



Perit Simone Vella Lenicker
President - Kamra tal-Periti
The Professional Centre
127, Sliema Road,
Gżira GZR1633

2 August 2019

Letter of Commitment

Dear Perit S. Vella Lenicker,

The Government, herein represented by **Hon. Minister Dr Ian Borg**, Minister for Transport, Infrastructure and Capital Projects and **Mr. Christopher Cutajar**, Permanent Secretary of the Ministry for Transport, Infrastructure and Capital Projects (MTIP); commits itself with the Kamra tal-Periti to aim towards achieving the hereinafter mentioned targets.

1. Building and Construction Regulation Framework

- 1.1. MTIP agrees that a comprehensive reform of the building and construction industry is long overdue, also in view of the publication of the White Paper on the setting up of the Building and Construction Regulator in September 2018 by Government, and the publication of the public consultation document *A Modern Building and Construction Regulation Framework for Malta* in May 2019 by the *Kamra tal-Periti (Kamra)*.
- 1.2. The parties hereby agree that the legislation for the setting up of the Building and Construction Authority (BCA) shall be subjected to Parliamentary procedure by the end of October 2019 and that such legislation should include the following principles:
 - 1.2.1. All the building and construction regulatory functions dispersed in a number of public entities are to be consolidated under the BCA. Other pieces of legislation, including the Civil Code and Code of Police Conduct, should be amended or abrogated accordingly;
 - 1.2.2. The BCA issues two sets of regulations within 24 months of the setting up of the said authority: building regulations and construction regulations, covering the permanent and temporary works respectively;
 - 1.2.3. There shall be a clear distinction between the designer (*perit* and/or engineer), who will be responsible for compliance with the building regulations, and the contractor, who will be responsible for compliance with the construction regulations;
 - 1.2.4. Liability periods will be brought in line with other models adopted within the European Union;
 - 1.2.5. The planning and building regulation processes will be kept separate and distinct;

1.2.6. The registration, licensing and classification of contractors and skilled labourers should be tackled by Government as soon as the pertinent legislation in connection with the BCA, which is already being focused upon, comes into force.

2. Periti Act

- 2.1. Amendments to the Periti Act will be presented in Parliament immediately upon its reopening following the summer 2019 recess;
- 2.2. The Government takes note of the role of the *Kamra* to regulate the conduct of all members of the profession. The powers currently vested with the Minister under Articles 15 and 17 of the Periti Act (Cap. 390), shall be taken up by a Board established in consultation with the *Kamra*, and having due regard to the motions approved by its various General Meetings, and this in the interest of the profession, its clients and society at large.

3. L.N. 136 of 2019

- 3.1. The Government agrees that in view of its commitment to bring about an overhaul of the building and construction industry, and that Legal Notice 136 of 2019 will be integrated within a more comprehensive legal framework to protect third party rights and ensure that higher standards are in place, the following provisions will be contemplated:
 - 3.1.1. The definition of *perit in charge* within the pertinent legislation shall be discussed with the *Kamra* in the context of the draft legislation which intends to define the responsibility of the various stakeholders within the industry;
 - 3.1.2. The *perit in charge* will not approve any STO, but merely accept the nomination by the contractor of an STO published on a register to be published by the Building Regulation Office;
- 3.2. Government will also concurrently amend the Site Responsibility Form to remove any reference to approval by the *perit in charge* of an STO, and the uploading of the form through eApps will be construed as an implied acceptance by the *perit in charge* of all the signatories of the form.
- 3.3. Government will also concurrently amend all other forms issued under Legal Notice 136 of 2019 in accordance with the amended Legal Notice and in consultation with the *Kamra*.



Hon. Minister Dr Ian Borg
Minister, MTIP



Mr Christopher Cutajar
Permanent Secretary, MTIP