

## PRESS RELEASE 20/2019

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### Will this Legal Notice make our building sites any safer?



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*

The *Kamra tal-Periti* rejects the assertion that it and its legal advisers have not understood Legal Notice 136 of 2019. The fact remains that over the last week massive meetings of periti, contractors and developers were organised in order to clarify what was meant to be crystal clear.

In a meeting held yesterday morning between the *Kamra tal-Periti* and government consultants regarding the Legal Notice, in the presence of MDA president, it was agreed that changes to the Legal Notice were necessary, and in the interim the BRO would issue binding guidance to industry stakeholders on the types of works that may be exempt from the Legal Notice through regulations 25 and 26, and on the liabilities that the Legal Notice implies. It was made clear to the *Kamra* that no demolition and excavation works would be exempted from the new regulations. However, it is also not clear whether such exemptions would also apply to the construction of additional floors over existing buildings.

It appears that the only way that construction works may proceed is by the BRO agreeing that the regulations can be circumvented altogether. This begs the questions whether public safety is being safeguarded with the coming into force of the new regulations, how further collapses of buildings will be prevented, and whether the whole confusion created was worth the effort.

The *Kamra* has reiterated its advice to periti to follow the requirements of the Legal Notice in its current form, until such time as the BRO issues binding guidance on the interpretation of the Legal Notice as agreed with government yesterday. When such guidance is issued, the *Kamra* will verify whether such guidance reflects what was verbally agreed, and will advise members of the profession accordingly. The *Kamra* was also given assurances that it would receive the fourth version of the relative BRO forms for its review before their re-publication. The BRO did not follow through such assurances. The *Kamra* is still not in agreement with the forms as published yesterday evening.

The *Kamra* is very concerned that only a few hundred building sites are currently operational. It cannot understand why all this chaos has been created, when now it is being told that most sites, except for excavation and demolition works, can qualify for exemption from the rules. Will this Legal Notice make our building sites any safer?

The *Kamra's* demand for a proper registration of contractors, which was forcefully echoed by the MDA's members at yesterday's information session, has so far not been implemented by government. In the *Kamra's* view, this is the most critical step in safeguarding public safety and preventing a repeat of the accidents of the last two months.