Legal Notice 136 of 2019 and will be scheduling another meeting with such Union in the coming weeks.
8. [Directive 03/2019](#) and [Directive 04/2019](#) remain in force.
9. [Directive 06/19](#) is hereby repealed.

The repeal of Directive 06/19 should not be interpreted as an automatic obligation on *periti* who are in full or part time employment with Contractors or Developers to take on this role. Any undue pressure on such *periti* to assume this role is to be reported to the *Kamra tal-Periti*.

This Directive is to be read in conjunction with [Circular 11/19](#). In particular, it is noted that the concurrent undertaking of the role of *perit* in charge and STO by the same *perit* or partnership of *periti* on the same project is considered to give rise to issues of conflict of interest, and thus to a potential breach of the Code of Professional Conduct. *Periti* are invited to communicate with the *Kamra tal-Periti* for further guidance in relation to specific situations. Any undue pressure by Contractors or Developers for *periti* to take on the role of STO is to be reported to the *Kamra tal-Periti*.

**Perit Simone Vella Lenicker**  
**President**