



## Consultation Reply

Draft Regulations

# Masons' Licence Regulations, 2023

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Reference is made to the consultation process in relation to the draft regulations for the masons' licence.

The introduction on the [public consultation webpage](#) states that “[t]he change in the rules of the masons' license which has been put up for Public Consultation, defines what skills a person must have to work as a mason in Malta. We want the training to ensure that both those who will apply for the license for the first time and those who have already obtained the license continue to improve their skills and are more aware of the best practices in the building sector.”

The Kamra tal-Periti is hereby providing its position on the draft published for public consultation.

Due to the limited time for consultation, the Kamra reserves the right to submit further comments on this draft legal notice.

## Background

The current masons' licence enshrined in the Code of Police Laws dates back to 1860 – a period when building materials were limited, building technology was modular and simple, and the scale of day-to-day constructions was relatively small.

In the ensuing 163 years, there was never any attempt to renew and update the building trade to reflect the vast advances that were made in materials science, construction technology, and architecture.

The skills of the licensed mason remain those of the globigerina limestone block layer, albeit with the sad loss in the stone sculpting craft as modernism grew in popularity, and other materials grew in use.

Indeed, concrete, steel and hollow concrete bricks have increasingly grown in use due to their material properties, faster turnaround, and cheaper cost. Masons, however, were never formally trained in their use. Thus, despite being in possession of a masons' licence the State cannot provide any reassurance that the licensees were indeed adequately skilled to build in contemporary materials and that their buildings would be durable.

Moreover, with the emergence of new materials with higher compressive and tensile strength properties, taller and wider buildings could be constructed exponentially increasing the risk of construction work. Training in health and safety was never provided to address the added risks when the 2006 Local Plans, high-rise policies and DC15 unlocked further the potential of the newer materials.

All this notwithstanding the fact that the Code of Police laws did not prescribe the minimum qualifications necessary for a mason to be granted a licence, giving full flexibility to the Masons' Board and the Minister responsible for public works to upgrade the licence freely.

Finally, it is the Kamra's considered view that the term "mason" is archaic in today's industry and should be replaced by the more apposite "builder", since the former term refers to masonry construction while builder applies to all forms of construction. The term "bennej" would, of course, apply regardless.

# Draft Regulations

## Regulation 2 - Definitions

Replace “licensed mason” with the following:

“builder” means a person who erects and, or demolishes and, or alters any structural element during construction and, or demolition works;

All references to the term “mason” should be replaced with “builder” throughout.

## Regulation 3 – Builders’ Licence

There should be two classes of builders’ licences, as illustrated below:

Class A	Apprentice
Class B	Basic licence
Class C	Foreman

The class A and B licences should in turn be split into three types:

Type 1	Masonry
Type 2	Concrete
Type 3	Steelworks

An unskilled labourer who wishes to start working in the construction industry will be required to apply for a class A licence from the Builders Licensing Committee to commence an apprenticeship leading up to a class B licence. Before being granted such licence, apprentices will be required to undertake an induction course in health and safety and construction site risks.

During the apprenticeship, class A licence holders will acquire the theoretical and practical skills and experience as well as the language skills necessary to become proficient in carrying out works in at least one of the types of above-mentioned construction materials, and their training shall reflect the use of the different types of materials and technology both in construction **and** demolition<sup>1</sup>. On attainment of the required practical and theoretical knowledge, class A licence holders can apply to be examined by the Builders' Licensing Committee to attain a class B licence. There shall be not more than two class A licence holders paired with one class B licence holder at any time.

The holder of a type C licence will be required to be skilled in all three types of materials, knowledgeable in construction regulations, and have a minimum 10 years' on-the-job experience. Such a licence holder will take on the supervisory role envisaged in the draft regulations, replacing the STO for construction works.

The syllabus listed in Schedule II of the draft regulations should be revised to reflect the above proposed distinctions.

It shall be a criminal offence to have labourers on site not in possession of a builders' licence in any of the above three classes while construction works are underway.

## **Regulation 4 – Responsibility**

The Kamra is proposing that regulation 4 be amended as follows:

**4.** (1) A licence holder shall be responsible to abide by the conditions of a licence and any orders, directions or requirements which may be imposed by the Authority with respect to the operation of the licence;

(2) Class B and C licence holders shall ensure that:

- (i) the execution of any works conforms with the practices, guidelines and regulations pertaining to the trade of builders that may be issued by the Authority;

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<sup>1</sup> It is the Kamra tal-Periti's considered view that the construction and deconstruction/demolition of buildings carries similar skills and risks and should be performed by licensed builders.

(ii) they abide and conduct any building works according to the specifications issued by the perit in charge of the project.

(3) Class C licence holders shall be present on the construction site throughout the duration of the construction works and shall supervise all other licence holders on site to ensure that the works are executed in accordance with the perit's specifications and all regulations.

### **Regulation 13 – Eligibility**

In the Kamra's considered view, regulation 13 (b) should be deleted and a process by which course providers submit their course content for the review of the Builders' Licensing Committee envisaged. The committee would firstly verify that the course content, venue, materials, and any other relevant criteria meet the parameters published by the committee. A list of recognised course providers would then be published on the BCA's website giving the option to all interested individuals to choose their preferred course.

The criteria set out in regulation 13 (b) are irrelevant as MQRIC and NCFHE do not assess the relevance or sufficiency of the course content, but the level of education attained. It should be up to the committee, in close collaboration with the industry, to determine the syllabus for the attainment of the necessary competences.

### **Regulation 14 – Application for issuance of licence**

Following on our recommendations in regulation 3 above, there should be three applications – one for each class, and three types as explained above.

## **Schedule II – Professional competence for a builder**

Should the Ministry and BCA accept our above recommendations, the Kamra would be willing to engage in further discussion on revisions of Schedule II to reflect the various competences required for each class and type of licence.

In this proposal, the emphasis from practical to theoretical learning will shift as the licence class rises, with a greater emphasis on health and safety induction and practical learning on site for class A licence holders, to more importance being given to theoretical knowledge, regulatory compliance, management, and literacy skills for class C applicants.

**END**